



*Apiaries Act 1982*

# Apiaries Regulation 1998

Reprinted as in force on 4 December 2006

Reprint No. 2A

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## Information about this reprint

This regulation is reprinted as at 4 December 2006. 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. Also see list of legislation for any uncommenced amendments.

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

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

### **Dates shown on reprints**

**Reprints dated at last amendment** All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

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## Queensland

# Apiaries Regulation 1998

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# Apiaries Regulation 1998

[as amended by all amendments that commenced on or before 4 December 2006]

## Part 1 Preliminary

### 1 Short title

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

### 2 Definitions

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.

### 2A Declaration of bees

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

### 3 Declaration of diseases

A thing stated in schedule 1 is declared to be a disease for section 2<sup>1</sup> of the Act, definition *disease*.

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1 Section 2 (Definitions) of the Act

## **Part 2                      Regulation and control of beekeeping**

### **Division 1                Exclusions**

#### **4                      Exclusion of parts of State**

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,<sup>2</sup> for an apiary class A, B or C;
- (b) section 16.<sup>3</sup>

### **Division 2                Classifying apiaries**

#### **5                      Classifying class C or D apiaries**

- (1) This section applies if an apiary is not classified as an apiary class C or D under section 11<sup>4</sup> 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.

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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

**6 Apiary class A, B or C certificates**

- (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.<sup>5</sup>

**7 Cancelling certificates**

- (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.

**8 Reclassification**

The chief executive must classify an apiary under section 11(1)<sup>6</sup> 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.

**8A Notice of decisions under div 2**

- (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;
  - (b) the reasons for the decision;

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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

- (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.<sup>7</sup>

### **Division 3                      Hive marking**

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

- (1) For section 17(1)<sup>8</sup> 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 25mm 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.

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

- (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 9<sup>9</sup> of the Act—the permit number.
- (2) The particulars must be written in block letters and figures at least 25mm high.

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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



**11 Maintenance of marks or brand or notice**

- (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****12 Diseases for which notice not required**

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

**Division 2 Introducing queen bees and escorts or queen cells****13 Prescribed particulars for returns—Act, s 27(6)**

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

- (a) the date of introduction;
- (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.

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<sup>10</sup> Section 23 (Beekeeper shall notify disease) of the Act

<sup>11</sup> Section 27 (Restriction of introduction into Queensland of bees etc.) of the Act

**14 General conditions**

For section 28(2)<sup>12</sup> 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 5km 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.

**15 Additional conditions for introducing from Tasmania**

- (1) For section 28(2)<sup>13</sup> 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—
    - (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

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

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

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- (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)<sup>14</sup> 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.<sup>15</sup>
- (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.

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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                      Prohibition on introduction**

#### **15A      Prohibition on introducing Asian honeybees**

For section 28(1)<sup>16</sup> of the Act, the introduction of the Asian honeybee (*Apis cerana*) is prohibited.

#### **15B      Prohibition on introducing Africanised strains of honeybees**

For section 28(1) of the Act, the introduction of Africanised strains of honeybees (*Apis mellifera scutellata* Lepeletier) is prohibited.

### **Division 4                      Infected matter**

#### **16              Direction to move to quarantine**

- (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.

#### **17              Permit to move for certain infections**

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

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

- (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).

### **17A Notice of refusal of permission**

- (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.<sup>17</sup>

## **Part 4 Appeals**

### **18 Appeals against certain decisions**

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*)—

- (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;

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<sup>17</sup> For how to start an appeal, see section 19 (How to start appeal).

- (b) 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;
- (c) 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.<sup>18</sup>

## **19 How to start appeal**

- (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.
- (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.

## **20 Stay of operation of decisions**

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

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18 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) 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.

## **21 Hearing procedures**

- (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.

## **22 Powers of court on appeal**

- (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.

### **23 Appeal to District Court on questions of law only**

- (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**

### **24 Prescribed interest rate**

For section 35<sup>19</sup> of the Act, the prescribed interest rate is 5% per annum.

### **25 Registration fee**

The fee for an application for, or renewal of, registration is \$11.40.

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19 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 virus<sup>20</sup>

chronic bee paralysis virus

Kashmir bee virus

sacbrood virus

slow bee paralysis virus

### **Part 3                      Parasites**

acarine mite (*Acarapis woodii*)

asian mite (*Tropilaelaps clareae*)

bee louse (*Braula coeca*)

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<sup>20</sup> The viruses in part 2 (Viruses) have no scientific name.

## Schedule 1 (continued)

varroa mite (*Varroa destructor*)

varroa mite (*Varroa jacobsonii*)

**Part 4****Pests**

larger wax moth (*Galleria mellonella*)

lesser wax moth (*Achroia grisella*)

small hive beetle (*Aethina tumida*)

## **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, Duaringa 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

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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 4 December 2006. 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

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	1998 SL No. 226	7 August 1998	25 August 1998
1A	1999 SL No. 184	6 August 1999	6 September 1999
1B	2000 SL No. 227	1 September 2000	19 May 2001
1C	2001 SL No. 177	28 September 2001	12 October 2001

  

Reprint No.	Amendments included	Effective	Notes
1D	2002 SL No. 292	1 November 2002	
1E	2004 SL No. 231	29 November 2004	
1F	2005 SL No. 268	11 December 2005	R1F withdrawn, see R2
2	—	11 December 2005	
2A	2006 SL No. 267	4 December 2006	

## 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)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

### **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

### **Apiaries Amendment Regulation (No. 1) 2000 SL No. 227**

notfd gaz 1 September 2000 pp 58–60

commenced on date of notification

### **Primary Industries Legislation Amendment Regulation (No. 1) 2001 SL No. 177 pts 1, 3**

notfd gaz 28 September 2001 pp 328–30

commenced on date of notification

**Primary Industries Legislation Amendment Regulation (No. 1) 2002 SL No. 292 pts 1–2**

notfd gaz 1 November 2002 pp 759–62  
commenced on date of notification

**Primary Industries Legislation Amendment Regulation (No. 1) 2004 SL No. 231 pts 1, 4**

notfd gaz 29 October 2004 pp 734–7  
ss 1–2 commenced on date of notification  
remaining provisions commenced 29 November 2004 (see s 2)

**Primary Industries Legislation Amendment Regulation (No. 1) 2005 SL No. 268 pts 1, 4**

notfd gaz 11 November 2005 pp 955–7  
ss 1–2 commenced on date of notification  
remaining provisions commenced 11 December 2005 (see s 2)

**Primary Industries Legislation Amendment Regulation (No. 1) 2006 SL No. 267 pts 1, 4**

notfd gaz 3 November 2006 pp 1103–4  
ss 1–2 commenced on date of notification  
remaining provisions commenced 4 December 2006 (see s 2)

## **6 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

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**Prohibition on introducing Asian honeybees**

s 15A ins 1998 SL No. 226 s 9  
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**Prohibition on introducing Africanised strains of honeybees**

15B prev s 15B ins 1998 SL No. 226 s 9  
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**Application for certificate of approval**

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**s 15D** ins 1998 SL No. 226 s 9  
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**s 15E** ins 1998 SL No. 226 s 9  
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**Appeals against certain decisions**

**s 18** amd 1998 SL No. 226 s 11; 2000 SL No. 227 s 4

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**s 23** amd 1999 SL No. 184 s 15 sch

**Registration fee**

**s 25** amd 2001 SL No. 177 s 5; 2002 SL No. 292 s 4; 2004 SL No. 231 s 8; 2005  
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**PART 6—TRANSITIONAL AND REPEAL**

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amd 2002 SL No. 292 s 5