

WESTERN AUSTRALIA.

# BEE INDUSTRY COMPENSATION.

2° Elizabeth II., No. LIV.

No. 54 of 1953.<sup>1</sup>

(Affected by Act No. 113 of 1965.)

[As amended by Acts:

No. 23 of 1957, assented to 26th October, 1957;

No. 16 of 1963, assented to 5th November, 1963;

and reprinted pursuant to the Amendments Incorporation Act, 1938.]

**AN ACT to provide for the Establishment of a Fund for the Payment of Compensation in certain cases to Beekeepers and for purposes connected therewith.**

[Assented to 9th January, 1954.]

**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 *Bee Industry Compensation Act, 1953-1963*.

Short title.  
Amended by  
No. 16 of  
1963, s. 1.

2. This Act shall come into operation on a date to be fixed by proclamation.<sup>1</sup>

Commence-  
ment.

3. In this Act, unless inconsistent with the context or subject matter—

Interpreta-  
tion.  
Amended by  
No. 23 of  
1957, s. 5;  
No. 16 of  
1963, s. 2.

“beekeeper” means a person registered as a beekeeper under the provisions of the Bees Act, 1930.<sup>2</sup>

<sup>1</sup> Came into operation on 19th March, 1954. See G.G. 19/3/54, p. 408.

<sup>2</sup> See now Beekeepers Act, 1963.

*Bee Industry Compensation.*

“colony of bees” means a nest of bees whether in a full sized or a nucleus hive, but does not include bees in nuclei maintained solely for the purpose of mating queens;

“Committee” means the Committee appointed under the provisions of this Act to administer the Compensation Fund;

“Compensation Fund” means the Beekeepers’ Compensation Fund established under the provisions of this Act;

“Department” means the Department of Agriculture;

“officer” means an inspector or other officer appointed for the purposes of the Bees Act, 1930,<sup>1</sup> and includes a person acting with the authority in writing of the Director of Agriculture.

Beekeepers’  
Compensation  
Fund  
Committee.  
Amended by  
No. 23 of  
1957, s. 5.

4. (1) For the purposes of administering the Compensation Fund there shall be a Committee constituted as provided in this section, which shall be called the Beekeepers’ Compensation Fund Committee.

(2) The Committee shall consist of three members, including the chairman, all of whom shall be appointed by the Minister and shall comprise—

an officer of the Department who shall be chairman, and two representative members who shall be beekeepers, to represent the beekeepers.

(3) Meetings of the Committee shall be held at such times as may be prescribed and until prescribed, when convened by the chairman.

(4) The Committee shall conduct its proceedings in such manner as the Committee shall determine but in any case—

two members shall constitute a quorum for the conduct of business;

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<sup>1</sup> Now Beekeepers Act, 1963.

all matters shall be determined by a majority of the votes of the members present, and where there is an equality of votes the question is to be determined in the negative;

each member, including the chairman, shall be entitled to one vote only on the determination of any matter.

(5) The Committee may act and exercise all of its powers notwithstanding any vacancy in membership and no act or proceeding of the Committee shall be invalid or illegal in consequence only of any vacancy in membership existing at the time of any act or proceeding.

(6) (a) The Minister may, in respect of each member of the Committee, appoint a person to be deputy to that representative member and to represent the same interests as that member.

(b) A person appointed as a deputy shall, in the event of the absence of the member, have all the powers of that member during his absence.

(c) No appointment of and no act done in that capacity by a deputy shall be questioned on the ground that the occasion for his appointment had not arisen, or had ceased.

(7) Acceptance of, or acting in the office of, member or deputy member of the Committee by any person shall not of itself render the provisions of the Public Service Act, 1904, the Superannuation Act, 1871, or the Superannuation and Family Benefits Act, 1938, applicable to him nor affect the application of those provisions to him if they applied to him at the time of the acceptance of or acting in the office.

(8) A member of the Committee shall not be entitled to any allowance and remuneration for his services.

(9) The Committee shall cause to be kept minutes of all its proceedings in such manner and form as the Minister may direct or approve.

Cost of  
administer-  
ing Com-  
pensation  
Fund.

