

Queensland



ANNO TRICESIMO PRIMO

ELIZABETHAE SECUNDAE REGINAE

No. 29 of 1982

**An Act to provide for the regulation and control of the
keeping of bees, the control, prevention and restriction
of diseases and pests affecting bees and for related
purposes**

[ASSENTED TO 5TH MAY, 1982]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY

1. **Short title.** This Act may be cited as the *Apiaries Act 1982*.

2. **Commencement of Act.** (1) This section and section 1 shall commence on the day on which this Act is assented to for and on behalf of Her Majesty.

(2) Except as provided by subsection (1), this Act shall commence on a day appointed by Proclamation.

3. **Arrangement.** This Act is arranged as follows:—

PART I—PRELIMINARY;

PART II—ADMINISTRATION;

PART III—REGULATION AND CONTROL OF THE KEEPING OF BEES;

PART IV—PREVENTION, CONTROL AND RESTRICTION OF DISEASES AFFECTING BEES;

PART V—GENERAL.

4. **Repeal and savings.** (1) The *Apiaries Act 1947–1972*, herein referred to as “the repealed Act” is repealed.

(2) Without limiting the operation of the *Acts Interpretation Act 1954–1977* to or in relation to the repeal effected by subsection (1) unless the contrary intention appears in this Act—

(a) all persons, things and circumstances appointed or created by or under any of the provisions of the repealed Act or existing or continuing under such a provision immediately before the commencement of this Act shall, under and subject to this section, continue to have the same status, operation and effect as they respectively would have had if those provisions had not been repealed; and

(b) in particular and without affecting the generality of the foregoing paragraph—

(i) every order, direction, permit, certificate, prohibition or request issued, given, granted or done under the repealed Act and in force immediately prior to the commencement of this Act shall continue in force as if it were issued, given, granted or done under this Act until it expires by effluxion of time or is revoked, cancelled, suspended or surrendered under this Act;

(ii) every person who at the commencement of this Act holds an office or position to which he was appointed under or for the purposes of the repealed Act shall continue to hold

that office or position or the corresponding office or position under and for the purposes of this Act until he vacates or is lawfully removed from that office or position and when such office or position has been held immediately prior to the commencement of this Act under, subject to and in accordance with the *Public Service Act 1922-1978*, the same or the corresponding office or position shall be and continue to be held under, subject to and in accordance with such lastmentioned Act.

5. Interpretation. In this Act, unless the context otherwise indicates or requires, the following terms shall have the meanings respectively assigned to them:—

- “ apiary ” means a hive standing singly or any two or more hives standing in a group;
- “ apiary site ” means the site where any apiary is situated in or upon any place or premises;
- “ appliances ” means any fittings, utensils, apparatus, or implements that are or have been used or that in the opinion of an inspector are being or have been used in beekeeping or in handling, housing, or storing bees or bee products;
- “ bee ” means a honey bee *Apis mellifera* L. or any other genus or species declared by the Governor in Council to be a bee;
- “ bee comb ” means bee comb whether in frames or not;
- “ beekeeper ” means any person who keeps bees or the person in charge of bees, or, where reasonable inquiry fails to establish the beekeeper as aforesaid, then the person who is the occupier or owner of the premises or place where the bees in question are kept or who has in his possession any hives or appliances which have been used in connexion with beekeeping or which are kept in or upon any premises or place owned or occupied by him;
- “ bee products ” means beeswax, honey, bee combs, bee venom, drone semen, honey-dew, bee collected pollen, propolis and royal jelly, and any other substance declared by Order in Council to be a bee product for the purposes of this Act;
- “ beeswax ” means raw beeswax, produced by a beekeeper from bee comb without heat treatment or purification, or refined beeswax, produced by a beekeeper from bee comb with heat treatment to melting point and straining out of extraneous matter, or commercial beeswax, produced by a manufacturer of beeswax products;
- “ brand ” means the marking or impression of letters and numbers or letters or numbers made upon a hive;
- “ commercial queen bee producer ” means a registered beekeeper who produces queen bees or queen cells for sale;

- “ Director, Division of Plant Industry ” means such officer or the officer for the time being carrying out the duties of that office;
- “ Director-General ” means the Director-General of the Department of Primary Industries and includes a person for the time being performing the duties of the Director-General;
- “ disease ” means any disease, parasite or pest affecting bees or bee products declared by the Governor in Council by Order in Council to be a disease under and for the purposes of this Act. Without limiting the generality of this definition, the term includes the presence of suspicious symptoms which, although not ascertainable as a certain specific disease, in the opinion of the Director-General, should be declared a disease for the purpose of this Act;
- “ frame hive ” means a hive containing moveable frames in which the combs are built, and which may be separately and readily removed from the hive for examination;
- “ hive ” means a receptacle housing living bees or which in the opinion of an inspector, has housed living bees;
- “ honorary inspector ” means a person appointed by the Minister to carry out the duties and functions of an honorary inspector under this Act;
- “ honey ” means the saccharine secretions from the nectaries of flowers that are gathered, modified and stored in the comb by honey bees and are laevo-rotatory;
- “ honey-dew ” means the saccharine exudations of living parts of plants, and the sweet liquid excreted by hemipterous insects feeding on plants, that are gathered, modified, and stored in the comb by honey bees and are dextro-rotatory;
- “ honey-super ” means upper parts of a hive in which the bees store honey;
- “ inspector ” means an inspector appointed pursuant to this Act and includes a person for the time being performing the duties of an inspector, and a person acting under the direction or in aid of an inspector, and includes an honorary inspector;
- “ land ” includes Crown land, freehold land, leasehold land and land held for an estate of leasehold from the Crown, but so that as respects any such estate of leasehold the terms “ owner ” or “ occupier ” shall not include the Crown;
- “ Minister ” means the Minister for Primary Industries or other Minister of the Crown who, at the material time is charged with the administration of this Act and includes a Minister of the Crown who is temporarily performing the duties of the Minister;
- “ nucleus ” means a frame hive containing not more than six frames;

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- “ person ” includes a company, partnership, firm or other body of persons corporate or unincorporate;
- “ place ” means—
- (a) land, whether improved or unimproved, and whether enclosed or unenclosed; or
 - (b) a building or structure on or in any land, and whether completely or partly erected or constructed, or in the course of being erected or constructed;
 - (c) a room in any building or structure;
- “ premises ” means any place, vehicle, ship, vessel or aircraft;
- “ registered beekeeper ” means any person registered under this Act as a beekeeper;
- “ sale ” means sale by wholesale or retail and includes auction, barter, exchange or supply for profit or cause, suffer or allow or attempt any of those acts, offer for sale or attempt to sell, supply or receive for sale, have in possession for sale, expose for sale, send, forward or deliver for or on sale.

