

Queensland



Apiaries Act 1982

APIARIES REGULATION 1998

**Reprinted as in force on 6 September 1999
(includes amendments up to SL No. 184 of 1999)**

Reprint No. 1A

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Information about this reprint

This regulation is reprinted as at 6 September 1999. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about when provisions commenced.

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APIARIES REGULATION 1998

[as amended by all amendments that commenced on or before 6 September 1999]

PART 1—PRELIMINARY

Short title

1. This regulation may be cited as the *Apiaries Regulation 1998*.

Definitions

2. In this regulation—

“**appellant**” see section 18.

“**Asian honeybee**” means the Asian honeybee (*Apis cerana*).

“**decision maker**” see section 18.

“**disease**” means a disease declared under section 3.

“**introduce**” means to introduce, or cause to introduce, into the State.

Declaration of bees

2A. The Asian honeybee is declared to be a bee for section 2 of the Act, definition “bee”.

Declaration of diseases

3. A thing stated in schedule 1 is declared to be a disease for section 2¹ of the Act, definition “disease”.

¹ Section 2 (Definitions) of the Act

PART 2—REGULATION AND CONTROL OF BEEKEEPING

Division 1—Exclusions

Exclusion of parts of State

4. The following provisions of part 3 of the Act do not apply to the parts of the State stated in schedule 2—

- (a) section 14,² for an apiary class A, B or C;
- (b) section 16.³

Division 2—Classifying apiaries

Classifying class C or D apiaries

5.(1) This section applies if an apiary is not classified as an apiary class C or D under section 11⁴ of the Act.

(2) The owner of the apiary must apply to the chief executive to classify the apiary if—

- (a) queen bees are bred for sale in the apiary and it consists of not less than 100 hives; or
- (b) the apiary consists of a nucleus and drone mother hives used exclusively for the mating of bees.

(3) The application must be in the approved form.

² Section 14 (Notice to be given of the establishment or removal of an apiary) of the Act

³ Section 16 (Notice to be given of sale of apiary) of the Act

⁴ Section 11 (Classification of apiaries) of the Act

Apiary class A, B or C certificates

6.(1) If the owner of an apiary class A, B or C applies to the chief executive, the chief executive must issue a certificate of classification for the apiary.

(2) The certificate must be in the approved form.⁵

Cancelling certificates

7.(1) The chief executive may cancel a certificate for an apiary class A, B or C if—

- (a) the apiary is no longer an apiary of the class for which the certificate was issued; or
- (b) for an apiary class C certificate—the chief executive could no longer classify the apiary as an apiary class C under section 11(3) of the Act.

Reclassification

8. The chief executive must classify an apiary under section 11(1)⁶ of the Act if the chief executive the chief executive—

- (a) cancels a certificate under section 7; and
- (b) considers the apiary is in another class of apiary.

Notice of decisions under div 2

8A.(1) If the chief executive makes a decision under this division, the chief executive must give the owner or beekeeper of the apiary to which the decision relates written notice within 14 days after making the decision.

(2) The notice must state the following—

- (a) the decision;

⁵ For apiary class D certificates and their cancellation or reclassification, see sections 11(5) and (6) (Classification of apiaries) of the Act.

⁶ Section 11 (Classification of apiaries) of the Act

- (b) the reasons for the decision;
- (c) that the owner or beekeeper may appeal against the decision to a Magistrates Court within 28 days after the applicant receives the notice;
- (d) how to start an appeal.⁷

Division 3—Hive marking

Prescribed marks or brands—Act, s 17(1)

9.(1) For section 17(1)⁸ of the Act, an apiary's registered mark or number must be marked or branded—

- (a) on the front of the hives; and
- (b) in block letters and figures at least 25 mm high.

(2) The first mark or brand on a hive must be placed in the centre of the front of the hive.

(3) If a hive is already marked or branded, any subsequent marks or brands on the hive must be placed in the corners of the front of the same hive in a clockwise sequence, starting from the top left hand corner of the hive.

