

1995—No. 451

APIARIES ACT 1985—REGULATION

(Apiaries Regulation 1995)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Apiaries Act 1985, has been pleased to make the Regulation set forth hereunder.

RICHARD SANDERSON AMERY, M.P.,
Minister for Agriculture.

Citation

1. This Regulation may be cited as the Apiaries Regulation 1995.

Commencement

2. This Regulation commences on 1 September 1995.

Definitions

3. (1) In this Regulation:

“**nucleus hive**” means a colony of bees consisting of not more than 6 standard full depth Langstroth frames;

“**queen candy**” means the substance made by kneading powdered sugar into honey (or into an invert sugar syrup) until a stiff dough is formed;

“**the Act**” means the Apiaries Act 1985.

- (2) In this Regulation, a reference to a Form is a reference to a form set out in Schedule 1.

Queen candy

4. Queen candy is declared under the definition of “apiary product” in section 3 (1) of the Act to be an apiary product for the purposes of the Act.

Application for registration or renewal

5. (1) For the purposes of section 7 (2) of the Act, the prescribed form of application for registration is Form 1 and the prescribed particulars are those necessary to complete the form.

(2) For the purposes of section 11 (2) of the Act, the prescribed form of application for renewal of registration is Form 1 and the prescribed particulars are those necessary to complete the form.

(3) The prescribed manner for making those applications is lodging them with the registrar.

(4) The prescribed registration fee to accompany those applications is the sum of the following components:

- (a) a base registration fee of \$18.00; and
- (b) a bee compensation levy calculated at the rate of \$3.00 for every 10 (or part of 10) hives to which the application relates.

(5) For the purpose of subclause (4) (b), 4 nucleus hives are taken to be 1 hive.

Prescribed laws

6. (1) For the purposes of section 8 (2) (a) (i) of the Act, each of the following laws is a prescribed law of another State:

- (a) the Apiaries Act 1982 of Queensland;
- (b) the Apiaries Act 1931 of South Australia;
- (c) the Apiaries Act 1978 of Tasmania;
- (d) the Bees Act 1971 of Victoria;
- (e) the Beekeepers Act 1963 of Western Australia.

(2) For the purposes of section 8 (2) (a) (i) of the Act, each of the following laws is a prescribed law of a Territory:

- (a) the Apiaries Act 1928 of the Australian Capital Territory;
- (b) the Stock Diseases Act 1954 of the Northern Territory.

Certificate of registration

7. For the purposes of sections 8 (3) (a) and 11 (6) (b) of the Act, the prescribed form of certificate of registration is Form 2.

Register of beekeepers

8. (1) For the purposes of section 8 (3) (a) of the Act, the prescribed particulars of an applicant to be entered in the register of beekeepers are the particulars required by section 13 (3) of the Act.

(2) For the purposes of section 13 (3) (f) of the Act, the prescribed other particulars to be entered in the register in relation to a beekeeper's registration are the following:

- (a) the postal address and business telephone number of the beekeeper (as well as the home telephone number of a beekeeper that is a natural person);
- (b) the number of hives to which the registration relates;
- (c) the number of nucleus hives to which the registration relates.

Record of hives moved, lost or stolen

9. (1) For the purposes of section 10 (1) (a) of the Act, the prescribed record is one that is written (whether by hand or by machine) or electronically recorded in a form that may readily be converted into writing and contains the particulars required by this clause.

(2) The particulars required in relation to the movement of beehives are the following:

- (a) the date when the hives were moved;
- (b) the number of hives moved;
- (c) the site from which the hives were moved;
- (d) the site to which the hives were moved;
- (e) the name of the person who moved the hives.

(3) The particulars required in relation to the loss or theft of beehives are (to the extent that they are known to the beekeeper) the date of the loss or theft and the number of hives lost or stolen.

Notice of disposal of beehive

10. For the purposes of section 10 (3) of the Act, the prescribed form in relation to the disposal of a beehive is Form 3 and the prescribed particulars are those necessary to complete the form.