PART II—ADMINISTRATION

6. Administration of Act. This Act shall be administered by the Minister and subject to the Minister by the Director-General who in carrying out or exercising any power, function, duty or discretion conferred or imposed upon him by this Act shall observe any applicable general or particular direction or instruction of the Minister.

7. Inspectors and officers. Such inspectors and officers as the Governor in Council shall from time to time deem necessary for the due and proper administration of this Act may be appointed under the *Public Service Act 1922-1978*.

8. Appointment of honorary inspector. The Minister may from time to time appoint such and so many persons as he deems necessary to be honorary inspectors and may from time to time cancel any such appointment and any person so appointed shall have and exercise only such powers, functions and duties as stated in the letter of appointment.

9. Powers of inspector. (1) An inspector may enter and inspect any premises or place on or in which bees, hives, bee products and appliances are or are suspected by him of being kept, and may inspect any bees, hives, bee products and appliances or any articles used in connexion therewith.

(2) (a) An inspector may for the purposes of this Act remove for examination or analysis any bees, hives, bee products and appliances, or portions or samples of or from any bee products found by him.

(b) An inspector may—

- (i) make with respect to any place such investigations and enquiries as are necessary to ascertain whether the provisions of this Act are being complied with;

- (ii) question a person found by him in any place to ascertain whether this Act is being complied with and require a person so found to answer the questions put;
- (iii) stop, detain and search any vehicle or vessel used or that he believes on reasonable grounds is being or is likely to be used for the carriage of bees, hives, bee products and appliances;
- (iv) by order in writing, require a person who has failed to comply with this Act to take within such time as is specified such steps as are specified and to remedy those matters in respect of which non-compliance has occurred;
- (v) may exercise such other powers and authorities and discharge such other functions and duties as are prescribed.

An answer made by any person in response to an inspector's requisition that he must answer the questions of the inspector, if it tends to incriminate that person in an offence against this Act, shall not be admissible in evidence against that person in any proceeding relating to that contravention or failure to comply.

(3) An order pursuant to subsection (2) (iv)—

- (a) shall be in the prescribed form;
- (b) shall not prejudice or affect in any way proceedings or action that has or have been or may be taken for the failure to comply that resulted in the order, save that the person to whom the order is given is not liable for a continuance of the failure to comply during the time specified therein.

(4) (a) Before an inspector enters a part of any place which part is used exclusively as a dwelling-house he shall, save where he has the permission of the occupier of that part to his entry, obtain from a justice a warrant to enter.

(b) A justice who is satisfied upon the complaint of an inspector that there is reasonable cause for suspecting that—

- (i) in any place an offence against this Act has been, is being or is likely to be committed; or
- (ii) there is in any place anything in respect of which an offence against this Act has been, is being or is likely to be committed,

may issue his warrant directed to the inspector to enter the place named in the warrant for the purpose of exercising therein the powers conferred upon an inspector under this Act.

(c) A warrant shall be, for the period of one month from and including the date of issue, sufficient authority for the inspector and all persons acting in aid of him—

- (i) to enter the place specified in the warrant; and
- (ii) to exercise therein the powers conferred upon an inspector by or under this Act.

(d) In this subsection premises that are used as a dwelling-house do not include the curtilage of those premises.

PART III—REGULATION AND CONTROL OF THE KEEPING OF BEES

10. Application. (1) Where the Governor in Council declares by Order in Council that—

- (a) a part or parts of the State is or are excluded from the operation of this Part of this Act;
- (b) the boundaries of any part or parts of the State excluded pursuant to paragraph (a) are altered; or
- (c) a declaration pursuant to paragraph (a) is revoked,

then—

- (d) the part or parts of the State shall be excluded from the operation of this Part;
- (e) the boundaries shall be altered; or
- (f) the declaration shall be revoked,

as the case may be.

11. Registration of beekeepers. (1) A person shall not keep bees or act as or carry on the business of a beekeeper except when he is a registered beekeeper or is the holder of a permit pursuant to this Act.

(2) Every registered beekeeper shall on or before the thirty-first day of March of every year apply for renewal of his registration as a registered beekeeper.

(3) An application for registration or renewal of registration as a registered beekeeper pursuant to the provisions of this section shall—

- (a) be made to the Director-General;
- (b) be in the prescribed form;
- (c) contain the prescribed particulars; and
- (d) be accompanied by the prescribed fee, if any.

(4) Registration and renewal of registration as a registered beekeeper shall, subject to this Act, remain in force to and including the thirty-first day of March of the calendar year next succeeding the calendar year during which it is granted.

(5) The Director-General shall consider each application for registration and for renewal of registration and may grant or refuse it.

(6) In the case of a beekeeper who resides outside Queensland but who maintains one or more apiaries in Queensland for periods longer than four months each year then, at the discretion of the Director-General, the beekeeper may be registered as a beekeeper under this Act.

(7) Where an application for registration, or renewal of registration is granted, the Director-General shall issue a certificate which—

- (a) shall be in the prescribed form;
- (b) shall contain the prescribed particulars;
- (c) shall be subject to such terms, conditions or restrictions as the Director-General in a particular case thinks fit endorsed thereon or attached thereto;

- (d) may be renewed; and
- (e) may be amended, altered, varied or otherwise modified by the Director-General during the currency thereof.

12. Permit pending determination of application for registration etc.

(1) Where an application for registration or renewal of registration as a registered beekeeper is made to the Director-General, he may permit the applicant to do such of the acts and things that he would be authorized to do if the registration in respect of which the application is made were granted as he sees fit pending the determination of that application.

(2) A permit granted pursuant to this section—

- (a) shall be in the prescribed form;
- (b) shall be in force for such period as the Director-General determines not exceeding in any case three months;
- (c) shall be subject to such terms and conditions as the Director-General determines, endorsed on the permit.

