

BEEKEEPERS.

12° Elizabeth II., No. IV.

No. 4 of 1963.

AN ACT to make better provision for the eradication of Diseases and Pests among Bees, the orderly conduct of the industry, and for the improvement of the products of beekeeping.

[Assented to 3rd October, 1963.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Beekeepers Act*, Short title and citation.
1963.

2. This Act shall come into operation on a day Commence-
to be fixed by proclamation. ment.

Repeal.
Schedule.

3. The Acts mentioned in the Schedule are repealed.

Interpreta-
tion.

4. In this Act, unless the context otherwise requires—

“apiary” means a hive standing alone or any two or more hives standing in a group;

“apiary site” means the place occupied by an apiary;

“appliances” means equipment used in the normal course of beekeeping;

“approved” means approved by the Senior Apiculturist;

“beekeeper” means a person who owns, or has the charge, care or possession of, bees or any hive that contains, or has contained, bees;

“brand” means the permanent impression of any letter, sign or character made upon a hive;

“destroy” means complete consumption by fire in a pit followed by burying at a depth of not less than one foot underground;

“Director” means the person holding the office of Director of Agriculture in the Department of Agriculture;

“disease” means any infectious disease to which bees are subject and includes any parasite of bees;

“inspector” means a person appointed an inspector under the provisions of this Act;

“pests” means the Greater Wax Moth (*Galleria mellonella*), the Lesser Wax Moth (*Achroia grisella*) and such other animal, bird or insect as may from time to time be declared to be pests, under section twenty-five of this Act;

“Registrar” means the Registrar of Brands appointed under the Brands Act, 1904;

“Senior Apiculturist” means the officer in charge of the branch of the Department of Agriculture known as the Apicultural Branch, and includes any person for the time being discharging the duties of the office of Senior Apiculturist.

5. The Governor may appoint such inspectors as he considers necessary to carry out the provisions of this Act.

Appoint-
ment of
Inspectors.

6. An inspector may, at any time, enter and inspect any apiary, beekeeping store, honey extracting plant, honey packing plant or beeswax rendering plant, or any premises he reasonably believes is being used for any of those purposes, and may there examine, or remove for examination, any bees, combs, honey, wax, hives, appliances or any other articles used on, or in connection with, those premises.

Inspectors
may enter
apiary and
plant.

7. Except where, and to the extent that, the Bee Industry Compensation Act, 1953, otherwise provides, a beekeeper is not entitled to receive compensation by reason of any measures taken pursuant to the provisions of this Act.

Compensa-
tion limited.

8. (1) Every person shall, within fourteen days after becoming a beekeeper, apply to be registered as such.

Registration
of bee-
keepers.

(2) Every beekeeper shall, on or before the thirty-first day of December of every year, apply for the renewal of his registration as a beekeeper, and a beekeeper who fails to register, or to renew his registration, as a beekeeper commits an offence.

(3) Every application for registration, or renewal of registration, as a beekeeper shall be made to the Director, in the prescribed manner, and shall be accompanied by the prescribed fee.

(4) The Director shall issue to every registered beekeeper a certificate of registration in the prescribed form.

Branding of
hives.

9. (1) Every hive owned by a beekeeper shall be branded with a registered brand.

(2) Every application for a registered brand shall be made to the Registrar, in the prescribed manner, and shall be accompanied by the prescribed fee.

(3) The Registrar shall issue a certificate of registration for such brand in the prescribed form.

Establish-
ment or
movement
of apiaries.

10. Every beekeeper who establishes a new apiary or who removes an apiary or part of an apiary from its site to any other site shall, if so required by the Senior Apiculturist, notify him within fourteen days of the establishment of the new apiary or of the removal of the apiary or part of the apiary to another site.

Sale, lease,
exchange or
disposal of
apiaries.

11. A beekeeper shall, within fourteen days after leasing, selling, exchanging or otherwise disposing of an apiary, or part of an apiary, owned by him, notify the Senior Apiculturist in writing of that lease, sale, exchange or disposal.

Imports
require
health
certificate.

12. A person shall not introduce any bees, combs, used hives, honey, or used appliances into the State from any other part, or a territory, of the Commonwealth, except such as are accompanied by the prescribed certificate.

Beekeepers
to report
disease.

13. Every beekeeper, on learning of the occurrence of any disease in his apiary, shall forthwith report that occurrence in writing, to the Senior Apiculturist or to an inspector, and shall forthwith take the prescribed steps for the eradication of, and for the prevention of the spread of, the disease.

14. Every beekeeper, on learning of the existence of any pests in his apiary, store or premises, shall forthwith take the prescribed steps for the eradication of, and the prevention of the spread of, the pest.

Beekeepers
to eradicate
pests.

15. (1) A person shall not keep any bees, combs, honey, beeswax, hives or appliances infected by, or liable to spread, disease or pests, unless he takes the prescribed steps to cure or eradicate the disease or eradicate pests.

Restrictions
on the
keeping, or
disposal of,
infected
materials.

(2) A person shall not dispose of any bees, combs, honey, beeswax, hives or appliances from an apiary infected by, or liable to spread, disease or pests, except in the prescribed manner.

16. (1) An inspector may, on finding any bees, combs, honey, wax, hives, appliances or any other articles used in connection therewith to be infected by disease or pests, direct the beekeeper forthwith to take such measures as the inspector considers necessary to eradicate the disease or pests or to destroy the bees, materials and articles so infected.

