



Western Australia

Agriculture and Related Resources Protection Act 1976

## **Agriculture and Related Resources Protection (Small Hive Beetle) Regulations 2009**

These regulations were repealed by the *Biosecurity and Agriculture Management Regulations 2013* r. 137(h) as at 1 May 2013 (see r. 2(b) and *Gazette* 5 Feb 2013 p. 823).



# **Agriculture and Related Resources Protection (Small Hive Beetle) Regulations 2009**

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## **Agriculture and Related Resources Protection (Small Hive Beetle) Regulations 2009**

### **Part 1 — Preliminary**

#### **1. Citation**

These regulations are the *Agriculture and Related Resources Protection (Small Hive Beetle) Regulations 2009*.

#### **2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

#### **3. Terms used**

- (1) In these regulations —

*bee* means a bee of the species *Apis mellifera*;

*SHB* or *small hive beetle* means a beetle of the species *Aethina tumida*;

*SHB free area* means all of the State other than the SHB infested area;

*SHB infested area* means the part of the State in respect of which SHB has been assigned under section 36 of the Act to category A5;

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***treat***, in respect of a thing, includes cleaning, disinfecting, decontaminating or isolating the thing.

- (2) Words and expressions used in these regulations have the same respective meanings as in the *Beekeepers Act 1963*, unless the contrary intention appears in these regulations.

## **Part 2 — Movement and storage**

### **4. Application of regulation 5**

Regulation 5 applies to the movement of bees, hives, hive products or appliances —

- (a) as set out in Part 1 of the Table; and
- (b) as set out in Part 2 of the Table, if a notice has been given under regulation 6.

#### **Table**

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### **Movement of bees, hives, hive products and appliances**

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#### **Part 1**

From a place in the SHB infested area to a place in the SHB infested area.

From a place in the SHB infested area to a place in the SHB free area.

From a place in the SHB free area to a place in the SHB infested area.

#### **Part 2**

From a place in the SHB free area to a place in the SHB free area.

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### **5. Moving bees, hives, hive products and appliances**

- (1) A person must not —
  - (a) move any bees, hives, hive products or appliances; or
  - (b) cause to be moved any bees, hives, hive products or appliances,

unless —

- (c) the movement is from a place in an apiary site to another place in that apiary site; or
- (d) the movement has been authorised under this regulation and the thing is moved in accordance with the authorisation.

Penalty: a fine of \$2 000.

- (2) An authorisation is to be given in writing by an authorised person.
- (3) An authorisation may be given generally or in relation to a particular case or number of classes of cases or for a particular period or otherwise as the authorised person considers appropriate.
- (4) An authorisation may be given subject to such conditions as to movement of the thing authorised to be moved as the authorised person considers appropriate.

**6. Regulation 5 may apply within the SHB free area**

- (1) If the Director General gives a beekeeper notice under subregulation (2), then regulation 5 applies, in accordance with the notice, to the beekeeper in respect of the movement of bees, hives, hive products and appliances, as specified in the notice, from a place in the SHB free area to another place in the SHB free area.
- (2) Notice referred to in subregulation (1) —
  - (a) is to specify that regulation 5 is to apply in respect of —
    - (i) all hives that the beekeeper owns, or has the charge, care or possession of, and all bees, hive products and appliances associated with those hives; or
    - (ii) hives that the beekeeper owns, or has the charge, care or possession of, of a kind specified or described in the notice, and all bees, hive



products and appliances associated with those hives;

and

- (b) is to specify the time (which must be after the notice is given) from which regulation 5 is to apply in respect of the beekeeper.

*[Regulation 6 amended in Gazette 17 Dec 2010 p. 6428.]*

**7. How bees, hives and appliances are to be moved between apiary sites**

- (1) A person must not move, or cause to be moved, from an apiary site to another apiary site bees, hives or appliances unless —
  - (a) the thing being moved is covered to the extent necessary to ensure that it is not accessible to bees, other than bees that are being moved; and
  - (b) if the thing being moved is a hive containing live bees, the hive entrance is closed, other than to the extent required for minimum ventilation.

Penalty: a fine of \$2 000.

- (2) Any person who, in moving, or causing to be moved, a hive from an apiary site to another apiary site, dismantles the hive, wholly or partly is to ensure that there is no interchange of hive parts between hives when the hive is reassembled.

Penalty: a fine of \$2 000.

- (3) If there is a conflict or inconsistency between —
  - (a) this regulation; and
  - (b) an authorisation under regulation 5 under which a thing is being moved,

then this regulation does not apply to the extent of the conflict or inconsistency.

**8. Storage of hives**

- (1) A person must not store, or cause to be stored, a hive unless the entrance to the hive is closed.  
Penalty: a fine of \$2 000.
- (2) For the purpose of this regulation a hive is stored if there are no living bees in the hive.
- (3) An authorised person may, by written notice given to a beekeeper, require the beekeeper to store a hive or hives in a place or manner, specified in the notice.
- (4) A person given a notice under subregulation (3) must comply with it.  
Penalty: a fine of \$2 000.

### **Part 3 — Directions to monitor and to destroy**

#### **9. Direction to carry out a monitoring programme**

- (1) An authorised person may give a direction to a beekeeper to carry out a monitoring programme, as specified in the direction, to monitor the presence or spread of SHB in relation to bees or hives that the beekeeper owns, or has the charge, care or possession of.
- (2) A direction is to —
  - (a) be given in writing to the beekeeper to whom it is directed; and
  - (b) specify the details of the monitoring programme that is to be carried out, which may include requirements as to inspection, sampling, analysis and reporting.
- (3) A person given a direction under this regulation must comply with it.  
Penalty: a fine of \$2 000.