13. Permit required for bringing bees, etc., into Queensland. (1)

Save where he has received a permit in the prescribed form pursuant to this section, a person who is not a registered beekeeper shall not bring any bees, bee products, hives or appliances into Queensland.

(2) An application for a permit pursuant to this section shall—

- (a) be made to the Director-General;
- (b) be in the prescribed form;
- (c) contain the prescribed particulars;
- (d) be accompanied by the prescribed fee, if any.

(3) The Director-General shall consider each application for a permit and may grant or refuse it.

(4) Where an application for a permit is granted, the Director-General shall issue a permit which—

- (a) shall be in the prescribed form;
- (b) shall contain the prescribed particulars;
- (c) shall be subject to such terms, conditions or restrictions as the Director-General in a particular case thinks fit endorsed or attached thereto;
- (d) shall be for a period not exceeding four months;
- (e) may not be renewed;
- (f) may be amended, altered, varied or otherwise modified by the Director-General during the currency thereof.

(5) The Governor in Council by Order in Council may exclude any bee product or appliance (either generally or in a particular case) from the operation of this section.

14. Registration etc., may be cancelled. Upon contravention of or failure to comply with the terms, conditions or restrictions, to which a registration or renewal of registration of a permit pursuant to this Act is subject, the Director-General may cancel that registration or permit.

15. Classification of apiaries. (1) Apiaries shall be classified by the Director-General as follows, that is to say—

- (a) apiary class A—an apiary comprising less than 40 hives;
- (b) apiary class B—an apiary comprising not less than 40 hives;
- (c) apiary class C—an apiary in which queen bees are bred for sale;
- (d) apiary class D—an apiary comprising nucleus and drone mother hives used exclusively for the mating of queen bees;
- (e) such other classes as may be prescribed.

(2) For the purpose of classifying an apiary, nucleus hives shall be regarded as a single hive.

(3) The Director-General shall not classify an apiary as an apiary class C unless an inspector certifies in writing that the apiary consists of not less than 100 hives of bees and that the apiary is suitable both as regards site and such other matters as are considered necessary or desirable for breeding queen bees for sale.

(4) The Director-General shall not classify an apiary as an apiary class D unless—

- (a) an inspector certifies in writing—
 - (i) that the total number of hives, including the nucleus hives, maintained by the beekeeper concerned is not less than 500;
 - (ii) that the apiary for which the application has been made comprises not less than 100 hives;
 - (iii) that the apiary is suitable both as regards site and such other matters as are considered necessary or desirable for a queen bee mating programme; and

(b) the beekeeper concerned, prior to applying for classification of an apiary as an apiary class D, declares in writing to the Director-General that the area described in his application does not contain hives of bees which will interfere with the proposed queen bee mating programme.

(5) The Director-General may issue a certificate in the prescribed form for an apiary class D for a maximum period of use of six months from the date of issue.

(6) The Director-General may revoke any certificate issued under subsection (5) or may cause an apiary classified under this section to be reclassified at any time when the conditions existing differ from those which existed at the time when the certificate was issued or the apiary was previously classified.

16. Distances between apiary sites. (1) If an inspector certifies in writing to the Director-General that the establishment of an apiary class A, in or upon any premises or place within a radius of less than

0·8 kilometre of the apiary site of an established apiary class A or apiary class B, would unduly encroach upon the apiary site of that apiary class A or apiary class B, then the Director-General may by a notice in writing prohibit the establishment of that apiary class A in or upon the premises or place.

(2) Subject to this Act, a person shall not at any time establish an apiary class B in or upon any premises or place within a radius of less than 0·8 kilometre from an apiary site of an established apiary class B.

(3) Subject to this Act, a person shall not at any time establish an apiary class B in or upon any premises or place within a radius of less than 1·6 kilometres from an apiary site of an established apiary class C.

(4) A person shall not at any time establish an apiary in or upon any premises or place within a radius of less than twenty kilometres from an apiary site of an established apiary class D.

(5) The Governor in Council may by Order in Council prescribe for new apiary classes conditions with regard to isolation distances and such other matters as he considers necessary.

(6) A person shall not at any time maintain upon an apiary site an apiary established thereon in contravention of this section.

17. Powers of the Director-General. (1) If an inspector certifies in writing that the establishment of an apiary class A in or upon any premises or place would unduly encroach upon another apiary, the Director-General may by a notice in writing prohibit the establishment of that apiary class A in or upon those premises or that place.

(2) If—

- (a) a registered beekeeper maintaining an established apiary class B or apiary class C notifies the Director-General in writing that he has no objection to the establishment of another apiary class B or class C upon a site at a distance from that established apiary that is less than the distance provided by or prescribed under section 16; or
- (b) an inspector certifies in writing to the Director-General that the establishment of another apiary class B or class C upon a site at a distance from an established apiary class B or class C that is less than the distance provided by or prescribed under section 16 will not prejudice the keeping of such lastmentioned apiary,

then the Director-General may in writing permit the apiary referred to in the notification or certificate to be established upon a site at such distance from the apiary site of the established apiary in question, that is less than the distance provided by or prescribed under section 16 as he shall determine and specify in that permit.

(3) Where the Director-General issues a permit pursuant to subsection (2), he may, in the permit, limit the period during which the permission is to remain in force, and if the apiary thereby permitted is not removed from the apiary site forthwith upon the expiration of that period, it shall be deemed to be established on that apiary site in contravention of section 16.

18. Notice to be given of the establishment or removal of an apiary.

(1) A registered beekeeper or a person who is the holder of a permit pursuant to the provisions of this Act who—

- (a) establishes a new apiary; or
- (b) removes an apiary or part of an apiary from its apiary site to another site,

shall, within fourteen days after that establishment or removal, notify the Director-General that he has established that new apiary or, as the case may be, removed that apiary or part of an apiary to another apiary site.

(2) A notification pursuant to subsection (1) shall be in the prescribed form or to the like effect and shall contain the prescribed particulars.

(3) A registered beekeeper or a person who is the holder of a permit pursuant to the provisions of this Act shall not, upon any apiary site—

- (a) establish a new apiary; or
- (b) maintain an apiary which has been removed to that apiary site from another apiary site,

except where he has notified the Director-General pursuant to subsection (1) of the establishment or removal of that apiary.

(4) The Governor in Council may by Order in Council suspend the operation of this section from a specified part or specified parts of the State or for a specified classification or specified classifications of apiaries.