Print-outs from register

11. For the purposes of section 13 (6) of the Act, the prescribed fees for a computer print-out from the register are as follows:

- (a) for a print-out of a single entry—\$20.00;
- (b) for a print-out of a group of entries not constituting the entire register (e.g. entries by reference to a postcode, surname, etc.)—\$50.00;
- (c) for a print-out of the entire register—\$150.00.

Identification of hives

12. (1) For the purposes of section 15 (1) of the Act, the prescribed period is 60 days after the allocation of the registration number.

(2) For the purposes of section 15 (2) of the Act, it is a prescribed requirement that every letter and number of a registration number be branded on the outside wall of the broodbox in such a manner as to be incapable of being obliterated by painting.

Disposal of bees or other things by an inspector

13. (1) For the purposes of section 17 (1) (a) of the Act, the prescribed time is the period of 20 days commencing when an inspector first examines the apiary for the purpose of ascertaining by whom the apiary is kept.

(2) For the purposes of section 17 (1) (a) (ii) and (b) of the Act, the prescribed manner of disposal is by sale at the best offer made to the inspector after the intended sale has been advertised in a newspaper circulating generally within the district where the bees, hives, products or appliances were located when seized.

(3) The proceeds of the sale must be paid into the Consolidated Fund.

Prescribed officers

14. For the purposes of section 25 (1) of the Act, a prescribed officer of a State or Territory is an officer who exercises the functions of an inspector of apiaries under a law of that State or Territory (being a law that is prescribed by clause 6 for the purposes of section 8 (2) (a) (i) of the Act).

Compensation claims and proportions

15. (1) For the purposes of section 30 (1) of the Act, a claim for compensation is:

- (a) to be in Form 4; and
- (b) to give the particulars necessary to complete the form; and
- (c) to be lodged at an office of the Department of Agriculture; and
- (d) to be verified by an inspector as provided in that form.

(2) For the purposes of section 31 (1) of the Act, the prescribed proportions are as follows:

- (a) in the case of queen bees that have been destroyed—100 per cent;
- (b) in the case of beehives or appliances that have been destroyed—50 per cent;
- (c) in the case of beehives or appliances that have been irradiated—100 per cent.

Appeal

16. (1) For the purposes of section 35 (1) of the Act, the prescribed period for appealing is 28 days after notice of the decision or determination is served on the appellant or (as the case may be) after the giving of the direction, the taking of the action, the service of the order or the seizure or refusal.

(2) For the purposes of section 35 (1) of the Act, the prescribed manner of appealing is by lodging at a Local Court a notice of appeal that is in Form 5 and signed by the appellant or by the appellant's solicitor or agent.

Notice of appeal to Director-General

17. A notice that is required by section 36 (2) of the Act to be sewed on the Director-General:

- (a) may be in the form of a letter addressed to the Chief, Division of Animal Industries in the Department of Agriculture; and
- (b) may be served on that officer; and
- (c) must contain the details set out in the notice of appeal lodged on behalf of the appellant, as well as the place and date fixed by the Court for the hearing of the appeal.

Stop sign

18. (1) For the purposes of section 38 (2) of the Act, the prescribed kind of traffic sign is a sign that is:

- (a) in Form 6; and
- (b) illuminated or fitted with reflectors or other retro-reflecting material; and

- (c) displayed at a spot not more than 400 metres nor less than 200 metres (measured along the approximate centre of the particular road or thoroughfare along which vehicles travel in approaching the traffic sign) after a warning sign.
- (2) A warning sign must be:
- (a) in Form 7; and
 - (b) illuminated or fitted with reflectors or other retro-reflecting material; and
 - (c) displayed in such a manner as to be clearly visible to the driver or person in charge of a vehicle approaching the sign.

Use of infected queen candy

19. A person must not use queen candy for the purpose of providing food for bees in transit if the queen candy contains any notifiable disease.

Maximum penalty: 5 penalty units.

Night parking of vehicle containing bees

20. When a vehicle contains a beehive with an open entrance, a person must not park the vehicle between the hours of sunset and sunrise:

- (a) within 200 metres of a street light; or
- (b) within a residential area.

Maximum penalty: 5 penalty units.

Repeal

21. (1) The Apiaries Regulation 1986 is repealed.