Markings for apiaries not at usual residence—Act, s 17(3)

10.(1) The prescribed particulars for a notice under section 17(3) of the Act are—

- (a) for a registered beekeeper—the beekeeper's registered mark or brand number; or
- (b) for a beekeeper who holds a permit under section 9⁹ of the Act—the permit number.

⁷ For how to start an appeal, see section 19 (How to start appeal).

⁸ Section 17 (Marking of hives) of the Act

⁹ Section 9 (Permit required for bringing bees etc. into Queensland) of the Act

(2) The particulars must be written in block letters and figures at least 25 mm high.

Maintenance of marks or brand or notice

11.(1) An apiary's beekeeper must maintain a mark or a brand or a notice under section 17(1) or (3) of the Act so they are legible.

(2) Subsection (1) does not apply to a mark, brand or notice by a former owner of the apiary.

PART 3—DISEASE PREVENTION, CONTROL AND RESTRICTION

Division 1—Notifiable diseases

Diseases for which notice not required

12. Notice under section 23(1)¹⁰ of the of Act is not required for a disease stated in schedule 3.

Division 2—Introducing queen bees and escorts or queen cells

Prescribed particulars for returns—Act, s 27(6)

13. The following are the prescribed particulars for a return under section 27(6)¹¹ of the Act for each delivery of queen bees and escorts or queen cells introduced—

- (a) the date of introduction;

¹⁰ Section 23 (Beekeeper shall notify disease) of the Act

¹¹ Section 27 (Restriction of introduction into Queensland of bees etc.) of the Act

- (b) the name and address of the person to whom the queen bees and escorts or queen cells were delivered;
- (c) how many queen bees and escorts or queen cells were delivered.

General conditions

14. For section 28(2)¹² of the Act, a person must not introduce queen bees and escorts or queen cells if—

- (a) they are infected with any of the following—
 - (i) acarine mite (*Acarapis woodii*);
 - (ii) American foulbrood (*Paenibacillus larvae* var. *larvae*);
 - (iii) Asian mite (*Tropilaelaps clareae*);
 - (iv) bee louse (*Braula coeca*);
 - (v) varroa mite (*Varroa jacobsonii*); and
- (b) they have, within 3 months before the introduction, been within 5 km of bees, hives, bee products or appliances infected with a disease mentioned in paragraph (a); and
- (c) they are from a hive infected with a disease stated in schedule 3; and
- (d) honey or pollen used for manufacturing any food stores for the bees and escorts or cells before the introduction was not irradiated to inactivate any disease.

Additional conditions for introducing from Tasmania

15.(1) For section 28(2)¹³ of the Act, a person must not introduce queen bees and escorts or queen cells from Tasmania unless—

- (a) a Tasmanian lice-free certificate has been given for the queen bees and escorts or queen cells; and
- (b) the queen bees and escorts or queen cells are—

¹² Section 28 (Prohibition of the importation of bees) of the Act

¹³ Section 28 (Prohibition of the importation of bees) of the Act

Apiaries Regulation 1998

- (i) packed in a locked mite-proof container; and
- (ii) free from bee lice when they are packed; and
- (iii) accompanied by the certificate when they are introduced; and
- (c) an inspector examines the queen bees and escorts or queen cells when they are introduced; and
- (d) no order has been made about the queen bees and escorts or queen cells under section 26(1)¹⁴ of the Act; and
- (e) if an order has been given under section 5(3)(d) of the Act about the queen bees and escorts or queen cells—the order has been complied with.

(2) Subsection (1) is taken to be complied with if the conditions of any order under the *Apiaries Act 1985* (NSW), section 26(1) for introducing the queen bees and escorts or queen cells into New South Wales have been met.¹⁵

(3) This section is in addition to section 14.

(4) In subsection (1)—

“**bee lice**” means the disease bee louse (*Braula coeca*).