19. Prohibited apiary sites. (1) If an inspector certifies in writing to the Director-General that in his opinion—

- (a) a provision of this Act is being contravened or not complied with in respect of an apiary situated on an apiary site; or
- (b) an apiary site is or has become unsuitable for beekeeping; or
- (c) the keeping of bees on an apiary site is detrimental to the public interest,

or for any other reason whatsoever, the Director-General may prohibit the keeping of bees upon that apiary site hereinafter in this section referred to as a “prohibited apiary site”.

That prohibition shall continue in force until it is cancelled by the Director-General.

(2) A person shall not establish or maintain an apiary on a prohibited apiary site.

(3) If an inspector certifies in writing to the Director-General that any person has established or is maintaining an apiary on a prohibited apiary site, the Director-General may (whether such person is or is not prosecuted for the offence) order that person to remove the apiary from the prohibited site, within the time specified in the order.

That person shall comply with the directions contained in the order.

(4) If an inspector certifies in writing to the Director-General that any person has failed to comply with an order by the Director-General to remove an apiary from a prohibited apiary site, or that a person has removed the apiary concerned from the prohibited apiary site to another prohibited apiary site in purported compliance with an order by the Director-General, the Director-General may authorize the inspector to remove the apiary from the prohibited apiary site, on which it is found by the inspector, to an apiary site selected by the inspector whereon it is lawful to establish and maintain the apiary, and thereupon the inspector shall remove the apiary accordingly.

The amount of any costs, charges and expenses incurred by an inspector in so removing an apiary together with interest at the prescribed rate shall be recoverable from that person in a summary way under the *Justices Act 1886-1980* or by action as for a debt due to the Crown.

20. Notice to be given of sale of apiary. (1) A person shall, within fourteen days after selling an apiary or part of an apiary owned by him, give to the Director-General notice in writing in the prescribed form or to the like effect of the sale.

(2) Notice under this section shall be given either where the apiary or part thereof is sold for removal to another apiary site or where the apiary or part thereof sold is to be retained by the purchaser on its existing apiary site.

(3) The Governor in Council may by Order in Council suspend the operation of this section from a specified part or specified parts of the State.

21. Marking of hives. (1) Subject to subsection (2), a person shall not establish or maintain an apiary unless he marks or brands as prescribed not less than one hive in each fifty hives or part thereof comprising such apiary with the registered mark or number issued to him by the Director-General.

(2) A person who has received a permit pursuant to section 13, shall not establish or maintain an apiary unless he marks or brands not less than one hive in each fifty hives or part thereof comprising such apiary with the registered mark or number issued to him by the Department of Agriculture or other equivalent Department in the place where he is registered.

(3) Where a beekeeper maintains an apiary at a site other than his usual place of residence he shall mark on a hive or erect in a conspicuous position within the apiary a notice containing the prescribed particulars.

22. Power of Governor to restrict entry of races or strains of bees into any part of the State. (1) If the Director-General is of the opinion that a race or strain or races or strains of bees are not suitable for introduction into Queensland for the purpose of beekeeping, the Governor may by Proclamation declare that only those races or strains of bees specified in the Proclamation shall be kept or brought into the State or any part of the State as specified in the Proclamation.

(2) A person shall not keep in or bring into the State or any such part of the State any bee or bees in contravention of a Proclamation pursuant to subsection (1).

(3) If an inspector certifies in writing to the Director-General that any bees or bee combs containing brood of a race or strain of bee are in his opinion unsuitable for beekeeping and ought to be destroyed, the Director-General may cause an order to be made directing the beekeeper concerned to destroy within such time and in such a manner as may be specified therein the bees and bee comb containing brood.

A beekeeper to whom that order is directed shall within the period and in the manner specified therein, destroy the bees and bee comb containing brood.

(4) If at the expiration of that period as is so directed after the service of the order upon the beekeeper the bees and bee comb containing brood concerned are not destroyed in the manner required, the Director-General may direct an inspector to destroy or cause to be so destroyed the bees and bee comb containing brood.

(5) Any expense incurred by an inspector in pursuance of a direction under subsection (4) of this section together with interest at the prescribed rate may be recovered from the owner of the bees, hives and bee products in question in a summary way under the *Justices Act 1886-1980* or by action as for a debt due to the Crown.

(6) A person who contravenes or fails to comply with the provisions of this section or any order made pursuant to this section shall be guilty of an offence and shall be liable to a penalty not exceeding \$1 000.

23. Bees to be kept in frame hive. (1) A person shall not keep bees or allow bees to be kept in an apiary or in or on any premises or place except in a frame hive provided that honey supers containing fixed comb used exclusively for the storage of nectar and honey may be used in hives where the queen bee is excluded from entry to that super of fixed combs.

(2) When bees are kept by a person in or on any premises or place contrary to this section, the occupier or owner of the premises or place shall be deemed to allow such bees to be so kept.

(3) This section shall not extend or apply to feral bees in their natural habitat.

24. Inspector may order replacement of hive. (1) In the event of a hive being or becoming in such a condition that it cannot readily be handled for inspection, or is otherwise unsuitable for the keeping of bees, an inspector may order the beekeeper to repair or replace the hive in the manner specified in that order and within the time specified in the order.

(2) The person to whom the order is directed shall within the time specified therein carry out the directions contained in that order.

25. Power of inspector upon failure to comply with order. (1) If at the expiration of the specified time an inspector finds that the directions contained in an order made pursuant to section 24 (1) have not been complied with to his satisfaction, he may cause the bees to be transferred to another hive, and, if he thinks fit, may cause the hive in question to be destroyed.

(2) All costs, charges and expenses associated with the transfer of bees, the destruction of hives, or the supply of alternate hives under this section shall be recoverable by the Director-General from the person to whom the order under section 24 was directed and any such costs, charges and expenses together with interest at the prescribed rate shall be recoverable from that person in a summary way under the *Justices Act 1886-1980* or by action as for a debt due to the Crown.

26. Abandoned bees. (1) Where an inspector is satisfied on reasonable grounds that any bees, hives, bee products and appliances on or in any place or premises are abandoned or are neglected he may, where the owner of the apiary is able to be contacted, order the beekeeper in question to take within a specified time such measures as in the opinion of the inspector are necessary to put into order or to dispose of those bees, hives, bee products and appliances.

