

Queensland



Subordinate Legislation 1998 No. 136

Apiaries Act 1982

APIARIES REGULATION 1998

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PART 1—PRELIMINARY

Short title

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

Definitions

2. In this regulation—
“**appellant**” see section 18.
“**decision maker**” see section 18.
“**disease**” means a disease declared under section 3.
“**introduce**” means to introduce, or cause to introduce, into the State.

Declaration of diseases

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

PART 2—REGULATION AND CONTROL OF BEEKEEPING

Division 1—Exclusions

Exclusion of parts of State

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

¹ Section 2 (Definitions) of the Act

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

Division 2—Classifying apiaries

Classifying class C or D apiaries

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

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

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

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

Apiary class A, B or C certificates

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

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

Cancelling certificates

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

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

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

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

Reclassification

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

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

Division 3—Hive marking

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

9.(1) For section 17(1)⁷ of the Act, an apiary's registered mark or number must be marked or branded—

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

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

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

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

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

⁶ Section 11 (Classification of apiaries) of the Act

⁷ Section 17 (Marking of hives) of the Act

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 9⁸ of the Act—the permit number.

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

Maintenance of marks or brand or notice

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

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

PART 3—DISEASE PREVENTION, CONTROL AND RESTRICTION

Division 1—Notifiable diseases

Diseases for which notice not required

12. Notice under section 23(1)⁹ of the of Act is not required for a disease stated in schedule 3.

⁸ Section 9 (Permit required for bringing bees into Queensland) of the Act

⁹ Section 23 (Beekeeper shall notify disease) of the Act

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

13. The following are the prescribed particulars for a return under section 27(6)¹⁰ 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.

General conditions

14. A person must not introduce queen bees and escorts or queen cells if—

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

¹⁰ Section 27 (Restriction of introduction into Queensland of bees etc.) of the Act

Additional conditions for introducing from Tasmania

15.(1) A person may only introduce queen bees and escorts or queen cells from Tasmania if—

- (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)¹¹ 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.¹²

(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—

¹¹ Section 5 (Powers of inspector) of the Act
Section 26 (Power of the chief executive to order destruction of bees) of the Act

¹² The *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.

- (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.

Division 3—Infected matter

Direction to move to quarantine

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

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

Permit to move for certain infections

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

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

PART 4—APPEALS

Appeals against certain decisions

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

- (a) for a decision by the chief executive under section 6, 7 or 8—the owner or beekeeper of the apiary to which the decision relates;
- (b) for a decision by 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.¹³

How to start appeal

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

¹³ 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)

- (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.

Stay of operation of decisions

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

(2) A stay—

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

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

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

Hearing procedures

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

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

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

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

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

Powers of court on appeal

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

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

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

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

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

Appeal to District Court on questions of law only

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

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

PART 5—MISCELLANEOUS

Prescribed interest rate

24. For section 35¹⁴ of the Act, the prescribed interest rate is 5% per annum.

¹⁴ Section 35 (Recovery of costs, charges and expenses) of the Act

Registration fee

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

PART 6—TRANSITIONAL AND REPEAL**Inspector's orders**

26.(1) This section applies if—

- (a) an order by an inspector under the *Apiaries Regulation 1983*, section 17 has been given to a person in charge of a bee, hive, bee product or an appliance; and
- (b) the order is in effect immediately before this regulation commences.

(2) The order is taken to be a direction given to the person under section 16(2).¹⁵

Repeal

27. The *Apiaries Regulation 1983* is repealed.

Expiry of pt 5

28. This part expires the day after it commences.

¹⁵ *Apiaries Regulation 1983*, section 17 (Inspector may order bees to be removed to quarantine)
Section 16 (Direction to move to quarantine)

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 virus¹⁶

chronic bee paralysis virus

Kashmir bee virus

sacbrood virus

slow bee paralysis virus

¹⁶ The viruses in part 2 (Viruses) have no scientific name.

SCHEDULE 1 (continued)

PART 3—PARASITES

acarine mite (*Acarapis woodii*)
asian mite (*Tropilaelaps clareae*)
bee louse (*Braula coeca*)
varroa mite (*Varroa jacobsonii*)

PART 4—PESTS

larger wax moth (*Galleria mellonella*)
lesser wax moth (*Achroia grisella*)

SCHEDULE 2**PARTS OF STATE EXCLUDED**

section 4

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

SCHEDULE 3

DISEASES FOR WHICH NOTICE NOT REQUIRED

sections 12 and 14(c)

acute bee paralysis virus (no scientific name)
chalk brood (*Ascosphaera apis*)
chronic bee paralysis virus (no scientific name)
European foulbrood (*Melissococcus pluton*)
Kashmir bee virus (no scientific name)
larger wax moth (*Galleria mellonella*)
lesser wax moth (*Achroia grisella*)
nosema (*Nosema apis*)
sacbrood virus (no scientific name)
slow bee paralysis virus (no scientific name)

ENDNOTES

1. Made by the Governor in Council on 14 May 1998.
2. Notified in the gazette on 15 May 1998.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Primary Industries, Fisheries and Forestry.