
APIARIES ACT 1978

ANALYSIS

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|--|---|
| 1. Short title and commencement. | 11. Quarantine. |
| 2. Interpretation. | 12. Offences in relation to infected hives, &c. |
| 3. Registration of bee-keepers. | 13. Sterilization or destruction of infected hives, &c. |
| 4. Requirements for registration. | 14. Appointment of inspectors. |
| 5. Period of registration. | 15. Powers of inspectors. |
| 6. Requirements as to hives. | 16. Offences. |
| 7. Marking of hives with bee-keeper's name. | 17. Recovery of expenses. |
| 8. Disposal of abandoned bees, &c. | 18. Proof of bee-keeping. |
| 9. Reservation of areas for specified kinds of bees. | 19. Service of notices. |
| 10. Duties of bee-keepers in relation to disease. | 20. Regulations. |
| | 21. Repeal. |



APIARIES

No. 47 of 1978

AN ACT for the eradication of diseases in bees and to regulate and control the keeping of bees and the sale and export of honey.

[13 December 1978]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

PART I

PRELIMINARY

1—(1) This Act may be cited as the *Apiaries Act* 1978.

Short title and
commencement

(2) This Act shall commence on a day to be fixed by proclamation.

2 In this Act, unless the contrary intention appears—

Interpretation.

“apiary” means any place where bees are kept, and includes the bees, hives, honey, beeswax, and appliances therein;

- “appliance” means any article used in an apiary or in connection with the extraction or storage of honey;
- “bee-keeper”, in relation to any bees or apiary, means any person by or on whose behalf those bees or the bees in that apiary are kept;
- “Director” means the Director of Agriculture;
- “disease” means any disease or pest affecting bees specified in the Schedule, or any other disease or pest affecting bees that may be prescribed;
- “inspector” means an inspector appointed under this Act, and includes any person authorized by the Minister to perform the duties of an inspector in any case.

PART II

REGISTRATION OF BEE-KEEPERS AND GENERAL CONTROL OF BEE-KEEPING

Registration of
bee-keepers.

3—(1) No person shall keep bees, unless he is registered as a bee-keeper under this Act.

(2) Where any bees are kept in contravention of this section an inspector may serve notice on the bee-keeper requiring him to apply for registration within such time as may be specified in the notice, being a day not less than 28 days after the service thereof; and if the requirement is not complied with an inspector may seize the bees and the hives in which they are kept, and they may be destroyed or disposed of in such manner as the Minister may direct.

(3) Any expenses incurred in the seizure, or destruction or disposal, of any bees or hives under subsection (2) may be recovered from the bee-keeper.

Requirements
for registration.

4—(1) An application for registration or renewal of registration as a bee-keeper shall be made to the Director accompanied by the appropriate fee, and shall contain the following particulars:—

- (a) The full name and the address of the usual place of residence of the applicant;
- (b) The number of hives kept or proposed to be kept by him or or on his behalf; and
- (c) Any further particulars that may be prescribed.

(2) A person applying under this section is entitled to be granted registration or the renewal of his registration if he satisfies the Director—

- (a) that he complies with the prescribed requirements; and
 - (b) that it is otherwise proper for him to hold the registration.
- (3) The appropriate fee referred to in subsection (1) is such fee as may be prescribed or determined as prescribed.
- (4) Fees paid under this section shall be paid into the Consolidated Revenue.

5 The registration of a person as a bee-keeper remains in force until the 30th June following the date on which it was granted or last renewed. Period of registration.

6—(1) No person shall keep bees or cause or allow bees to be kept except in a frame hive that complies with the requirements of regulations under this Act. Requirements as to hives.

(2) A frame hive is a hive containing moveable frames that may be separately and readily removed from the hive to allow examination of the honeycomb.

(3) If an inspector is of the opinion that bees are kept in a hive that does not comply with the requirements of subsection (1) he may by notice require the bee-keeper, within such time as he shall specify in the notice, to transfer the bees to a hive that does comply with those requirements.

(4) If a honeycomb in any hive cannot, except by cutting or tearing, be separately and readily removed from the hive for examination, an inspector may by notice in writing served on the bee-keeper require him to adjust the hive, honeycomb, or frame in such a manner and within such time as he specifies in the notice.

(5) If, in the opinion of an inspector, any hive is in a condition that it cannot be readily handled for inspection, he may by notice in writing served on the bee-keeper require him to transfer the bees to some other hive that complies with the requirements of this Act within such time as may be specified in the notice.