(2) Any act, matter or thing that was done for the purposes of, or immediately before that repeal had effect under, that Regulation is taken to have been done for the purposes of, or to have effect under, this Regulation.

SCHEDULE 1—FORMS

(Clause 3 (2))

Form 1

APIARIES ACT 1985

Apiaries Regulation 1995 (Clause 5)

Application for Registration (or Renewal of Registration) as a Beekeeper

To the Registrar of Beekeepers
Department of Agriculture

The applicant

..... (full name in BLOCK LETTERS)
applies for /renewal of*/ registration as a beekeeper.

The applicant has the following addresses and telephone numbers:

.....
.....
(address of registered office if applicant is a corporation or residential address if a natural person; include postcode)

in (local government area)

.....
.....

..... (postal address: if same as above address, write “as above”)

..... (home telephone number, if applicant is a natural person)

..... (business telephone number: if same as home number, write “as above”)

The names of the directors, the secretary or secretaries and the principal executive officer of the applicant (if applicant is a corporation) are as follows:

.....
.....

The number of hives to which this application relates is

The number of nucleus hives to which this application relates is.....
(For the purposes of registration, 4 nucleus hives are equivalent to one hive.)

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Enclosed is the prescribed fee of
calculated as the sum of:

- (a) a base fee of \$.....; and
- (b) a bee compensation levy of \$..... per 10 hives (or part of 10).

All the hives to which this application relates have been checked by the applicant within the last 90 days and have no evidence of notifiable diseases or pests.

Signature or seal of applicant date

*Cross out these words if application is for original registration.

Form 2

APIARIES ACT 1985

Apiaries Regulation 1995 (Clause 7)

Certificate of Registration as a Beekeeper

Full name

.....

of

.....

..... (postal address including postcode)

Registration number

Date of allocation of registration number

This is to certify that the holder of this certificate is registered as a beekeeper. This certificate remains in force for a period of two years from and including the date below.

Registrar:.....

Date:.....

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Form 3

APIARIES ACT 1985

Apiaries Regulation 1995 (Clause 10)

Particulars of Disposal of Beehives

..... (full name in BLOCK LETTERS)

.....

of.....

..... (postal address including postcode)

and having registration number.....

has sold or otherwise disposed of. (number) hives to

..... (full name in BLOCK LETTERS)

.....

of

..... (postal address including postcode)

..... (business phone number)

The beekeeper has retained (number, including NIL if all hives have been disposed of) hives.

Signature or seal of beekeeper date.....

Form 4

APIARIES ACT 1985

Apiaries Regulation 1995 (Clause 15)

Claim for Compensation

To the Director-General
Department of Agriculture

..... (Full name in BLOCK LETTERS)

of (postal address including postcode)

.....

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and having registration number
applies for compensation for:

- destruction of beehives(number and estimated value)
- destruction of appliances (description, number and estimated value)
- destruction of queen bees(number and estimated value)
- irradiation of beehives (number and estimated value)
- irradiation of appliances(description, number and estimated value)

[NOTE: List details on reverse side if necessary.]

Date of destruction or irradiation.....

Name of inspector authorising destruction or irradiation

Registration: number expiry date

Disease control direction number

Signature or seal of beekeeper date

[NOTE: Compensation is not payable in certain circumstances.]

Verification of claim (to be filled in by apiary inspector):

I have verified that the particulars provided above are correct.

Signature of inspector date

Inspector's valuation rate of compensation

Amount payable:

- beehives destroyed (at 50%).....
- appliances destroyed (at 50%).....
- queen bees destroyed (at 100%).....
- beehives irradiated (at 100%).....
- appliances irradiated (at 100%).....

total

Payment approved on..... (date)

Form 5

APIARIES ACT 1985

Apiaries Regulation 1995 (Clause 16 (2))

Notice of Appeal

In the Local Court

at

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between
of (appellant)
and the *DIRECTOR-GENERAL OF AGRICULTURE (respondent).

The appellant appeals against the following *decision of the Director-General:
.....
.....

The appeal is based on the following grounds:
.....
.....
.....
.....

