

WESTERN AUSTRALIA.

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**BEEES.**

21° Geo. V., No. XVIII.

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No. 18 of 1930.

[As amended by Acts No. 70 of 1950, assented to 5th January, 1951, and No. 6 of 1957, assented to 19th August, 1957, and reprinted pursuant to the Amendments Incorporation Act, 1938.]

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**AN ACT relating to the Regulation and Control of the Keeping of Bees and the Control and Restriction of Diseases and Pests affecting Bees, and for other purposes.**

Long title amended by No. 70 of 1950, s. 3.

[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 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 *Bees Act, 1930-1957*, and shall come into operation on a day to be fixed by proclamation.<sup>1</sup>

Short title and commencement. Amended by No. 70 of 1950, s. 2.

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 The Contagious Diseases (Bees) Act, 1899, is hereby repealed.

Repeal.

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<sup>1</sup> Came into operation on 23rd February, 1931. See *Gazette* 20/2/31.

Inter-  
pretation.

Amended by  
No. 70 of  
1950, s. 4.

[No. 70 of  
1950, s. 4.]

[No. 70 of  
1950, s. 4.]

3. In this Act, subject to the context—

“Apiary” means any 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;

“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 with whose knowledge, connivance, or consent the bees in question are kept in or upon any place occupied or owned by him, or who is the owner of or has in his possession any hives or appliances that have been used in connection with beekeeping, or with whose knowledge, connivance, or consent, any such hives or appliances are kept in or upon any place owned or occupied by him;

“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;

“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;

“Registered beekeeper” means any person registered under the provisions of this Act as a beekeeper;

“sale” includes barter and exchange and supply, and also offering or attempting to sell, or receiving for sale, or having in possession for sale, or exposing for sale, or sending, forwarding, or delivering for or on sale, or

[No. 70 of  
1950, s. 4.]

[No. 70 of  
1950, s. 4.]

causing or suffering or allowing to be sold or offered for sale; and the words "sell," "sold," and other derivatives thereof shall have correlative meanings.

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

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

5. (1) A person shall not keep bees or act as, or carry on the business of, a beekeeper at any time when he is not a registered beekeeper.

Registration  
of  
beekeepers.  
S. 5  
substituted  
by No. 70  
of 1950, s. 5.

(2) Every person who, at the date of the coming into operation of the Bees Act Amendment Act, 1950, is a beekeeper, shall apply to be registered as a registered beekeeper within one month after that date.

Beekeepers  
at com-  
mencement  
of Act.

(3) Every person who on any date after the coming into operation of the Bees Act Amendment Act, 1950, becomes a beekeeper shall apply to be registered as a registered beekeeper within fourteen days after the date of his first becoming a beekeeper.

Beekeeper  
to apply to  
be  
registered.

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

Renewal of  
registration.

(5) (a) Every application for registration or renewal of registration as a registered beekeeper shall be made to the Director of Agriculture in the prescribed form and shall contain the prescribed particulars and information.

Forms of  
application.

(b) The information and particulars to be contained in such application shall include—

(i) a list of apiaries maintained by the applicant beekeeper;

(ii) a description of the respective apiary site of each apiary so maintained, which description shall be in terms reasonably identifying each of those sites; and

(iii) a statement of the number of hives comprised in each of those apiaries.

Current period of registration.

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

Certificates of registration.

(7) The Director of Agriculture shall issue to every registered beekeeper a certificate in the prescribed form of registration or of any renewal of registration.

Notice to be given of an establishment or removal of an apiary.  
S. 5A added by No. 70 of 1950, s. 6.

5A. (1) Every beekeeper or registered beekeeper who—

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

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

Apiary not to be maintained on new site when notice has not been given.

(2) A beekeeper or registered beekeeper shall not maintain upon any apiary site an apiary, whether a new apiary or an apiary which has been removed to the site as mentioned in subsection (1) of this section, at any time after the termination of a period of fourteen days from the establishment or removal of the apiary on or to such apiary site when a notice as prescribed by this section has not been given by him to the Director of Agriculture.

Prohibited apiary sites.  
S. 5B added by No. 70 of 1950, s. 6.