Inspector
may order
destruction
or disinfection.

(2) Any direction given under this section shall be confirmed by the inspector, in writing.

(3) Where a person fails to give effect to any direction given by an inspector under this section, that direction may be given effect to by the inspector, at the expense of the owner; and the amount of any expense so incurred may be recovered in any court of competent jurisdiction by, and in the name of, the inspector.

17. An inspector, on finding evidence of the presence of disease in an apiary, or having reasonable grounds to suspect the presence of disease, shall, by notice in writing to the beekeeper in the prescribed form, order the apiary to be, and remain, in quarantine; and a person shall not during the

Inspector
to order
quarantine.

currency of the quarantine, remove any bees, combs, honey, wax, hives or appliances from that apiary, except under the authority of an inspector.

Prevention
of robbing.

18. A person shall not expose used hives, combs or honey in such a manner as may attract bees to rob from the hives, combs or honey; but nothing in this section prevents the exposure in an apiary of hives containing dry combs not containing honey, for the purpose of attracting, and catching, swarms of bees.

Protection
against
wax moth.

19. A person shall not store combs, cappings, or beeswax in such a manner as to attract pests to breed and develop therein.

Hives to be
of type
prescribed.

20. (1) A beekeeper shall not keep bees in a hive of any kind other than such as is prescribed.

(2) An inspector finding bees in a hive of a kind other than such as is prescribed, may by notice in writing direct the beekeeper to transfer the bees to a hive of the prescribed kind, within a time specified in the notice.

(3) Where a beekeeper fails to give effect to any direction given by an inspector under this section, that direction may be given effect to by the inspector, at the expense of the beekeeper; and the amount of any expense so incurred may be recovered in any court of competent jurisdiction by, and in the name of, the inspector.

Bees not
to cause
nuisance.

21. A person shall not keep bees, or transport them, in such a manner as to cause a nuisance to any other person.

Water to be
provided.

22. Unless water is available from natural sources, every beekeeper shall provide a good and sufficient supply of water on every apiary site in such a manner as to be readily accessible to the bees on that site.

23. (1) Where a beekeeper keeps an apiary—

Order to
move apiary.

- (a) on any site where the keeping of bees is harmful to the process of drying fruits; or
- (b) on any site to the detriment or nuisance of the public,

an inspector may order him to remove the apiary to a site approved by the inspector.

(2) Where a person fails to comply with an order of an inspector to remove an apiary to an approved site, the Senior Apiculturist may, by authority in writing, authorise an inspector to remove the apiary to an approved site at the expense of that person; and the amount of any expense so incurred may be recovered from that person, in any court of competent jurisdiction by, and in the name of, the inspector.

24. Where an inspector is satisfied on reasonable grounds, that any bees or hives have been abandoned or are neglected, he may take possession of them and shall thereafter dispose of them in such manner as he may be directed by the Senior Apiculturist.

Abandoned
hives.

25. The Governor may, from time to time, by proclamation, declare any animal, bird or insect to be a pest for the purposes of this Act and may in like manner vary or cancel any proclamation so made.

Governor
may declare
pests.

26. (1) The Governor may make such regulations as he thinks fit for the carrying out and giving effect to this Act.

Regulations.

(2) Without limiting the generality of subsection (1) of this section, regulations may be made for, or in respect of,—

- (a) the duties of inspectors;

- (b) the duties and obligations of beekeepers under this Act;
- (c) the issue, manner of serving, and forms of, any application, report, direction, notice, order, permit or certificate under the provisions of this Act;
- (d) the issue, and form of, registered brands;
- (e) the fees to be paid for the purposes of this Act;
- (f) the regulation, management and control of an apiary in quarantine and the treatment and disposal of bees, combs, honey, hives or appliances whilst in quarantine or in transit thereto or therefrom;
- (g) the period of quarantine and manner of extension of the period of quarantine;
- (h) the hives to be used;
- (i) the method of securing and transporting bees;
- (j) the conditions under which honey and beeswax shall be extracted, packed and stored;
- (k) the standards of quality and grades of honey offered for sale; and
- (l) the standards of quality of beeswax offered for sale.

Immunity of persons acting in good faith.

27. Civil or criminal proceedings shall not lie against any person for any act, matter or thing done, or commanded to be done, by him and purporting to be done for the purpose of carrying out the provisions of this Act, or for any act, matter or thing omitted to be done, unless that act, matter or thing was done, commanded to be done, or omitted to be done, maliciously or without reasonable and probable cause.

Penalty.

28. Every person who fails to comply with any of the provisions of this Act, of the regulations, or of any direction or order given or made under the

provisions of this Act, or who obstructs or impedes, or attempts to obstruct or impede an inspector in the execution of his duties, or who wilfully refuses or neglects to furnish to an inspector any information required by him, relating to any apiary, bees, hives, combs, honey, beeswax or appliances, or to any store, plant, building or vehicle used in connection with beekeeping or the handling of honey and beeswax, is guilty of an offence.

Penalty: Fifty pounds.

29. A person who falsely represents himself to be, or who personates, an inspector, commits an offence. Offence of personating an inspector.

Penalty: Fifty pounds.

SCHEDULE.

s. 3.

No. of Act.	Short Title.
18 of 1930 	Bees Act, 1930.
70 of 1950 	Bees Act Amendment Act, 1950.
6 of 1957 	Bees Act Amendment Act, 1957.