Signed (appellant or appellant’s solicitor or agent)
Date

This matter will be mentioned at the Local Court at
on the day of at the hour of
or as soon after that time as is convenient for the Court.

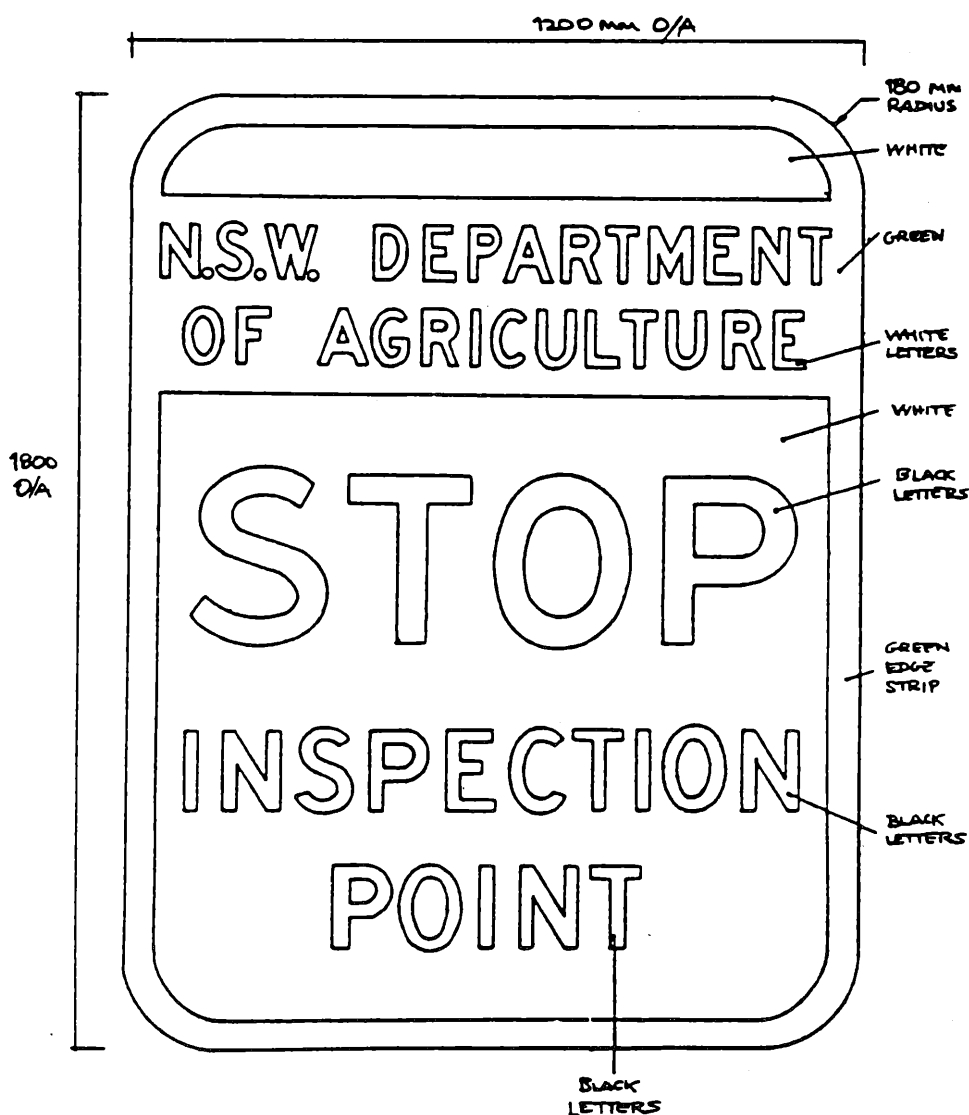
Signed (Clerk of the Local Court)
Date

* *or as the case may require.*

Form 6

APIARIES ACT 1985

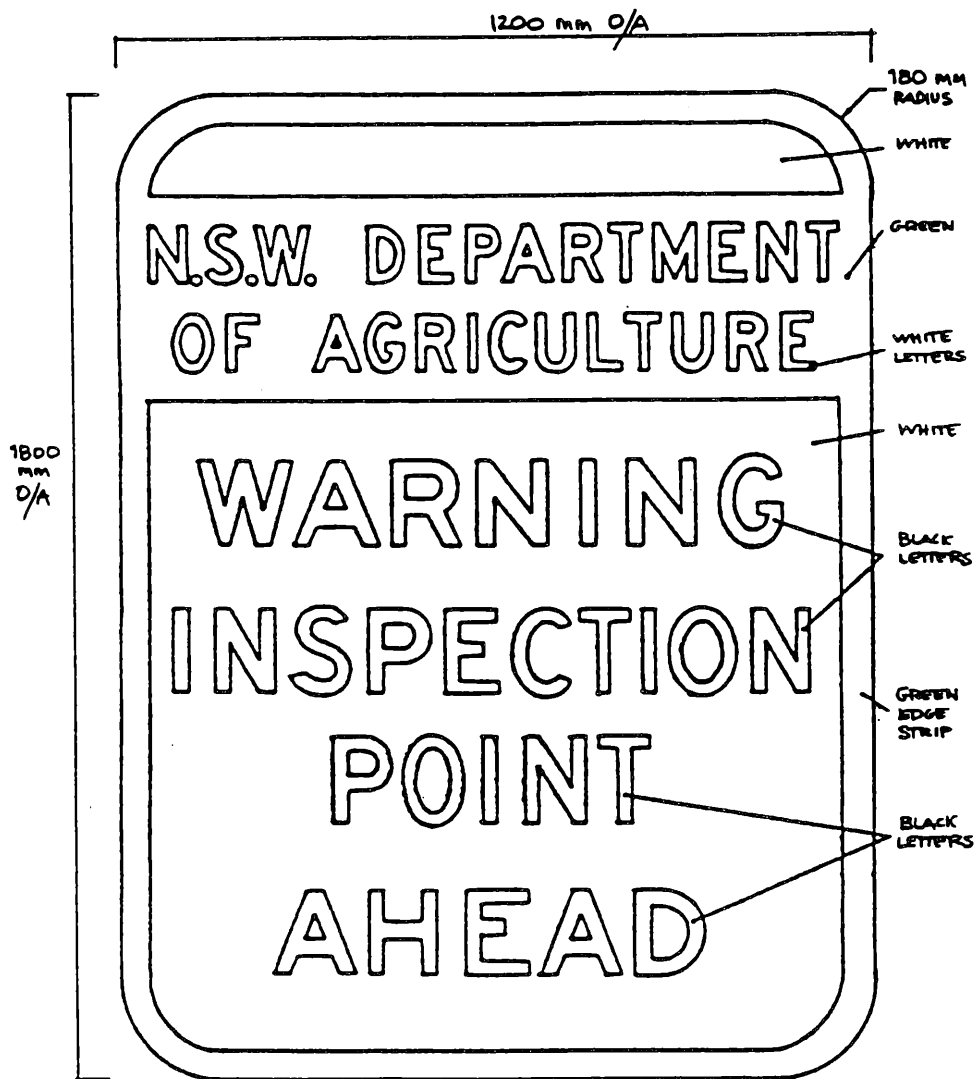
Apiaries Regulation 1995 (Clause 18 (1))



Form 7

APIARIES ACT 1985

Apiaries Regulation 1995 (Clause 18 (2))



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SCHEDULE 1—FORMS

EXPLANATORY NOTE

The object of this Regulation is to repeal and remake the provisions of the Apiaries Regulation 1986. Those provisions are substantially unchanged, though the provision relating to product descriptions has been omitted because it is now sufficiently covered by fair trading legislation.

The new Regulation deals with the following:

- (a) registration under the Apiaries Act 1985 as a beekeeper and renewal of that registration;
- (b) the register;
- (c) defining interstate apiaries legislation and interstate inspectors for the purposes of the Act;
- (d) forms;
- (e) certain powers of inspectors;
- (f) compensation claims;
- (g) appeals;
- (h) offences and other miscellaneous matters.

This Regulation is made under the Apiaries Act 1985 and in particular section 50 (Regulations) and the various provisions of the Act that the clauses of this Regulation specify.

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.