(6) If, in respect of any hive or the bees therein, the requirements of a notice served under this section are not complied with within the time specified in that notice an inspector may cause the bees to be transferred, and if he considers that the hive should no longer be used, cause it to be destroyed and the expenses incurred under this subsection may be recovered from the bee-keeper.

Marking of
hives with
bee-keeper's
name.

7—(1) A bee-keeper shall ensure that at all times at least one hive in each apiary and, if the apiary contains more than 10 hives, at least one tenth of the hives in the apiary are clearly and conspicuously marked as prescribed with his name and the address of his usual place of residence or business in letters not less than 25 millimetres in height.

(2) In the case of an individual his name shall be deemed to be sufficiently marked for the purposes of this section if the markings comprise his surname and the initials of his other names.

(3) Every marking by a bee-keeper for the purposes of subsection (1) shall be made on a vertical face of the hive body.

Disposal of
abandoned
bees, &c.

8—(1) An inspector may seize any hives, bees, honey, beeswax, or articles used in connection with bee-keeping that—

(a) are found abandoned or neglected or are likely to become abandoned or neglected; or

(b) are found on Crown land in respect of which there is no licence or other right in force under the *Crown Lands Act* 1976 or the *Forestry Act* 1920 authorizing the keeping of bees on that land.

(2) Subject to subsection (3), anything seized under this section may be destroyed or disposed of in such manner as the Minister may direct.

(3) No hive bearing the name of a person, apparently as the owner thereof or otherwise entitled thereto, or anything found associated therewith shall be destroyed or disposed of under this section unless notice of the seizure is served on that person and he fails within 7 days of the service of the notice to take possession of the hive or other thing seized.

Reservation of
areas for
specified kinds
of bees.

9—(1) The Governor may by order declare that no bees other than those of a kind specified in the order shall be kept in, or brought into a specified area.

(2) No person shall keep bees in, or bring bees into, any area in contravention of an order under subsection (1).

Penalty: \$200.

PART III

DISEASE CONTROL

10—(1) No bee-keeper shall take any steps calculated to conceal from an inspector the fact that his apiary is infected with a disease. Duties of bee-keepers in relation to disease.

(2) When a bee-keeper becomes aware of the occurrence of a disease in his apiary he shall—

- (a) within 7 days notify an inspector of the fact; and
- (b) take all necessary steps to eradicate the disease and remove the infection from the apiary.

(3) An inspector may give directions to a bee-keeper with respect to the steps or precautions he should take for the prevention or eradication of disease in his apiary, and the bee-keeper shall comply with those directions.

(4) Where he considers it necessary so to do for the effective eradication of a disease in, or the removal of infection from, an apiary any direction given under subsection (3) may be a direction for—

- (a) the destruction of hives, bees, frames, or combs in the apiary;
or
- (b) the sterilization of hives, appliances, or other articles in the apiary.

(5) Where a bee-keeper given a direction under subsection (3) refuses, or fails within such time as may have been specified by the inspector by whom the direction was given, to take any of the steps required for compliance with the direction any inspector may cause those steps to be taken and the expenses incurred in so doing may be recovered from the bee-keeper.

11—(1) An inspector may by notice served on the bee-keeper Quarantine. place an apiary in quarantine if he is satisfied—

- (a) that the apiary is infected with a disease; or
- (b) that it could be so infected as a consequence of the removal to the apiary of bees, hives, or appliances, or any honey or beeswax taken from an apiary that was so infected or that, within the period of 3 months following the removal, was found to be so infected.

(2) Where any bees, hives, or appliances, or any honey or beeswax are removed from an apiary that is in quarantine under this section any apiary to which they are removed shall also be deemed to be in quarantine under this section.

(3) Where an apiary is in quarantine under this section an inspector shall, on being satisfied that the apiary is free from disease, release the apiary from quarantine by notice in writing served on the bee-keeper.

(4) No person shall, without the approval of an inspector, move any bees, hives, appliances, honey, or beeswax from any apiary that is in quarantine under this section.

(5) Any bees, hives, appliances, honey, or beeswax that have been moved from an apiary contrary to subsection (4) may be seized by an inspector and destroyed or disposed of in such manner as the Minister may direct, and the costs of so doing may be recovered from the bee-keeper of the apiary.

Offences in
relation to
infected hives,
&c.

12—(1) No person, except in such cases or circumstances as may be prescribed, shall—

(a) remove to any other premises; or

(b) sell, barter, give away, or otherwise dispose of, any bees, hives, or appliances, or any honey or beeswax that he knows to be infected with, or liable to spread, a disease.