5B. (1) If an inspector certifies in writing to the Director of Agriculture that, in his opinion—

- (a) any provision of this Act is being contravened or not complied with in respect of an apiary situated upon any apiary site; or

- (b) any apiary site is or has become unsuitable for beekeeping; or
- (c) the keeping of bees on any apiary site is detrimental to public interest;

or for any other reason, the Director of Agriculture may prohibit the keeping of bees upon such apiary site, hereinafter in this section referred to as a "prohibited apiary site." Such prohibition shall continue in force until it is cancelled by the Director of Agriculture.

(2) A person shall not at any time establish or maintain an apiary upon any prohibited apiary site. Offence.

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

(b) Such person shall comply with the directions contained in such order.

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

(b) The amount of any costs, charges, and expenses incurred by an inspector in so removing such apiary, together with interest at the prescribed rate, shall be recoverable from such person by action at the suit of the Director of Agriculture as for a debt.

Notice to be given of sale of apiary.  
S. 5C added by No. 70 of 1950, s. 6.

5C. (1) A person shall, within fourteen days after selling any apiary or part of an apiary owned by him, give to the Director of Agriculture notice in writing in the prescribed form or to the like effect of such 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.

Hives to be branded.  
S. 5D added by No. 70 of 1950, s. 6.

5D. A person shall not establish or maintain an apiary unless the hives kept thereon are marked or branded with a registered mark or brand issued to him by the Director of Agriculture.

Power to prohibit the keeping of bees in prohibited areas.  
S. 5E added by No. 70 of 1950, s. 6.

5E. (1) In any case where the Governor is of opinion that the keeping of bees in any part of the State is harmful to the drying of any fruits, the Governor may, by proclamation, prohibit, either absolutely or subject to such conditions as may be declared in the proclamation, the keeping of bees within the part of the State specified in the proclamation.

(2) Any such proclamation may provide that the same is to continue in force for the period or periods therein named, and any such proclamation may be revoked or varied by proclamation made by the Governor.

(3) Any person who keeps any bees in contravention of the provisions of any such proclamation shall be liable to a penalty not exceeding twenty pounds.

5F. If an inspector is satisfied on reasonable grounds that any bees or any beehives have been abandoned and are neglected, he may take possession of them, and shall dispose of them in accordance with regulations made under the provisions of this Act.

Abandoned bees and beehives. S. 5F added by No. 70 of 1950, s. 6.

5G. Every beekeeper shall provide a good and sufficient supply of water on every site on which he keeps bees so that it shall be accessible to them unless such water is available from natural sources.

Beekeeper to provide water. S. 5G added by No. 70 of 1950, s. 6.

6. (1) The Governor may by proclamation—

Proclamation of infected areas.

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

Amended by No. 6 of 1957, s. 5. [Vic. 19, Geo. V., c. 3643, s. 4.]

(b) prohibit, either absolutely or subject to regulation, the sending or bringing of bees, honey, wax, hives, beekeepers' 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, beekeepers' 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.

(4) Where an officer has submitted or is about to submit for consideration a proposal that a proclamation be made under subsection (1) of this section in respect of any portion of the State, he

Interim prohibition order.

may issue and serve an interim prohibition order on any beekeeper having in that portion any apiary which, in the opinion of the officer, is infected by disease.

*Cf. No. 30  
of 1918, s. 31.*

(5) The order may be served on the beekeeper by serving a copy of it in any manner prescribed by section thirty-one of the Interpretation Act, 1918, or by attaching a copy of it to any hive which, in the opinion of the officer, is infected by disease.

(6) An interim prohibition order served on a beekeeper

- (a) is, subject to appeal to the Minister, binding on the beekeeper during the period of its effectiveness;
- (b) prohibits, either unconditionally, or subject to such conditions as an officer imposes in writing and is hereby authorised to impose, the sending or bringing of bees, honey, wax, hives, beekeepers' appliances, or other articles used in connection therewith, into the apiary to which the interim prohibition order relates, or the sending or removal from the apiary into any other part of the State of bees, honey, wax, hives, beekeepers' appliances, or any other articles used in connection therewith;
- (c) is effective
  - (i) until the Governor either makes, pursuant to subsection (1) of this section, a proclamation declaring the portion of the State in which the apiary is situated to be an infected area, or decides not to do so;
  - (ii) until the expiration of twenty-eight days from the day of service of the interim prohibition order;
  - (iii) until the order is cancelled pursuant to subsection (7) of this section; or

- (iv) until the order is quashed under subsection (8) of this section;

whichever occurs first.