“**Tasmanian lice-free certificate**” means a document (however described) that—

- (a) is given by—
 - (i) the chief executive or the head of the Tasmanian government department responsible for matters relating to apiculture; or
 - (ii) a person authorised by the chief executive or the head; and
- (b) certifies stated queen bees and escorts or queen cells are free of bee lice.

¹⁴ Section 5 (Powers of inspector) of the Act
Section 26 (Power of chief executive to order destruction of bees) of the Act

¹⁵ *Apiaries Act 1985* (New South Wales), section 26 (Prohibition of importation of bees etc.). The conditions at the commencement are contained in an order titled ‘Prohibition of importation into New South Wales from Tasmania of bees, beehives, apiary products or appliances, on account of the disease *Braula coeca* (bee lice)’ made on 11 October 1996.

Division 3—Other introduction provisions**Prohibition on introducing Asian honeybees**

15A. For section 28(1)¹⁶ of the Act, the introduction of the Asian honeybee (*Apis cerana*) is prohibited.

Prohibition on introducing certain things from Northern Territory

15B. For section 28(2) of the Act, the introduction of bees (other than Asian honeybees), hives, bee combs, appliances or anything else from the Northern Territory that is likely to introduce or spread a disease is allowed only with a certificate of approval issued by the chief executive.

Application for certificate of approval

15C.(1) A person may apply to the chief executive for a certificate of approval.

(2) An application must be made in the approved form.

Issue of certificate

15D.(1) The chief executive must consider the application and may grant or refuse it.

(2) If the chief executive grants the application, the chief executive must issue a certificate of approval in the approved form.

(3) The certificate may be subject to reasonable conditions.

Notice of refusal or conditions

15E.(1) This section applies if the chief executive decides to refuse the application or to grant the application, but to issue the certificate subject to a condition.

¹⁶ Section 28 (Prohibition of the importation of bees) of the Act

(2) The chief executive must give written notice of the decision within 14 days after making the decision to—

- (a) the applicant; and
- (b) if the applicant is not the owner of the bee, hive, bee comb, appliance or other thing to which the decision relates—the owner.

(3) The notice must state the following—

- (a) the decision;
- (b) the reasons for the decision;
- (c) that the applicant or owner may appeal against the decision to a Magistrates Court within 28 days after the applicant receives the notice;
- (d) how to start an appeal.¹⁷

Division 4—Infected matter

Direction to move to quarantine

16.(1) This section applies if an inspector is reasonably satisfied an appliance, bee, bee product or hive is infected by, or might spread, a disease.

(2) The inspector may direct a person in charge of the appliance, bee, bee product or hive to move it to a stated quarantine area for inspection.

Permit to move for certain infections

17.(1) This section applies if an appliance, bee, bee product or hive is infected with any of the following—

- (a) acarine mite (*Acarapis woodii*);
- (b) American foulbrood (*Paenibacillus larvae* var. *larvae*);
- (c) Asian mite (*Tropilaelaps clarae*);

¹⁷ For how to start an appeal, see section 19 (How to start appeal).

- (d) bee louse (*Braula coeca*);
- (e) varroa mite (*Varroa jacobsonii*).

(2) An inspector may permit a person to move the appliance, bee, bee product or hive if satisfied suitable precautions have been or will be taken to prevent the disease spreading.

(3) A person must not move the appliance, bee, bee product or hive unless the person is—

- (a) directed to do so under section 16(2); or
- (b) permitted to do so under subsection (2).

Notice of refusal of permission

17A.(1) If an inspector decides to refuse a person permission under section 17(2), the inspector must give the person written notice within 14 days after making the decision.

(2) The notice must state the following—

- (a) the decision;
- (b) the reasons for the decision;
- (c) that the person may appeal against the decision to a Magistrates Court within 28 days after the person receives the notice;
- (d) how to start an appeal.¹⁸

PART 4—APPEALS

Appeals against certain decisions

18. The following persons (an “**appellant**”) may appeal to a Magistrates Court under this part against the following decisions by the following persons (the “**decision maker**”)—

¹⁸ For how to start an appeal, see section 19 (How to start appeal).