(2) If the beekeeper fails to comply with that order within the time specified in that order or if after reasonable investigation the inspector is unable to locate the owner of the bees he may, with the prior approval of the Director-General, seize or otherwise dispose of the bees, hives, bee products and appliances in accordance with any such approval.

(3) Where any bees, hives, bee products and appliances are seized under this section the property therein shall pass direct to the Minister who may dispose of them in any manner he sees fit.

PART IV—PREVENTION, CONTROL AND RESTRICTION OF DISEASES AFFECTING BEES

27. Beekeeper shall notify disease. (1) Subject to subsection (2), when a beekeeper is aware of or suspects the existence of a disease in bees, hives or bee products, he shall within forty-eight hours after the time when he first becomes aware of or suspects the existence of the disease, give notice thereof to the nearest inspector or honorary inspector.

- (2) The Governor in Council may by Order in Council declare that—
- (a) notification pursuant to subsection (1) is not required in respect of a certain disease or of certain diseases of bees, hives or bee products; or
 - (b) in certain specified circumstances it is lawful for a particular disease or diseases not to be notified.

28. Provision as to disease. A beekeeper shall not—

- (a) keep, or allow to be kept, in or upon any premises or place any bees, hives, bee products and appliances which are affected by a disease without giving notice in accordance with section 27 of this Act;
- (b) remove, sell, give away, or otherwise deal with any bees, hives, bee products and appliances from an apiary affected by or liable to spread a disease except to dispose of such bees, hives, bee products and appliances in a manner approved by an inspector; or
- (c) fail to comply with an order issued by an inspector.

29. Power of inspector to order hives, etc., to be treated. (1) If an inspector upon inspection finds that any bees, hives, bee products and appliances are in his opinion affected by a disease or liable to spread disease, he may order the beekeeper concerned to cleanse, disinfect, isolate or otherwise treat the bees, hives, bee products and appliances in such manner and within such period as he directs in the order, and the beekeeper shall cause such bees, hives, bee products and appliances to be treated accordingly.

(2) If at the expiration of the period directed in the order issued pursuant to subsection (1), the bees, hives, bee products and appliances are not treated in the manner directed, an inspector may cause the same to be treated at the expense of the beekeeper concerned, and any costs, charges and expenses associated with that treatment together with interest at the prescribed rate shall be recoverable from the beekeeper concerned in a summary way under the *Justices Act 1886-1980* or by action as for a debt due to the Crown.

30. Power of Director-General to order destruction of bees. (1) If at any time an inspector certifies in writing to the Director-General that any bees, hives, bee products or appliances are affected by a disease and in his opinion are a source of danger to other bees and ought to be destroyed, the Director-General may make or cause to be made an order directing the beekeeper concerned to destroy within such time and in such a manner as may be specified therein the bees, hives, bee products or appliances.

(2) A beekeeper to whom an order pursuant to subsection (1) is directed shall, within the period and in the manner specified therein, destroy the bees, hives, bee products or appliances.

(3) If at the expiration of the period as is so directed after the service of the order upon the beekeeper, the bees, hives, bee products or appliances concerned are not destroyed in the manner required, an inspector so directed by the Director-General may so destroy or cause to be so destroyed the bees, hives, bee products or appliances.

(4) Any costs, charges and expenses associated with such destruction shall be an expense against the beekeeper to whom the order was directed and any such costs, charges and expenses together with interest at the prescribed rate shall be recoverable from the beekeeper concerned in a summary way under the *Justices Act 1886-1980* or by action as for a debt due to the Crown.

31. Restriction of introduction into Queensland of bees, etc. (1) Except as otherwise expressly provided, a person shall not introduce or cause to be introduced into Queensland from any other State or Territory of the Commonwealth or from any other place any bees, hives, bee products or appliances unless the same shall be accompanied by a certificate in writing as prescribed from an approved officer of the Department of Agriculture, or the equivalent officer, in the State or Territory of the Commonwealth or other place from which those bees, hives, bee products or appliances were introduced, certifying that the same are free of disease and have not been in an area where any of the prescribed diseases exist.

(2) Notwithstanding the existence of any certificate pursuant to subsection (1), the Director-General may prohibit the introduction into the State of any bees, hives, bee products or appliances in respect of which an inspector certifies in writing that the same are affected by disease.

(3) An inspector may detain and open any package containing or which is suspected of containing bees, hives, bee products or appliances, or may detain bees, hives, bee products or appliances, being or suspected of being introduced into the State in contravention of this section, and may inspect or cause to have examined or analysed any such package, bees, hives, bee products or appliances and may otherwise take any action in connexion therewith in accordance with this Act.

(4) Notwithstanding the provisions of section 38, a person shall not be entitled to sue for or recover any compensation, damages, or other moneys whatsoever in consequence of any expenses, loss, damage or destruction incurred in consequence of any measures so taken with respect to the introduction or attempted introduction of any bees, hives, bee products or appliances, whether such bees, hives, bee products or appliances were accompanied by a certificate or not.

(5) The Governor in Council may by Order in Council published in the Gazette declare that the provisions of subsection (1) shall not apply in respect of the entry of queen bees and escorts, bees, hives, bee products and appliances into the State, and those provisions shall not apply from the date of that publication.

(6) The Order in Council pursuant to subsection (5) may prescribe specific conditions for the entry of queen bees and escorts, bees, hives, bee products and appliances into the State, and may set out the terms and conditions and the period of time during which the exception pursuant to subsection (5) shall apply.

(7) (a) A person who introduces or causes to be introduced queen bees and escorts or queen-cells into the State from another State or Territory of the Commonwealth or from any other place shall, within seven days after the end of each month, lodge with the Director-General a return containing the prescribed particulars, which return shall be in lieu of a certificate pursuant to subsection (1).

(b) The Director-General may by writing, request any beekeeper to furnish him, within a time to be specified in the request, with a list showing the names and addresses in full of all persons to whom the beekeeper has supplied queen bees during the period specified in the request.

(c) A beekeeper who fails to lodge a return or furnish a list within the required time, or who lodges a return or furnishes a list which is false in a material particular, shall be guilty of an offence.