(7) If the Governor decides, before the expiration of that period of twenty-eight days, not to make a proclamation affecting the apiary, an officer shall immediately cancel the interim prohibition order and serve written notice of the cancellation on the beekeeper.

(8) A beekeeper who objects to an interim prohibition order served on him may appeal against the order to the Minister by causing written grounds of his objection to be served on the Minister who shall consider the objections and shall notify the appellant of his decision quashing, confirming, or varying the order.

(9) The decision of the Minister has effect according to its tenor and is final.

(10) A person who, while an interim prohibition order is effective, contravenes the order commits an offence.

Penalty: Twenty pounds.

(11) A contravention

- (a) of a proclamation made pursuant to subsection (1) of this section; or  
(b) of an interim prohibition order issued and served pursuant to subsection (4) of this section;

is punishable if it occurred before the proclamation was revoked, or as the case may be, before the interim prohibition order ceased to be effective, notwithstanding that proceedings for the prosecution of the offence are commenced by complaint made after the proclamation was revoked, or, as the case may be, after the order ceased to be effective, and notwithstanding section eleven of the Criminal Code.

Infected bees, etc., not to be kept or sold.  
Amended by No. 6 of 1957, s. 5.  
[See N.S.W., 1916, No. 24, s. 4, and 1917, No. 9, s. 2.]

7. No beekeeper shall—

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

Beekeepers 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.  
Amended by No. 6 of 1957, s. 3 and s. 5.  
[W.A., 63 Vic., No. 10, s. 5.  
Vic. 19, Geo. V, No. 3643, s. 8.  
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) Except where, and to the extent that, the Bee Industry Compensation Act, 1953 provides otherwise, 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, beekeepers' 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.

10. (1) Any officer may, on finding any bees, bee combs, honey, hives, beekeepers' 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, beekeepers' appliances or other articles aforesaid so infected, or such portion thereof as he may deem necessary, but the officer may include in the direction a provision that if the beekeeper causes any beecombs, hives, beekeepers' appliances, and other infected articles, specified in the direction, to be disinfected in the manner and within the time specified in the direction and to the satisfaction of an officer, the beekeeper shall be exempted from the necessity of destroying the things so disinfected, and if the beekeeper does so he shall be exempted accordingly.

Beehives, etc., liable to spread disease to be disinfected or destroyed.  
Amended by No. 6 of 1957, s. 4 and 5.  
[Vic. 19, Geo. V., No. 3643, s. 5;  
N.S.W. 1916, No. 24, s. 3.]

(2) If after the specified time the bees, bee combs, honey, hives, beekeepers' 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 beekeepers' expense.

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.

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

(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

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

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.

Alteration  
of hive, etc.  
Amended by  
No. 6 of  
1957, s. 5.  
[See N.S.W.  
1916, No. 24,  
s. 11.]

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.

(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.

Hives, etc.,  
infested  
with wax  
moth.  
Amended by  
No. 6 of  
1957, s. 5.

13. If an officer finds any hives, bee combs, honey, or beekeepers' 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 beekeepers' 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.

14. No person shall introduce into the State, either by land, sea, or air, any bees, hives, honey, or beekeepers' 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:

Bees, hives, etc., brought into State to be certified free from disease.  
Amended by No. 6 of 1957, s. 5.

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.

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.

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

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

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

- (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.

Recovery of expenses.

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.

Regulations. N.S.W., 1916, No. 24, s. 17. S. 19 amended by No. 70 of 1950, s. 7.

19. (1) The Governor may 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 provisions of this Act and without limiting the generality of the foregoing provisions of this section, the regulations may provide for all or any of the following matters:—

- (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.
- (g) The registration and renewal of registration of registered beekeepers.
- (h) The marking or branding of hives with registered marks or brands.

- (i) The application for approval, issue, transfer, transmission, cancellation and recording of registered marks or brands.
  - (j) Defining the duties and obligation of beekeepers under this Act.
  - (k) The issue, renewal, or refusal of any permit or certificate; the form of any permit, certificate, or notice or any form under the provisions of this Act and the particulars and information to be contained in any such permit, certificate, notice, or form.
  - (l) Prescribing the manner of giving notifications under the provisions of this Act.
  - (m) Prescribing the fees to be paid.
- (2) Such regulations may impose a penalty not exceeding twenty pounds for every breach thereof.