- (a) for a decision by the chief executive under section 6, 7 or 8—the owner or beekeeper of the apiary to which the decision relates;
- (b) for a decision by the chief executive under section 15D¹⁹ to refuse an application for a certificate of approval or to issue a certificate subject to a condition—
 - (i) the applicant; or
 - (ii) the owner of the bee, hive, bee comb, appliance or other thing to which the decision relates;
- (c) for a decision by an inspector under section 16 to give a direction to a person in charge—
 - (i) the person in charge; or
 - (ii) the owner of the appliance, bee, bee product or hive to which the direction relates;
- (d) for a decision by an inspector under section 17 to refuse a person permission to move an appliance, bee, bee product or hive—
 - (i) the person; or
 - (ii) the owner of the appliance, bee, bee product or hive to which the decision relates.²⁰

How to start appeal

19.(1) An appeal is started by the appellant—

- (a) filing a written notice of appeal with the clerk of the court of the Magistrates Court nearest the place where the appellant resides or carries on, or proposes to carry on, business or employment; and
- (b) giving a copy of the notice to the chief executive.

¹⁹ Section 15D (Issue of certificate)

²⁰ Section 6 (Apiary class A, B or C certificates)
Section 7 (Cancelling certificates)
Section 8 (Reclassification)
Section 16 (Direction to move to quarantine)
Section 17 (Permit to move for certain infections)

(2) The notice of appeal must be filed within 28 days after the appellant receives notice of the decision appealed against.

(3) The court may at any time extend the period for filing the notice of appeal.

(4) The notice of appeal must state the grounds of the appeal.

Stay of operation of decisions

20.(1) A Magistrates Court may stay a decision appealed against to secure the effectiveness of the appeal.

(2) A stay—

- (a) may be given on conditions the court considers appropriate; and
- (b) has effect for the period stated by the court; and
- (c) may be revoked or amended by the court.

(3) The period of a stay given by the court must not extend past the time when the court decides the appeal.

(4) An appeal against a decision does not affect the operation or carrying out of the decision unless the decision is stayed.

Hearing procedures

21.(1) The procedure for an appeal to a Magistrates Court under this part is to be in accordance with—

- (a) the rules of court for Magistrates Courts; or
- (b) in the absence of relevant rules—directions of a Magistrates Court.

(2) An appeal is to be by way of rehearing, unaffected by the decision maker's decision.

(3) In deciding an appeal, a Magistrates Court—

- (a) is not bound by the rules of evidence; and
- (b) must observe natural justice; and
- (c) may hear the appeal in court or chambers.

Powers of court on appeal

22.(1) In deciding an appeal, a Magistrates Court may—

- (a) confirm the decision appealed against; or
- (b) set aside the decision and substitute another decision; or
- (c) set aside the decision and return the matter to the decision maker with directions that the court considers appropriate.

(2) In substituting another decision, the court has the same powers as the decision maker.

(3) If the court substitutes another decision, the substituted decision is, other than for this part, taken to be the decision of the decision maker.

(4) The court may make an order for costs it considers appropriate.

Appeal to District Court on questions of law only

23.(1) An appellant may appeal against the decision of a Magistrates Court to the District Court, but only on a question of law.

(2) On hearing the appeal, the court may make any order for costs it considers appropriate.

PART 5—MISCELLANEOUS**Prescribed interest rate**

24. For section 35²¹ of the Act, the prescribed interest rate is 5% per annum.

Registration fee

25. The fee for an application for, or renewal of, registration is \$10.00.

²¹ Section 35 (Recovery of costs, charges and expenses) of the Act

SCHEDULE 1**DISEASES**

section 3

PART 1—BACTERIA, FUNGI AND PROTOZOA

American foulbrood (*Paenibacillus larvae* var. *larvae*)

chalk brood (*Ascosphaera apis*)

European foulbrood (*Melissococcus pluton*)

nosema (*Nosema apis*)

PART 2—VIRUSES

acute bee paralysis virus²²

chronic bee paralysis virus

Kashmir bee virus

sacbrood virus

slow bee paralysis virus

²² The viruses in part 2 (Viruses) have no scientific name.

