

Primary Industries Legislation Amendment Act 2012 No 89

[2012-89]



New South Wales

Status Information

Currency of version

Repealed version for 21 November 2012 to 1 September 2013 (accessed 17 July 2024 at 22:32)

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.

Notes—

- **Repeal**

The Act was repealed by sec 30C of the [Interpretation Act 1987 No 15](#) with effect from 2.9.2013.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Primary Industries Legislation Amendment Act 2012 No 89



New South Wales

An Act to make miscellaneous amendments to legislation relating to stock food and medicine, beekeeping and fisheries; and for other purposes.

1 Name of Act

This Act is the *Primary Industries Legislation Amendment Act 2012*.

2 Commencement

- (1) Except as provided by subsection (2), this Act commences on the date of assent to this Act.
- (2) Schedule 1 [1]–[6], [10], [11] and [14] commence on a day or days to be appointed by proclamation.

Schedule 1 Amendment of **Apiaries Act 1985 No 16**

[1] Section 6 Unregistered persons not to keep bees

Omit section 6 (2)–(5).

[2] Sections 7–13

Omit the sections. Insert instead:

7 Registration of beekeepers

- (1) A person may apply to the Director-General for registration as a beekeeper.
- (2) An application for registration as a beekeeper must:
 - (a) be in the form approved by the Director-General, and
 - (b) be accompanied by the fee (if any) prescribed by the regulations.
- (3) The Director-General may refuse an application for registration as a beekeeper

only on the grounds prescribed by the regulations.

- (4) The Director-General must, as soon as practicable after determining an application, by notice in writing served on the applicant:
 - (a) notify the applicant of the fact, and
 - (b) if the application has been granted, issue the applicant a registration number, and
 - (c) if the application has been refused, notify the applicant of the reason for the refusal.
- (5) The Director-General may, by notice in writing served on a registered beekeeper, change the beekeeper's registration number.
- (6) The regulations may prescribe different classes of registration and may prescribe different fees in respect of different classes of registration.

8 Conditions of registration

- (1) The registration of a person as a beekeeper is subject to the conditions (if any) prescribed by the regulations and such other conditions as may be imposed by the Director-General from time to time.
- (2) The conditions imposed on the registration of beekeepers may apply generally, on a specified class of beekeepers or on an individual.
- (3) The Director-General may at any time, by notice in writing served on a registered beekeeper, impose conditions or revoke or vary any conditions imposed by the Director-General on the beekeeper's registration.
- (4) A registered beekeeper must not contravene a condition of the beekeeper's registration.

Maximum penalty: 20 penalty units.

9 Term of registration

- (1) A person's registration as a beekeeper remains in force for the period for which it was granted, unless it is earlier surrendered or cancelled under this Act.
- (2) A person's registration as a beekeeper may be granted for a period not exceeding 2 years.

10 Suspension of registration

- (1) The Director-General may suspend a person's registration as a beekeeper by notice in writing served on the person.

- (2) The Director-General may suspend the registration of a beekeeper only if the Director-General is authorised by the regulations to do so.
- (3) If a person's registration as a beekeeper is suspended, the person must not:
 - (a) sell or attempt to sell apiary products acquired in the course of carrying on the business of a beekeeper, or
 - (b) acquire or attempt to acquire more bees.Maximum penalty: 20 penalty units.
- (4) Notice of the suspension of a person's registration as a beekeeper must specify the date on which the suspension takes effect (being a date after the notice is served) and the period of suspension.
- (5) The suspension of a person's registration as a beekeeper does not affect the term of the person's registration.

11 Cancellation and expiry of registration

- (1) A person ceases to be registered as a beekeeper if:
 - (a) the Director-General cancels a beekeeper's registration by notice in writing served on the person, or
 - (b) the person's term of registration expires, or
 - (c) the person notifies the Director-General, in writing, that he or she is surrendering his or her registration.
- (2) The Director-General may cancel the registration of a beekeeper only if the Director-General is authorised by the regulations to do so.
- (3) Notice of the cancellation of a person's registration as a beekeeper must specify the date on which the cancellation takes effect (being a date after the notice is served).

12 Renewal of beekeeper's registration

- (1) A registered beekeeper may, before the expiry of the beekeeper's term of registration, apply to the Director-General for the renewal of the beekeeper's registration.
- (2) An application for the renewal of a beekeeper's registration must:
 - (a) be in the form approved by the Director-General, and
 - (b) be accompanied by the fee (if any) prescribed by the regulations.