(8) (a) Where the owner or person in charge of any bees, hives, bee products or appliances introduced into the State from another State or Territory of the Commonwealth or from any other place has contravened the provisions of this Act, by failing to deliver to an inspector the prescribed certificates, or in any other way, in relation to their introduction into this State, that owner or the person in charge shall, within seven days or such further time as the Director-General in special circumstances allows, after service upon him of a notice in writing under the hand of an inspector requiring him so to do—

(i) deliver to the inspector all such certificates in relation to the bees, hives, bee products or appliances as were required by this Act to be delivered upon their introduction into the State and were not so delivered, or such other certificates in substitution therefor as the Director-General may require, and in addition to any such certificates such further certificates as the Director-General may require; or

(ii) give an undertaking in writing to the satisfaction of the Director-General for the removal of the bees, hives, bee products or appliances out of the State or for their disposal otherwise.

(b) If the owner or person in charge—

(i) being so required fails to comply with the provisions of paragraph (a) by failing either to deliver the specified certificates or to give an undertaking; or

(ii) having given an undertaking as specified in subsection (8) (a) (ii), fails to comply in every respect with the terms of that undertaking,

the Director-General may by order in writing direct the seizure or destruction of the bees, hives, bee products or appliances in question.

(c) (i) An order made or given under subsection (b) directing the destruction of any bees, hives, bee products or appliances may state the manner in which, the time within which, and the person by whom they shall be destroyed, and for that purpose may direct either that they be destroyed by or under the supervision of the person named in the order, on the site upon which they were found or that destruction occur at the time and place specified in the order by a person named in the order for destruction.

(ii) An order made or given under subsection (b) directing the seizure of any bees, hives, bee products or appliances may state the manner in which, the time within which, and the person by whom the bees, hives, bee products or appliances shall be seized and for that purpose may direct the place to which the seized bees, hives, bee products or appliances are to be moved.

(d) (i) A notice given under subsection (a) and an order made or given under subsection (b) shall be served on the owner of the bees, hives, bee products or appliances in question.

(ii) If the owner is not present then the notice shall be served on the occupier of the place or premises in or upon which the bees, hives, bee products or appliances are found.

(iii) If neither the owner nor the occupier is present at the place or premises, the notice shall be served on the person apparently in charge thereof.

(iv) Service of the notice or order pursuant to this subsection upon the occupier or person apparently in charge of the place or premises shall be deemed to be sufficient service upon the owner.

(e) An owner or person apparently in charge of bees, hives, bee products or appliances or any occupier or person apparently in charge of any premises or place, who contravenes or fails to comply in any respect with the requirements of an order of the Director-General under subsection (b) shall be guilty of an offence and shall be liable to a penalty not exceeding \$2 000.

(f) Upon a failure in any respect to comply with the requirements of an order made or given under subsection (b), and without prejudice to any proceedings which may be taken upon that failure, the Director-General may, after the expiration of seven days from the date of the failure, direct in writing an inspector to enter upon the premises or place to which the order relates and destroy or cause to be destroyed the bees, hives, bee products or appliances specified in the order, and for the purposes of such destruction the inspector may, if he thinks fit, remove or cause them to be removed to any other place.

(g) Any expenses incurred by the Director-General in pursuance of an order under subsection (b), or by an inspector in pursuance of a direction under subsection (f), shall be recoverable together with interest at the prescribed rate from the owner of the bees, hives, bee products or appliances in question in a summary way under the *Justices Act 1886-1980* or by action as for a debt due to the Crown.

(9) A person introducing or attempting to introduce, or aiding or being concerned in the introduction of bees, hives, bee products or appliances contrary to this section shall be guilty of an offence and liable to a penalty not exceeding \$2 000.

32. Prohibition of the importation of bees. (1) The Governor may from time to time by Order in Council published in the Gazette prohibit the importation, introduction or bringing into the State or into any specified part thereof, either generally or from any other State, Territory or place, or the bringing into one part of the State from any other part of the State, of any bees, hives, bee products or appliances or other things of any kind whatsoever which in his opinion are likely to introduce any disease of bees into the State or into any specified part thereof, as the case may be, or are likely to spread such disease.

(2) The prohibition pursuant to subsection (1) may be absolute or conditional.

(3) The Governor in Council may at any time revoke, vary or amend an Order in Council made pursuant to subsection (1).

(4) A person who contravenes or fails to comply with the provisions of an Order in Council made pursuant to subsection (1) shall be liable to a penalty not exceeding \$2 000.

(5) An inspector may seize and detain any bees, hives, bee products or appliances in respect of which a contravention or failure to comply pursuant to the Order under subsection (1) occurs and those bees, hives, bee products or appliances, may be destroyed or otherwise disposed of as the Minister may direct.

33. Quarantine. (1) An inspector, on being satisfied on reasonable grounds that a disease of bees is or is suspected of being present in an area of the State, may define the boundaries of the area in question and declare the area a quarantine area by—

(a) issuing a notification in writing signed by him stating that the area is a quarantine area; and

(b) either—

(i) serving a copy of the notification on the owner of each apiary that is, within the knowledge of the inspector, within that area; or

(ii) publishing a copy of the notification in the Gazette; or

(iii) publishing a copy of the notification in a newspaper circulating not less than once a week in the quarantine area.

(2) A quarantine declared by an inspector pursuant to subsection (1) shall continue—

(a) for a period not exceeding 28 days; or

(b) until the quarantine has been released by the Director-General by notification published in the Gazette,

whichever is the first to occur.

(3) The Director-General, on being satisfied on reasonable grounds that a disease of bees is or is suspected of being present in an area, may define the boundaries of the area in question and declare the area a quarantine area by—

- (a) issuing a notification in writing signed by him stating that area is a quarantine area; and
- (b) either—
 - (i) serving a copy of the notification on the owner of each apiary that is, within the knowledge of the Director-General, within that area; or
 - (ii) publishing a copy of the notification in the Gazette; or
 - (iii) publishing a copy of the notification in a newspaper circulating not less than once a week in the quarantine area.

(4) A quarantine declared by the Director-General pursuant to subsection (3) shall continue until it has been released by the Director-General by notification published in the Gazette.

(5) The Director-General or, in the case of a quarantine declared by an inspector, the inspector, at his discretion—

- (a) may determine the nature of the quarantine to be imposed in the quarantine area; and
- (b) may by notification, either in the notification declaring the quarantine or in a subsequent notification, in writing signed by him given to the owner of each apiary, within the knowledge of the Director-General or the inspector as the case may be, within the area, order—
 - (i) that no bees, hives, bee products and appliances, or any combination of them or other thing be removed from or introduced into the quarantine area during such period as he shall specify; and
 - (ii) that such other terms and conditions as he shall specify be complied with to his satisfaction.