SCHEDULE 1 (continued)

PART 3—PARASITES

acarine mite (*Acarapis woodii*)

asian mite (*Tropilaelaps clareae*)

bee louse (*Braula coeca*)

varroa mite (*Varroa jacobsonii*)

PART 4—PESTS

larger wax moth (*Galleria mellonella*)

lesser wax moth (*Achroia grisella*)

SCHEDULE 2**PARTS OF STATE EXCLUDED**

section 4

Aramac Shire, Atherton Shire, Aurukun Shire, Balonne Shire, Banana Shire, Barcaldine Shire, Barcoo Shire, Bauhinia Shire, Beaudesert Shire, Belyando Shire, Bendemere Shire, Biggenden Shire, Blackall Shire, Boonah Shire, Booringa Shire, Boulia Shire, Bowen Shire, Brisbane City, Broadsound Shire, Bulloo Shire, Bundaberg City, Bungil Shire, Burdekin Shire, Burke Shire, Burnett Shire, Caboolture Shire, Cairns City, Calliope Shire, Caloundra City, Cambooya Shire, Cardwell Shire, Carpentaria Shire, Charters Towers City, Chinchilla Shire, Clifton Shire, Cloncurry Shire, Cook Shire (south of latitude 15° south), Cooloola Shire, Crows Nest Shire, Croydon Shire, Dalby Town, Dalrymple Shire, Diamantina Shire, Douglas Shire, Duinga Shire, Eacham Shire, Eidsvold Shire, Emerald Shire, Esk Shire, Etheridge Shire, Fitzroy Shire, Flinders Shire, Gatton Shire, Gayndah Shire, Gladstone City, Gold Coast City, Goondiwindi Town, Herberton Shire, Hervey Bay City, Hinchinbrook Shire, Ilfracombe Shire, Inglewood Shire, Ipswich City, Isis Shire, Isisford Shire, Jericho Shire, Johnstone Shire, Jondaryan Shire, Kilcoy Shire, Kilkivan Shire, Kingaroy Shire, Kolan Shire, Laidley Shire, Livingstone Shire, Logan City, Longreach Shire, Mackay City, Mareeba Shire, Maroochy Shire, Maryborough City, McKinlay Shire, Millmerran Shire, Mirani Shire, Miriam Vale Shire, Monto Shire, Mornington Shire, Mount Isa City, Mount Morgan Shire, Mundubbera Shire, Murgon Shire, Murilla Shire, Murweh Shire, Nanango Shire, Nebo Shire, Noosa Shire, Paroo Shire, Peak Downs Shire, Perry Shire, Pine Rivers Shire, Pittsworth Shire, Quilpie Shire, Redcliffe City, Redland Shire, Richmond Shire, Rockhampton City, Roma Town, Rosalie Shire, Sarina Shire, Stanthorpe Shire, Tambo Shire, Tara Shire, Taroom Shire, Thuringowa City, Tiaro Shire, Toowoomba City, Townsville City, Waggamba Shire, Wambo Shire, Warroo Shire, Warwick Shire, Whitsunday Shire, Winton Shire, Wondai Shire and Woocoo Shire.

