

BEES.

21° GEO. V., No. XVIII.

No. 18 of 1930.

AN ACT for the prevention and eradication of contagious diseases among Bees.

[Assented to 11th December, 1930.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and 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 *Bees Act*, 1930, and shall come into operation on a day to be fixed by proclamation.

2. The Contagious Diseases (Bees) Act, 1899, is hereby repealed.

3. In this Act, subject to the context—

“Apiary” means any place where bees or beekeeper's appliances are kept;

“Beekeeper” means any person who keeps bees, or the person in charge of bees, or a person who allows bees to be kept upon any land occupied by him, or who is the owner of or has in his possession or allows to be kept on any land owned or occupied by him any appliances that have been used in connection with apiculture;

“Department” means the Department of Agriculture;

“Disease” means Foul-brood (*Bacillus larvae*, *Bacillus pluton*, or *Bacillus alvei*), Isle of Wight Disease (*Acarine disease*), Sour brood (*Streptococcus apis*), and any other diseases or pests declared by the Governor by proclamation to be diseases within the meaning of this Act;

Short title and commencement.

Repeal.

Interpretation.

“Minister” means the Minister for Agriculture;

“Officer” means any inspector or other officer appointed for the purposes of this Act. The term also includes any person acting with the authority in writing of the Director of Agriculture.

4. The Governor may appoint officers necessary to carry out the provisions of this Act.

Officers.
N.S.W., 1916, No.
24, s. 3. 3

5. Every beekeeper shall register his apiary with the Director of Agriculture.

Registration of
apiaries.

Penalty: Five pounds.

6. (1.) The Governor may by proclamation—

Proclamation of
infected areas.
Vic. 19, Geo. V.,
No. 3643, s. 4.

(a) declare any portion of the State in which any disease affecting bees exists and defined in such proclamation to be an infected area;

(b) prohibit, either absolutely or subject to regulation, the sending or bringing of bees, honey, wax, hives, beekeeper's appliances, or any other articles used in connection therewith into any infected area, or the sending or removal from an infected area into any other part of the State of bees, honey, wax, hives, beekeeper's appliances, or any other articles used in connection therewith, in the opinion of the Governor likely to spread any disease.

(2.) The Governor may at any time alter or revoke any proclamation under this section.

(3.) Every person who is guilty of any contravention of any proclamation under this section shall be guilty of an offence.

Penalty: Twenty pounds.

7. No beekeeper shall—

Infected bees, etc.,
not to be kept or
sold.

(a) keep or allow to be kept upon any land owned or occupied by him any bees, bee combs, honey, hives or beekeeper's appliances infected by or liable to spread disease without immediately taking the prescribed steps to cure or eradicate the disease; or

See N.S.W., 1916,
No. 24, s. 4, and
1917, No. 9, s. 2.

(b) sell, barter, give away, or otherwise than in the prescribed manner dispose of any bees, bee combs, honey, hives or appliances from an apiary infected by or liable to spread disease.

Beekcepers to give notice of disease. W.A., 63 Vic., No. 10, s. 2, N.S.W. 1916, No. 24, s. 5.

8. Every beekeeper in whose apiary any disease appears shall forthwith report the same in writing to the Department or to an officer, and take the prescribed steps for the eradication and prevention from spreading of the disease.

Powers of entry and inspection. W.A., 63 Vic., No. 10, s. 5. Vic. 19, Geo. V, No. 3643, s. 3. N.S.W. 1916, No. 24, s. 6.

9. (1.) Any officer may enter and inspect any apiary, and inspect any bees, bee combs, honey, wax, hives, beekeepers' appliances, or any other articles used in connection therewith.

(2.) No officer acting in the execution of this Act shall be deemed to be a trespasser by reason of any entry or removal or destruction under this Act, or be liable for any damage occasioned in carrying out the provisions of this Act, unless the damage was occasioned wilfully and without necessity.

(3.) No person shall be entitled to receive any compensation whatsoever in consequence of any measures taken for the prevention or eradication of any disease or the destruction of any bees, bee combs, honey or wax, hives, beekeeper's appliances or articles ordered to be removed or destroyed under this Act, or in respect of any damage that may result to him therefrom either directly or indirectly, unless the same was occasioned wilfully and without necessity.

Beehives, etc., liable to spread disease to be disinfected or destroyed. Vic. 19, Geo. V, No. 3643, s. 5; N.S.W. 1916, No. 24, s. 3.

10. (1.) Any officer may, on finding any bees, bee combs, honey, hives, beekeeper's appliances, or any other articles used in connection therewith to be infected with disease, direct the beekeeper forthwith to take such measures as may be necessary to cure the disease, or, if in the opinion of the officer the disease is too fully developed to be cured, he may direct the beekeeper within a specified time to destroy by fire or by other means the bees, bee combs, honey, hives, beekeeper's appliances or other articles aforesaid so affected, or such portion thereof as he may deem necessary.

(2.) If after the specified time the bees, bee combs, honey, hives, beekeeper's appliances or other articles have not been dealt with as ordered or directed, the officer may, with the approval of the Director of Agriculture, carry out the work at the beekeeper's expense.