(6) The duties and obligations and any course of action to be taken by a beekeeper in any such quarantine shall be as is prescribed or, so far as not prescribed, as may be directed by the Director-General, or in the case of a quarantine area declared by an inspector, as may be directed by the inspector.

(7) A person who—

- (a) removes or causes to be removed or assists or in any way is concerned in removing bees, hives, bee products or appliances into or beyond a quarantine area unless authorized by the Director-General or by an inspector; or
- (b) contravenes or fails to comply with an order issued by the Director-General or by an inspector pursuant to subsection (5); or

(c) fails to carry out, fulfill or comply with any duty, obligation, or direction pursuant to the provisions of subsection (6), shall be guilty of an offence against this Act and liable to a penalty not exceeding \$2 000.

(8) If the Director-General is of the opinion that it is necessary for the purpose of providing bee forage for a quarantine area, he may alter the boundaries of the quarantine area subject to such conditions as he sees fit.

(9) A quarantine area may be so declared in an area associated with or contiguous to an area affected by disease or suspected of being affected by disease, notwithstanding that in such area there is an absence of any disease.

(10) The Department of Primary Industries at—

- (a) Meiers Road, Indooroopilly, Brisbane;
- (b) Hermitage Research Station, Swan Creek Road, Warwick;
- (c) Fitzroy Street, Warwick; and
- (d) such other places as the Minister may appoint by notification published in the Gazette,

shall be quarantine areas.

Within those quarantine areas bees, hives, bee products and appliances affected by or liable to be affected by a disease may be kept, stored, isolated, treated, examined and investigated at the discretion of the Director, Division of Plant Industry.

(11) The Minister may from time to time appoint such other places and premises as he shall deem necessary to be quarantine areas for the purposes of this Act.

Such appointment shall be published in the Gazette and shall be judicially noticed.

PART V—GENERAL

34. Obstruction. A person shall not—

- (a) assault, threaten, intimidate, obstruct or impede an inspector or honorary inspector or other person in the execution of any of the powers conferred by this Act; or
- (b) disobey or neglect or fail to comply with an order, direction, declaration, notification or prohibition made or given pursuant to this Act.

35. Offence by owner or occupier of premises etc. An owner or occupier of any premises or place shall not permit or allow any bees, hives, bee products or appliances to be kept in or upon such premises or place at any time when he knows that any provision of this Act is being contravened or not complied with in respect of such keeping.

36. No inspector shall be liable for damage in carrying out the provisions of this Act. An inspector, or a person acting under the direction or order of an inspector or honorary inspector, or of the Minister or Director-General shall be deemed not to be a trespasser by reason of any entry or removal or destruction pursuant to this Act, and shall not be liable for any damage occasioned in carrying out the provisions of this Act, unless the damage was occasioned wilfully and maliciously and without reasonable cause.

37. Protection of Crown, Minister and officers. Liability at law shall not attach to the Crown, the Minister, Director-General, Director, Division of Plant Industry, an inspector, an honorary inspector or any person acting in aid of an inspector on account of any thing done for the purposes of this Act or done in good faith and purporting to be done for the purposes of this Act.

38. Limit of right to compensation. (1) A person shall not be entitled to sue for or recover any damages or compensation whatsoever in consequence of any measures taken—

- (a) for the removal of any bees, hives, bee products or appliances, or portions or samples of bee products removed or ordered or caused to be removed or seized under this Act; or
- (b) for the purpose of eradicating any disease or the destruction of any bees, hives, bee products or appliances ordered to be destroyed under this Act,

in respect of any damage that may result to him therefrom either directly or indirectly unless the same was occasioned wilfully and maliciously and without reasonable cause.

(2) Proof that any such damage was occasioned wilfully and maliciously and without reasonable cause by an inspector, an honorary inspector or a person acting under the direction or order of an inspector or honorary inspector, or of the Minister or Director-General shall lie on the person making any claim in respect of any such damage.

39. Recovery of costs, charges and expenses. (1) The amount of any costs, charges and expenses, together with interest at the prescribed rate, incurred by an inspector in the course of taking such measures as are provided by this Act in respect of any bees, hives, bee products and appliances shall, whether or not proceedings have been instituted for the recovery of a penalty, be recoverable from the beekeeper, owner, agent, or person in charge thereof.

(2) Any such amount may be recovered in a summary way under the *Justices Act 1886-1980* or by action as for a debt due to the Crown.

40. Offences. (1) A person who contravenes or fails to comply with any provision of this Act or any order or requisition made pursuant to this Act shall be guilty of an offence against this Act.

(2) Any person guilty of an offence against this Act shall be liable, if no specific penalty is provided for the offence, to a penalty not exceeding \$500.

(3) All offences against this Act may be prosecuted in a summary way under the *Justices Act 1886-1980* upon the complaint of an inspector or of any person authorized by the Minister or the Director-General.

41. Service of notice. Any direction, notice, order, process or other document under this Act required or authorized to be given or served to or upon any person for which no manner of service is specifically provided by this Act, may be served—

- (a) by delivering the same to that person;
- (b) by leaving the same at his usual or last known place of residence or business; or
- (c) by forwarding the same by post addressed to that person at his usual or last known place of residence or business.

(2) Any such document required to be given to or served on the owner or occupier of any land may, if the name of the owner or occupier is not known, be addressed to him by the description of the "owner" or "occupier", together with the number (if any) and address or other description of the land in question, without further name or description.

(3) Any such document, if addressed to the owner or occupier of land, may be served by delivering the same or a true copy thereof to some person on the land or, if there is no person on the land who can be so served, by fixing the same on some conspicuous part of the land.

42. Court may proceed ex parte. The justices or court of competent jurisdiction may, if satisfied that there is no occupier of any land and that the owner thereof is absent from Queensland or is unknown, proceed to hear and adjudicate upon any complaint or proceedings for the recovery of moneys pursuant to this Act in respect thereof *ex parte*, and in such case the costs, charges and expenses of any such proceedings ordered to be paid by the defendant shall until paid be and remain a charge on such land and payable by the owner thereof for the time being.