#### **10. Direction to destroy, dispose or treat infested things**

- (1) In this regulation —  
***destroy*** includes, but is not limited to, the meaning given to that term by the *Beekeepers Act 1963* section 4.
- (2) An authorised person may give a direction if the authorised person is of the opinion that any bees, hives, hive products or appliances (an ***infested thing***) is, might be, or is likely to become, infested with SHB.
- (3) An authorised person may direct the owner or occupier of the land where the infested thing is, or the beekeeper, to destroy, dispose of or otherwise treat all or any of the following —
  - (a) the infested thing;
  - (b) any other thing that has been in contact with the infested thing.

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- (4) A direction is to —
- (a) be given in writing to the owner, occupier or beekeeper to whom it is directed; and
  - (b) specify the method to be used for the destruction or disposal, or the type of treatment that is to be carried out.
- (5) A person given a direction under this regulation must comply with it within the time specified in it, or if no time is specified, within a reasonable time of the direction being given.
- Penalty: a fine of \$2 000.

**11. Authorised officer may carry out direction and recover cost**

- (1) If an authorised person is of the opinion that a person has not complied with a direction given under regulation 9 or 10 an authorised person may enter the land where the monitoring programme is to be carried out or where infested thing is, as is relevant, and carry out all or any of the requirements of the direction.
- (2) All expenses incurred by an authorised person under subregulation (1), together with interest at the rate prescribed for the purposes of section 52(2) of the Act are a debt due by the person to whom the direction was given to the State and may be sued for and recovered by the Director General on behalf of the State in a court of competent jurisdiction.

*[Regulation 11 amended in Gazette 17 Dec 2010 p. 6428.]*

## **Part 4 — Reporting and signs**

### **12. SHB infestation to be reported**

- (1) A person who finds or suspects the presence of SHB must report the presence or suspected presence of SHB to an authorised person in accordance with subregulation (2).

Penalty: a fine of \$2 000.

- (2) A report —
- (a) may be made orally or in writing; and
  - (b) must indicate, as far as practicable, where the SHB was found, or the reasons for suspecting its presence; and
  - (c) must give any other relevant information within the person's knowledge; and
  - (d) must be made within 14 days after finding SHB or suspecting the presence of SHB.

### **13. Notification signs**

- (1) The Director General may erect signs in or near a SHB infestation area advising the public of the restrictions that apply in the area under these regulations.
- (2) A person must not, without lawful authority, remove, obscure, damage or otherwise interfere with a sign erected under this regulation.

Penalty: a fine of \$2 000.

*[Regulation 13 amended in Gazette 17 Dec 2010 p. 6428.]*

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## Notes

- <sup>1</sup> This is a compilation of the *Agriculture and Related Resources Protection (Small Hive Beetle) Regulations 2009* and includes the amendments made by the other written laws referred to in the following table <sup>2</sup>. The table also contains information about any reprint.

### Compilation table

Citation	Gazettal	Commencement
<i>Agriculture and Related Resources Protection (Small Hive Beetle) Regulations 2009</i>	12 May 2009 p. 1551-63	r. 1 and 2: 12 May 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 13 May 2009 (see r. 2(b))
<i>Agriculture and Related Resources Protection (Repeals and Amendments) Regulations 2010 Pt. 11</i>	17 Dec 2010 p. 6403-32	18 Dec 2010 (see r. 2(b) and <i>Gazette</i> 17 Dec 2010 p. 6349)

**These regulations were repealed by the *Biosecurity and Agriculture Management Regulations 2013 r. 137(h)* as at 1 May 2013 (see r. 2(b) and *Gazette* 5 Feb 2013 p. 823)**

- <sup>2</sup> The *Biosecurity and Agriculture Management Regulations 2013* r. 138 and 143 had not come into operation. They read as follows:

**138. Fees and expenses**

On and from the commencement day —

- (a) any fees payable under a regulation repealed under regulation 137 and outstanding on the commencement day are to be regarded as payable under these regulations at the time, and in the manner, in which the fees would have been payable under the repealed regulation and may be recovered accordingly; and
- (b) any expenses recoverable under a regulation repealed under regulation 137 and outstanding on the commencement day may be recovered under regulation 128.

Penalty: a fine of \$10 000.

**143. *Agriculture and Related Resources Protection (Small Hive Beetle) Regulations 2009***

- (1) In this regulation —  
***repealed regulations*** means the *Agriculture and Related Resources Protection (Small Hive Beetle) Regulations 2009* repealed under regulation 137(h).

- (2) On and from the commencement day —
- (a) any authorisation given under regulation 5 of the repealed regulations and of effect immediately before the commencement day has effect as if it were a permit under regulation 19(3)
  - (b) any notice given under regulation 6 of the repealed regulations and of effect immediately before the commencement day has effect as if it were a notice under regulation 19(4);
  - (c) any notice given under regulation 8(3) of the repealed regulations and of effect immediately before the commencement day has effect as if it were a notice under regulation 87(3);
  - (d) any direction given under regulation 9 of the repealed regulations and of effect immediately before the commencement day has effect as if the monitoring programme were a prescribed control measure under section 30;
  - (e) any direction given under regulation 10 of the repealed regulations and of effect immediately before the commencement day has effect as if it were a direction under section 77;
  - (f) any report given under regulation 12 of the repealed regulations has effect as if it were a report under section 26.

Defined terms

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**Defined terms**

*[This is a list of terms defined and the provisions where they are defined.*

*The list is not part of the law.]*

<b>Defined term</b>	<b>Provision(s)</b>
bee.....	3(1)
destroy.....	10(1)
infested thing .....	10(2)
SHB .....	3(1)
SHB free area.....	3(1)
SHB infested area .....	3(1)
small hive beetle .....	3(1)
treat .....	3(1)