

Apiaries Regulation 2005

[2005-471]



New South Wales

Status Information

Currency of version

Historical version for 1 January 2010 to 31 October 2010 (accessed 25 November 2024 at 20:51)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Authorisation

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File last modified 31 August 2010

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Apiaries Regulation 2005



New South Wales

1 Name of Regulation

This Regulation is the *Apiaries Regulation 2005*.

2 Commencement

This Regulation commences on 1 September 2005.

Note—

This Regulation replaces the *Apiaries Regulation 1995* which is repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation:

nucleus hive means a colony of bees consisting of not more than 6 standard full depth Langstroth frames.

the Act means the *Apiaries Act 1985*.

(2) Notes included in this Regulation do not form part of this Regulation.

4 (Repealed)

5 Application for registration, or renewal of registration, as beekeeper

(1) The prescribed registration fee to accompany an application under section 7 of the Act for registration as a beekeeper, or an application under section 11 for the renewal of such a registration, is the sum of the following components:

(a) a base registration fee of \$40.00, 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.

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

6 Prescribed laws

- (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 *Livestock Act 1997* of South Australia,
 - (c) the *Animal Health Act 1995* of Tasmania,
 - (d) the *Livestock Disease Control Act 1994* 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 *Animal Diseases Act 1993* and the *Animal Diseases Act 2005* of the Australian Capital Territory,
 - (b) the *Stock Diseases Act* of the Northern Territory.

7 Register of beekeepers

- (1) (Repealed)
- (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.

8 Record of hives moved, lost or stolen

- (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,
- (f) if any beehives have been lost or stolen—the date of the loss or theft and the number of hives lost or stolen (to the extent that this information is known to the beekeeper).

9 Print-outs from register

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 (for example, entries by reference to a postcode, surname, or the like)—\$50.00,
- (c) for a print-out of the entire register—\$150.00.

10 Identification of hives

- (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) (Repealed)

11 Disposal of bees or other things by an inspector

- (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.

12 (Repealed)

13 Proportions relating to compensation claims

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.

14 Use of infected queen candy

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

Maximum penalty: 5 penalty units.

15 Night parking of vehicle containing bees

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.

16 Penalty notices

For the purposes of section 42A of the Act:

- (a) each offence arising under a provision specified in Column 1 of Schedule 1 is prescribed as a penalty notice offence, and
- (b) the prescribed penalty for such an offence is the amount specified in relation to the offence in Column 2 of Schedule 1.

17 Saving

Any act, matter or thing that immediately before the repeal of the [Apiaries Regulation 1995](#) had effect under that Regulation is taken to have effect under this Regulation.

Schedule 1 Penalty notice offences

(Clause 16)

Column 1	Column 2
Offence	Penalty (\$)
Apiaries Act 1985	
Section 6 (1)	<p>If the number of beehives kept is 50 or smaller—\$150</p> <p>If the number of beehives kept is greater than 50 but smaller than 401—\$275</p> <p>If the number of beehives kept is greater than 400—\$550</p>
Section 6 (2)	If the number of beehives kept is 50 or smaller—\$150

	If the number of beehives kept is greater than 50 but smaller than 401—\$275
	If the number of beehives kept is greater than 400—\$550
Section 10 (4)	\$275
Section 14 (1)	\$275
Section 14 (5)	\$150
Section 15 (3)	\$275
Section 16 (4)	\$150
Section 17 (2)	\$275
Section 18 (6)	\$550
Section 19 (4)	\$275
Section 20 (2)	\$275
Section 21 (a)	\$550
Section 21 (b)	\$550
Section 22 (3)	\$550
Section 23 (10)	\$550
Section 24 (7)	\$550
Section 24A (3)	\$550
Section 26 (5)	\$550
Section 26 (6)	\$275
Section 27 (4)	\$275
Section 27 (5)	\$275
Section 38 (5)	\$275
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Clause 14	\$150
Clause 15	\$150