SCHEDULE 3**DISEASES FOR WHICH NOTICE NOT REQUIRED**

sections 12 and 14(c)

acute bee paralysis virus (no scientific name)

chalk brood (*Ascosphaera apis*)

chronic bee paralysis virus (no scientific name)

European foulbrood (*Melissococcus pluton*)

Kashmir bee virus (no scientific name)

larger wax moth (*Galleria mellonella*)lesser wax moth (*Achroia grisella*)nosema (*Nosema apis*)

sacbrood virus (no scientific name)

slow bee paralysis virus (no scientific name)

ENDNOTES**1 Index to endnotes**

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 6 September 1999. Future amendments of the Apiaries Regulation 1998 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key**Key to abbreviations in list of legislation and annotations**

| | | | | | |
|---------------|---|-------------------------------------|---------------|---|---------------------------------------|
| AIA | = | Acts Interpretation Act 1954 | prev | = | previous |
| amd | = | amended | (prev) | = | previously |
| amdt | = | amendment | proc | = | proclamation |
| ch | = | chapter | prov | = | provision |
| def | = | definition | pt | = | part |
| div | = | division | pubd | = | published |
| exp | = | expires/expired | R[X] | = | Reprint No.[X] |
| gaz | = | gazette | RA | = | Reprints Act 1992 |
| hdg | = | heading | reloc | = | relocated |
| ins | = | inserted | renum | = | renumbered |
| lap | = | lapsed | rep | = | repealed |
| notfd | = | notified | s | = | section |
| o in c | = | order in council | sch | = | schedule |
| om | = | omitted | sdiv | = | subdivision |
| p | = | page | SIA | = | Statutory Instruments Act 1992 |
| para | = | paragraph | SL | = | subordinate legislation |
| prec | = | preceding | sub | = | substituted |
| pres | = | present | unnum | = | unnumbered |

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

| Reprint No. | Amendments included | Reprint date |
|-------------|-----------------------|----------------|
| 1 | to SL No. 226 of 1998 | 25 August 1998 |

5 List of legislation

Apiaries Regulation 1998 SL No. 136

made by the Governor in Council on 14 May 1998
notfd gaz 15 May 1998 pp 311–16
commenced on date of notification
exp 1 September 2008 (see SIA s 54)

as amended by—

Apiaries Amendment Regulation (No. 1) 1998 SL No. 226

notfd gaz 7 August 1998 pp 1717–20
commenced on date of notification

Primary Industries Legislation Amendment Regulation (No. 2) 1999 SL No. 184 ss 1, 15 sch

notfd gaz 6 August 1999 pp 1983–4
commenced on date of notification

5 List of annotations

Definitions

s 2 def “Asian honeybee” ins 1998 SL No. 226 s 3

Declaration of bees

s 2A ins 1998 SL No. 226 s 4

Notice of decisions under div 2

s 8A ins 1998 SL No. 226 s 5

General conditions

s 14 amd 1998 SL No. 226 s 6

Additional conditions for introducing from Tasmania

s 15 amd 1998 SL No. 226 s 7

PART 3—DISEASE PREVENTION, CONTROL AND RESTRICTION**Division 3—Other introduction provisions****div hdg** prev div 3 hdg renum as div 4 hdg 1998 SL No. 226 s 8

pres div 3 hdg ins 1998 SL No. 226 s 9

Prohibition on introducing Asian honeybees**s 15A** ins 1998 SL No. 226 s 9**Prohibition on introducing certain things from Northern Territory****15B** ins 1998 SL No. 226 s 9**Application for certificate of approval****15C** ins 1998 SL No. 226 s 9**Issue of certificate****s 15D** ins 1998 SL No. 226 s 9**Notice of refusal or conditions****s 15E** ins 1998 SL No. 226 s 9**Division 4—Infected matter****div hdg** pres div 4 hdg (prev div 3 hdg) renum 1998 SL No. 226 s 8**Notice of refusal of permission****s 17A** ins 1998 SL No. 226 s 10**Appeals against certain decisions****s 18** amd 1998 SL No. 226 s 11**Appeal to District Court on questions of law only****s 23** amd 1999 SL No. 184 s 15 sch**PART 6—TRANSITIONAL AND REPEAL****pt 6 (ss 26–28)** exp 16 May 1998 (see s 28)