



Queensland

Apiaries Act 1982

Apiaries Regulation 1998

Reprinted as in force on 28 August 2009

Reprint No. 3A

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Information about this reprint

This regulation is reprinted as at 28 August 2009. 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.**

Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’). Variations of spelling will be updated in the next authorised reprint.

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised 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.

If the date of an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

Replacement reprint date If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.



Queensland

Apiaries Regulation 1998

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Apiaries Regulation 1998

[as amended by all amendments that commenced on or before 28 August 2009]

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 of the Act, definition *disease*.

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Part 2 **Regulation and control of beekeeping**

Division 1 **Exclusions**

4 **Exclusion of part of State**

- (1) The following provisions of part 3 of the Act do not apply to the part of the State shown on the map in schedule 2 (the *excluded part of the State*)—
 - (a) section 14, for an apiary class A, B or C;
 - (b) section 16.
- (2) The exact location of the boundary of the excluded part of the State is held in digital electronic form by the department.
- (3) A map showing the exact location of the boundary of the excluded part of the State can be accessed, free of charge, on the department's website.

Editor's note—

The department's website address is <www.dpi.qld.gov.au>.

- (4) The information held in digital electronic form can be reduced or enlarged to show the details of the boundary.

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 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.

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.

Note—

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

7 Cancelling certificates

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) 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

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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;
 - (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.

Division 3 Hive marking

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

- (1) For section 17(1) 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 of the Act—the permit number.

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

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) 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) 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;

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- (c) how many queen bees and escorts or queen cells were delivered.

14 General conditions

For section 28(2) 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) 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
 - (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) 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.

Editor's note—

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 louse)' made on 11 October 1996.

- (3) This section is in addition to section 14.
- (4) In subsection (1)—

bee louse 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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Division 3 Prohibition on introduction

15A Prohibition on introducing Asian honeybees

For section 28(1) 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*).

- (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.

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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- (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.

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.
- (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.

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- (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 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 \$12.63.

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

chronic bee paralysis virus

Kashmir bee virus

sacbrood virus

slow bee paralysis virus

Editor's note—

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

Part 3 Parasites

acarine mite (*Acarapis woodii*)

asian mite (*Tropilaelaps clareae*)

bee louse (*Braula coeca*)

varroa mite (*Varroa destructor*)

varroa mite (*Varroa jacobsonii*)

Part 4 **Pests**

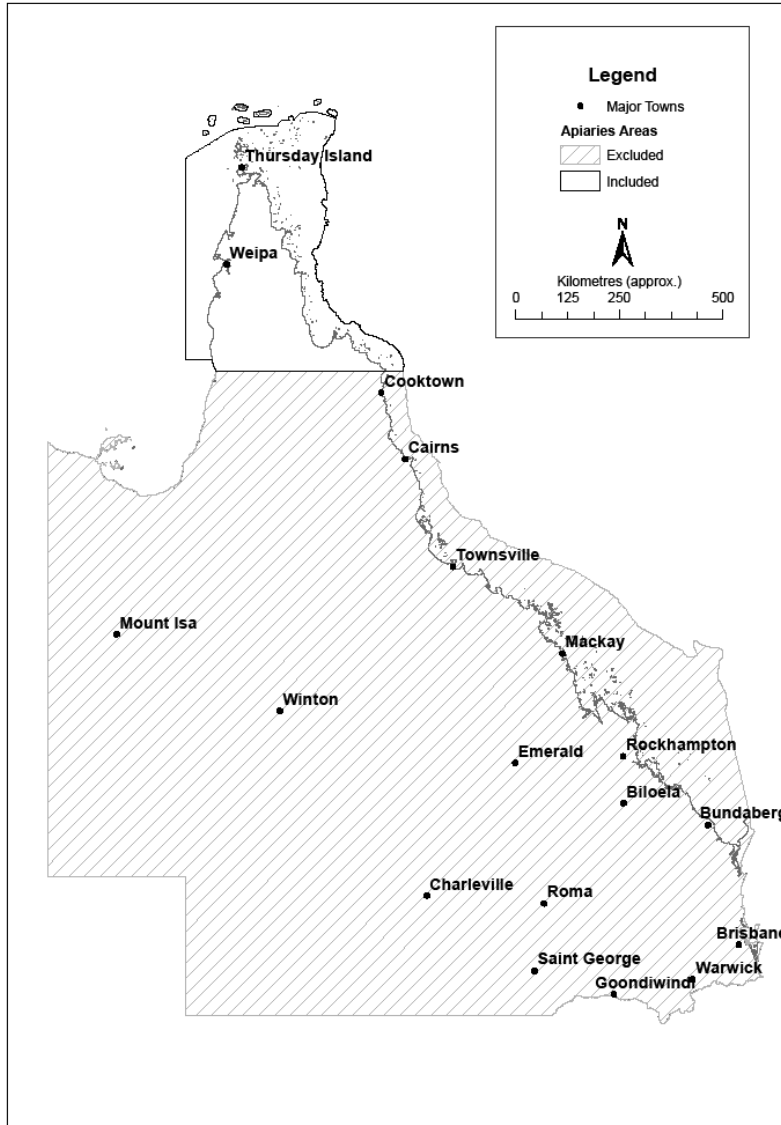
larger wax moth (*Galleria mellonella*)