(2) No person shall expose to the open air, or within any place to which bees may have access, any frames, combs, or other appliances, or any honey or beeswax that he knows to be infected with, or liable to spread, a disease.

Sterilization or
destruction of
infected hives,
&c.

13 Notwithstanding anything in the foregoing provisions of this Part an inspector, where he considers it necessary so to do to eradicate or prevent the spread of a disease, may—

(a) destroy bees, frames, or combs;

(b) sterilize any hive, appliance, or other article; or

(c) destroy any hive that he considers cannot be effectively sterilized.

PART IV

SUPPLEMENTAL

Appointment of
inspectors.

14 The Minister may appoint inspectors for the purposes of this Act.

Powers of
inspectors.**15—(1)** An inspector may—

- (a) search any place at which he has reasonable grounds to believe bees are kept;
- (b) inspect any apiary, packing shed, and extracting plant and the bees, hives, and other articles contained therein; and
- (c) require a bee-keeper or other person apparently in charge of an apiary to give him such information as he may require with respect to the apiary or the bees, or the hives, or other articles kept therein.

(2) Any person who—

- (a) without reasonable excuse, fails to comply with a requirement made of him under subsection (1) (c); or
 - (b) in response to such a requirement, gives any information that he knows to be false or does not believe to be true,
- is guilty of an offence.

(3) When required so to do by a notice served on him by an inspector, a bee-keeper shall attend an inspector at his apiary at the time specified in the notice and shall remove or cause to be removed such frames or honeycombs as the inspector may require and facilitate their inspection by the inspector.

(4) For the purpose of exercising his powers under this Act an inspector may enter upon any land with such assistants as he may require.

(5) An inspector exercising his powers under this Act shall, upon being requested so to do, produce a document, containing a recent photograph of himself, identifying himself as an inspector.

(6) An inspector exercising any powers or authorities conferred on him by this Act is not liable to any proceedings in respect of any act done in the exercise of those powers or authorities unless the act was done in bad faith or without reasonable care.

16 Except as otherwise provided herein any person who contravenes or fails to comply with any provision of this Act that is applicable to him is guilty of an offence, and any person guilty of an offence under this Act is liable to a penalty of \$200.

Offences.

17 Any expenses recoverable under this Act may be recovered in a court of competent jurisdiction by the Director as a debt due to the Crown.

Recovery of
expenses.

Proof of
bee-keeping.

18—(1) In any proceedings for an offence against this Act or for the recovery of any expenses under this Act, proof that a man-made frame hive occupied by bees was found on any premises shall, in the absence of proof to the contrary, be sufficient proof that bees were kept by the occupier of those premises.

(2) For the purposes of this Act, a person shall not be regarded as a bee-keeper only because—

- (a) another person operates an apiary or keeps bees on that person's property; or
- (b) wild bees, or bees that have escaped from another person's apiary, are situated on that person's property.

Service of
notices.

19 A notice required to be served on any person under this Act may be so served by—

- (a) delivering it to him personally;
- (b) leaving it addressed to him at his usual or last-known place of abode or business with some person apparently over the age of 16 years who appears to be employed or residing there; or
- (c) posting it by certified mail addressed to him at his usual or last-known place of abode or business.

Regulations.

20—(1) The Governor may make regulations under this Act, and any such regulations may make provision with respect to all or any of the following matters:—

- (a) The requirements for registration as a bee-keeper;
- (b) The construction and maintenance of hives and the management of apiaries;
- (c) The grading, packing, marking, branding, or labelling of packages or containers containing honey, and the prohibition of any sale thereof unless prescribed conditions are fulfilled;
- (d) The examination of bees, hives, or appliances, imported into the State;
- (e) The conditions which must be fulfilled in respect of honey intended for export from the State, and the prohibition of such export unless those conditions are fulfilled.

- (f) The conditions to be fulfilled in respect of bees, appliances, or apiary products for import into the State and for the prohibition of such import unless those conditions are fulfilled.
- (g) The compulsory notification of an inspector by a bee-keeper of the bee-keeper's intention to sell bees.
- (2) Regulations made under this Act may impose a penalty not exceeding \$200 for a breach of the regulations.

21 The *Apiaries Act* 1932 is repealed.

Repeal.

SCHEDULE

(Section 2)

DISEASES TO WHICH THIS ACT APPLIES

American Foul Brood (*Bacillus larvae*)
European Foul Brood (*Streptococcus pluton*)
Chalk Brood (*Ascosphaera apis*)
Acarapis woodii
Varroa jacobsoni