Beehives may be prescribed. Vic. 19, Geo. V, No. 3643, s. 7.

11. (1.) No person shall in any district proclaimed under this section keep bees in any kind of beehive other than such as is prescribed.

(2.) The Governor may by proclamation declare any district defined in such proclamation to be a district proclaimed under this section, and may at any time alter or revoke any proclamation made under this section.

(3.) If in any district proclaimed under this section an officer finds any bees hived otherwise than in a prescribed beehive, he may in writing order the beekeeper to transfer such bees to a prescribed beehive within a time specified in such order. If at the expiration of such time the bees are not so transferred, he may, with the approval of the Director of Agriculture, cause such bees to be so transferred at the beekeeper's expense.

N.S.W. 1916, No. 24, s. 10.

12. (1.) If an officer when making an inspection under this Act finds that the bee combs in any hive cannot without cutting be separately and readily removed from the hive for examination, he may direct the beekeeper to readjust the hive, comb, or frame, or transfer the bees to a new hive, within a specified period. If at the expiration of such period such direction is not carried out by the beekeeper, the officer may, with the approval of the Director of Agriculture, cause such bees to be so transferred at the beekeeper's expense.

Alteration of hive, etc.
See N.S.W. 1916, No. 24, s. 11.

(2.) If an officer, when making an inspection under this Act, finds that any hive is in such condition that it cannot safely be handled without danger of breaking or falling to pieces, or that there are more entrances for the bees than as originally constructed, he may direct the beekeeper to transfer the bees to another beehive approved by the officer within a specified time. If at the expiration of such time such direction is not carried out by the beekeeper, the officer may, with the approval of the Director of Agriculture, cause such bees to be so transferred at the beekeeper's expense.

13. If an officer finds any hives, bee combs, honey, or beekeeper's appliances to be infested with the bee or wax moth (*Galleria mellonella*) or the lesser bee moth (*Achraea grisella*), he may order the beekeeper to destroy such bee or wax moths and to disinfect in the prescribed manner any hives, bee combs, or beekeeper's appliances affected within a specified time. If at the expiration of such time such order is not carried out by the beekeeper, the officer may, with the approval of the Director of Agriculture, cause such order to be carried out at the beekeeper's expense.

Hives, etc., infested with wax moth.

Bees, hives, etc.,
brought into State
to be certified free
from disease.

14. No person shall introduce into the State, either by land, sea, or air, any bees, hives, honey, or beekeeper's appliances that have been used in connection with beekeeping, unless accompanied by a certificate in writing as prescribed from a Government apiculturist or the Department of Agriculture in the country or State of origin, certifying that such bees, hives, honey or appliances come from a district in which Foul brood (*Bacillus larvae*, *Bacillus pluton*, or *Bacillus alvei*) and Isle of Wight Disease (*Acarine disease*) do not exist:

Provided that the Minister may, for any reason he may deem sufficient, authorise the introduction into the State of such bees, hives, honey, or appliances subject to the same being quarantined at such place and for such period as may be specified by him.

Service or orders,
etc.
N.S.W. 1916, No.
24, s. 14.

15. Every direction or order under this Act shall be in writing and signed by the person issuing the same, and shall be either delivered to the beekeeper personally or sent to him by registered letter addressed to him at his last known place of abode.

Offences and pen-
alties.
Vic. 19, Geo. V.,
No. 3643, s. 9.
N.S.W. 1916, No.
24, s. 15.

16. Every person shall be guilty of an offence against this Act—

- (a) who in any manner obstructs or impedes, or attempts to obstruct or impede, any officer in the execution of his powers under this Act; or
- (b) who disobeys or fails to comply with any of the provisions of this Act or any direction or order given or made pursuant to the provisions of this Act; or
- (c) wilfully refuses or neglects to furnish to an inspector any information required by the inspector relating to any apiary, bees, bee combs, honey, hives and beekeeping appliances in the possession or under the control of such person.

Penalty: Twenty pounds.

Officers themselves
may do necessary
work.
See N.S.W. 1917,
No. 9, s. 5.

17. In case of a failure to comply with any order or direction given or made by an officer under this Act the officer, with the approval of the Director of Agriculture, may himself carry out the necessary work at the expense of the person failing so to comply.

18. Any expense incurred by an officer, for the payment of which any beekeeper is liable under this Act, may be recovered by action at the suit of the Director of Agriculture in any court of competent jurisdiction.

Recovery of expenses.

19. (1.) The Governor may make regulations—

Regulations.
N.S.W., 1916, No.
24, s. 17.

- (a) prescribing the duties of officers;
- (b) prescribing the obligations of beekeepers with respect to inspections;
- (c) prescribing beehives to be used in proclaimed districts;
- (d) prescribing the conditions under which honey shall be extracted and stored, and the inspection of honey houses;
- (e) prescribing steps to be taken and methods to be adopted for curing, cleansing, disinfecting, and otherwise eradicating and preventing the spread of disease; and
- (f) generally for carrying out the provisions of this Act.

(2.) Such regulations may impose a penalty not exceeding twenty pounds for every breach thereof.