lesser wax moth (*Achroia grisella*)

small hive beetle (*Aethina tumida*)

Schedule 2 Excluded part of the State

section 4



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 28 August 2009. 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
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

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	
2B	2007 SL No. 232	29 October 2007	
2C	2008 SL No. 38	15 March 2008	
2D	2008 SL No. 314	19 September 2008	R2D withdrawn, see R3
3	—	19 September 2008	
3A	2009 SL No. 176	28 August 2009	

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 31 August 2010 (see SIA s 56A(2) and SIR s 5 sch 3)

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)

Primary Industries Legislation Amendment Regulation (No. 2) 2007 SL No. 232 ss 1–2(1), pt 4

notfd gaz 21 September 2007 pp 447–9
ss 1–2 commenced on date of notification
remaining provisions commenced 29 October 2007 (see s 2(1))

Primary Industries and Other Legislation Amendment Regulation (No. 1) 2008 SL No. 38 pts 1, 3

notfd gaz 29 February 2008 pp 1012–14
ss 1–2 commenced on date of notification
remaining provisions commenced 15 March 2008 (see s 2)

Primary Industries and Fisheries Legislation Amendment Regulation (No. 1) 2008 SL No. 314 s 1, pt 4

notfd gaz 19 September 2008 pp 407–9
commenced on date of notification

**Primary Industries and Fisheries Legislation Amendment Regulation (No. 2) 2009
SL No. 176 pts 1, 4**

notfd gaz 28 August 2009 pp 1491–6
commenced on date of notification

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

Exclusion of part of State

prov hdg amd 2008 SL No. 38 s 8(1)

s 4 amd 2008 SL No. 38 s 8(2)–(3)

Apiary class A, B or C certificates

s 6 amd 2009 SL No. 176 s 8

Cancelling certificates

s 7 amd 2009 SL No. 176 s 9

Notice of decisions under div 2

s 8A ins 1998 SL No. 226 s 5

PART 3—DISEASE PREVENTION, CONTROL AND RESTRICTION

Division 2—Introducing queen bees and escorts or queen cells

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

Division 3—Prohibition on introduction

div hdg ins 1998 SL No. 226 s 9

sub 2000 SL No. 227 s 3

Prohibition on introducing Asian honeybees

s 15A ins 1998 SL No. 226 s 9

sub 2000 SL No. 227 s 3

Prohibition on introducing Africanised strains of honeybees

15B prev s 15B ins 1998 SL No. 226 s 9

om 2000 SL No. 227 s 3

pres ins 2002 SL No. 292 s 3

Application for certificate of approval

15C ins 1998 SL No. 226 s 9

om 2000 SL No. 227 s 3

Issue of certificate

s 15D ins 1998 SL No. 226 s 9
om 2000 SL No. 227 s 3

Notice of refusal or conditions

s 15E ins 1998 SL No. 226 s 9
om 2000 SL No. 227 s 3

Division 4—Infected matter

div 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; 2000 SL No. 227 s 4

Appeal to District Court on questions of law only

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
SL No. 268 s 8; 2006 SL No. 267 s 8; 2007 SL No. 232 s 8; 2008 SL No.
314 s 8; 2009 SL No. 176 s 10

PART 6—TRANSITIONAL AND REPEAL

pt 6 (ss 26–28) exp 16 May 1998 (see s 28)

SCHEDULE 1—DISEASES

amd 2002 SL No. 292 s 5

SCHEDULE 2—EXCLUDED PART OF THE STATE

sub 2008 SL No. 38 s 9