- (3) The regulations may prescribe different fees in respect of the renewal of different classes of registration.
- (4) The Director-General may refuse an application for the renewal of a beekeeper's registration only on the grounds prescribed by the regulations.
- (5) The Director-General must, as soon as practicable after determining an application, by notice in writing served on the applicant:
 - (a) notify the applicant of the fact, and
 - (b) if the application has been refused, notify the applicant of the reason for the refusal.
- (6) If a beekeeper's term of registration (in respect of which an application has been made under this section) would expire before the Director-General determines the application, the registration does not expire until the date on which the application is determined.
- (7) Section 9 applies to the renewal of a beekeeper's registration in the same way as it applies to the granting of registration as a beekeeper and, for that purpose, the term of the renewal of a beekeeper's registration commences on the date on which the beekeeper's registration would, but for this section, have expired.

13 Director-General to keep register of beekeepers

- (1) The Director-General is to maintain a register of beekeepers, in such form as the Director-General considers appropriate.
- (2) The register is to contain:
 - (a) the information required by the regulations to be included in the register, and
 - (b) such other information as the Director-General considers, having regard to the purposes of the register, should be kept in the register.
- (3) The purposes for which the register is to be used and maintained under this section include the following:
 - (a) to facilitate and assist the operation of this Act and the *Animal Diseases and Animal Pests (Emergency Outbreaks) Act 1991*,
 - (b) to protect public health and safety,
 - (c) to assist in controlling disease and residues in bees and apiary products,
 - (d) to assist in enabling the disease and residue risk or status of bees, beehives, appliances and apiary products to be ascertained,

- (e) to facilitate the determination of ownership of bees, beehives, appliances and apiary products,
 - (f) to assist in tracing the movement of bees, beehives, appliances and apiary products,
 - (g) to assist in the investigation of the theft of bees, beehives, appliances and apiary products,
 - (h) to facilitate the dissemination of information in relation to the production and marketing of bees and apiary products,
 - (i) to assist with the management of land on which apiaries are located,
 - (j) any other purpose prescribed by the regulations.
- (4) The Director-General must, on the request of an authorised person, at any time allow an authorised person to have access to the information recorded in the register.
- (5) The Director-General may, subject to section 57 of the *Privacy and Personal Information Protection Act 1998*, allow any other person, on payment of the fee (if any) prescribed by the regulations, to have access at any reasonable time to the information recorded in the register.
- (6) A person who has access to the information recorded in the register is entitled to make notes or obtain a copy of that information.
- (7) A copy of an entry in the register, purporting to be certified by the Director-General as a true copy of the entry, is admissible in evidence in any proceedings under this Act and, in the absence of evidence to the contrary, is proof of its contents.
- (8) In this section, **authorised person** means:
- (a) an inspector, or
 - (b) a police officer, or
 - (c) an employee of a local council, or
 - (d) any other person, or a member of a class of persons, prescribed by the regulations for the purposes of this definition.

[3] Section 15

Omit the section. Insert instead:

15 Beehives to be identified

A registered beekeeper must cause each beehive that is kept by the beekeeper to be identified:

- (a) with the beekeeper's registration number, and
- (b) in accordance with any conditions to which the beekeeper's registration is subject.

Maximum penalty: 20 penalty units.

[4] Section 15A Forfeiture of beehives in certain cases

Omit section 15A (2).

[5] Section 15A (6)

Omit "or before the expiry of the period specified in section 15 (1) (as the case may require)".

[6] Section 15A (7)

Omit the subsection. Insert instead:

- (7) The notice must state that the beehive will be forfeited to the Crown unless, by the date specified in the notice (being a date that is at least 28 days after the notice is first displayed in the immediate vicinity of the hive), the owner of the hive causes the hive to be identified before the expiry of that period.

[7]-[9] (Repealed)

[10] Section 35 Applications for review

Omit "12 (3) or (4)" from section 35 (1) (c). Insert instead "11".

[11] Section 35 (1) (d)

Omit the paragraph. Insert instead:

- (d) a decision of the Director-General under section 10 to suspend that person's registration,

[12], [13] (Repealed)

[14] Schedule 5

Insert after clause 11:

12 Registration of beekeepers

- (1) The registration of a person as a beekeeper that was in force, immediately before the substitution of sections 7-13 by the *Primary Industries Legislation Amendment Act 2012*:
 - (a) is taken to have been granted under, and is subject to, those sections as so substituted, and
 - (b) expires on the day on which the registration would have expired but for that substitution (unless the registration is renewed in accordance with section 12 as so substituted), and
 - (c) is subject to the conditions, if any, to which it was subject immediately before that substitution (unless the conditions are varied in accordance with those sections as so substituted).
- (2) The registration number of a beekeeper who is taken to have been granted registration by subclause (1) is the same as the beekeeper's registration number immediately before the substitution of sections 7-13 by the *Primary Industries Legislation Amendment Act 2012*.

13 Register of beekeepers

The register of beekeepers kept under section 13 immediately before the substitution of that section by the *Primary Industries Legislation Amendment Act 2012* is taken to be the register required to be kept under that section as so substituted.

Schedules 2-5 (Repealed)