43. Evidence. In any proceedings for an alleged offence against this Act it shall not be necessary to prove the appointment of any inspector or other authorized person, or the authority of any inspector or other authorized person, to do any act or to give any direction or issue or serve any notice or to take any proceedings in the absence of evidence to the contrary.

44. Proof of order. (1) The production of any order, certificate, declaration, direction, notification, authority or permission purporting to be signed by the Minister, Director-General or Director, Division

of Plant Industry, or by an inspector shall, in the absence of evidence to the contrary, be conclusive evidence of the due making or granting of such order, certificate, declaration, direction, notification, authority, or permission, as the case may be, and that it was duly signed by the person by whom it purports to be signed.

A writing certified by any such person to be a true copy of or true extract from any such document shall be receivable in evidence to the same extent as the original and shall for the purposes be prima facie evidence of the original of which it purports to be a copy or extract.

(2) The production of a certificate purporting to be signed by an inspector or of any certified copy thereof that any costs, charges, or expenses of an amount stated have been incurred by such inspector under or for the purposes of this Act shall be evidence, and in the absence of evidence to the contrary, conclusive evidence, that those costs, charges or expenses were duly incurred and that the amount thereof so stated is the correct amount.

45. Certificates by Director-General. (1) In any proceedings under this Act a certificate signed by the Director-General that any premises, place, apiary or apiary site is situated within the State shall be evidence, and in the absence of evidence to the contrary conclusive evidence, that such premises or place, apiary or apiary site is situated within the State.

(2) A certificate by the Director-General in the prescribed form or to the like effect that a particular notice has or has not been received by him, that a person is or is not a registered beekeeper, that a person is or is not the holder of a permit pursuant to the provisions of this Act, that the keeping of bees or the establishment of an apiary upon an apiary site has been prohibited, that an apiary is situated on an apiary site specified in such certificate or that an area has been declared a quarantine area shall be evidence and in the absence of evidence to the contrary conclusive evidence of the facts so certified.

(3) All courts, judges, justices, and persons acting judicially shall take judicial notice of the signature of the Director-General to any certificate issued under this section.

46. Regulations. The Governor in Council may from time to time make regulations providing for all or any purposes whether general or to meet particular cases, that may be convenient for the administration of this Act, or that may be necessary or expedient to carry out the objects and purposes of this Act, and, where there may be in this Act no provision or not sufficient provision in respect of any matter or thing necessary or expedient to give effect to this Act, providing for and supplying such omission or insufficiency and, without limiting the generality of the foregoing provisions, by such regulations provision may be made for all or any of the purposes enumerated in the Schedule to this Act.

47. Power of delegation. (1) The Minister or the Director-General may, either generally or otherwise as provided by the instrument of delegation, by writing signed by him delegate—

(a) to any person; or

(b) to the holder of an office specifying its title but not the name of the holder for the time being,

all or any of his powers, authorities, functions or duties under this Act except this power of delegation.

(2) A power, authority, function or duty so delegated, if exercised or performed by the delegate, shall be exercised or performed in accordance with the instrument of delegation.

(3) A delegation may be made subject to such terms or limitations as the Minister or Director-General thinks fit including a requirement that the delegate shall report to him upon the exercise or performance of the delegated power, authority, function or duty.

(4) The Minister or as the case may be the Director-General may make such and so many delegations of the same power, authority, function or duty to such number of persons or holders of office as he considers necessary or desirable.

(5) The exercise of a power or authority or the performance of a function or duty by the Minister or the Director-General is not prevented, by a delegation, which may be revoked.

FIRST SCHEDULE

(s. 46)

SUBJECT MATTER FOR REGULATIONS

1. Quarantine. Prescribing quarantine and the nature thereof and all matters and things regarding quarantine in any quarantine area provided, appointed or declared under this Act and the administration thereof including the mode of declaration and release of a quarantine area, the matter of appointment of places of entry and quarantine, the duties and obligations or course of action to be taken by beekeepers within a quarantine area, the duties and powers of an inspector for the purpose of quarantine, and generally any matter or thing necessary, expedient or convenient to give full effect to quarantine.

2. Control of diseases. Prescribing matters relating to the control of disease including the approval of steps to cure or eradicate disease and the manner of disposal of bees, hives, bee products and appliances from an apiary affected by or liable to spread disease.

3. Carriage, etc., of bees, etc. Prohibiting or regulating the sending or carriage of bees, hives, bee products and appliances either infected or suspected of being infected with disease and likely to spread disease into or within the State.

4. Introduction of bees, etc. Prohibiting the introduction of bees, hives, bee products and appliances into the State at any place other than a named place of entry.

5. Registration. The application, registration and renewal of registration of registered beekeepers.

6. Permission to introduce. The application and permission for introducing into the State of bees, hives, bee products and appliances.

7. Inspection and location. Securing the efficient inspection of apiaries and classification and recording of apiaries and the satisfactory location of apiary sites including distances apart of apiary sites in accordance with this Act.

8. Classes of apiaries. Prescribing classes of apiaries and the conditions relating to such apiaries and the classification and sites thereof.

9. Construction of apiaries etc. The making of apiaries and marking or branding of hives with registered marks or brands, or the name, address and phone number of the owner of the apiary.

10. Duties and obligations. Defining the duties and obligations of beekeepers under this Act.

11. General. All matters or things required or permitted by this Act to be prescribed.

12. Permits etc. The issue, renewal or refusal of any permit or certificate, the form of any permit, certificate or notice, or any form under this Act and the particulars and information to be contained in any such permit, certificate, notice or form.

13. Orders. The issue of any order, the form of the order and the particulars required.

14. Statistics. Prescribing returns of statistics or information and the contents thereof to be furnished to the Minister or Director-General or any officer by any person (whether a beekeeper or not) and the time and mode of making and furnishing the same.

15. Rates of interest. Prescribing rates of interest on costs, charges and expenses incurred under this Act.

16. Notifications. Prescribing the manner of giving notifications under this Act.

17. Fees. Fees, charges, allowances, costs and expenses payable under this Act and the fixing thereof and matters and things in respect of which they are payable or to be paid, and methods of collection, manner, time and place of payment.

18. Seizure. Prescribing and regulating the seizure, detention and disposal of any bees, hives, bee products and appliances, carried, travelled, kept or otherwise dealt with contrary to this Act and imposing upon the owner the expenses connected with the seizure, detention and disposal thereof and of the determining of any charge associated therewith.