5. The cost of the administration of the Compensation Fund shall be paid by the Department from moneys appropriated by Parliament for the purpose.

Beekeepers'  
Compensa-  
tion Fund  
established.

6. (1) For the purposes of this Act there shall be established and kept at the Treasury an account to be called the "Beekeepers' Compensation Fund."

(2) The Compensation Fund shall, subject to the Minister, be administered by the Committee.

(3) All moneys payable as license fees under the provisions of section nine of this Act shall be paid to the credit of the Compensation Fund.

(4) The moneys from time to time in the Compensation Fund shall be applied by the Committee to the payment pursuant to this Act of claims for compensation.

Treasurer  
may make  
advances.

7. (1) Where the amount standing to the credit of the Compensation Fund is not sufficient to provide for the payment of an amount of compensation which is payable under the provisions of this Act, the Treasurer may, from time to time, advance to the Committee from the Consolidated Revenue, an amount for the time being required to make up the deficiency and the Consolidated Revenue is hereby, to the necessary extent, appropriated accordingly.

(2) Any sum so paid out of the Consolidated Revenue shall be—

- (a) regarded as an advance to the Compensation Fund;
- (b) a charge on the Fund; and
- (c) repaid to the Treasurer from the Fund forthwith when moneys are available to the Fund to make the repayment.

Moneys in  
Compensa-  
tion Fund  
may be, in  
certain cir-  
cumstances,  
invested.

8. Moneys standing to the credit of the Compensation Fund and not immediately required by the Committee for the purposes of this Act may be invested from time to time by the Committee in any

kind of investment authorised for the time being for the investment of trust funds and which investment shall be of such a nature as to be readily realisable.

9. For the purpose of providing moneys for the Compensation Fund, every beekeeper shall contribute to the Compensation Fund a license fee at a rate to be prescribed by the Committee, but not to exceed an amount of five cents for each colony of bees owned by the beekeeper at the date of and shown in his application for registration or renewal of registration as a registered beekeeper as the case may be.

Contributions to Fund by beekeepers. Amended by No. 16 of 1963, s. 3; No. 113 of 1965, s. 8.

10. (1) The Committee shall in each year by notice published in the *Gazette* declare the rate of the license fee for each colony of bees for the next following twelve months at which a beekeeper shall contribute to the Compensation Fund pursuant to the provisions of section nine of this Act.

Rate of contribution to be declared by Committee and published. Amended by No. 16 of 1963, s. 4.

(2) The amount of the license fee from time to time due to the Compensation Fund by a beekeeper shall be paid by him to the Department at the same time as he lodges with the Department the fees payable on his application for renewal of registration as a registered beekeeper or within seven days of his application to be registered as a registered beekeeper, being approved, as the case may be.

When contribution payable.

11. (1) The maximum amount that may be permitted to stand at any time to the credit of the Compensation Fund for the purpose of paying compensation under the provisions of this Act shall be the sum of six thousand dollars.

Maximum amount that Compensation Fund may have in credit. Amended by No. 16 of 1963, s. 5; No. 113 of 1965, s. 8.

(2) When and as often as the Committee is considering the making of a declaration fixing the rate of the license fee for each colony of bees to be

contributed to the Compensation Fund by a beekeeper under the provisions of this Act, the Committee shall, so far as it is practicable so to do, from time to time fix the rate so as to comply with the provisions of subsection (1) of this section.

Compensation payable to beekeepers. Amended by No. 23 of 1957, ss. 2 and 5; No. 16 of 1963, s. 6.

12. (1) Subject to this Act, compensation shall be payable out of the Compensation Fund to a beekeeper whose bees, beecombs, honey, hives, beekeepers' appliances or other articles used in connection therewith are destroyed, or whose beecombs, hives, beekeepers' appliances, or other infected articles, are disinfected, in accordance with or in pursuance of the provisions of section ten of the Bees Act, 1930.<sup>1</sup>

Compensation not payable in certain cases.

(2) No compensation is payable to a beekeeper under this Act in respect of any property referred to in subsection (1) of this section that is so destroyed or so disinfected—

- (a) where the property has been brought into the State and the Committee is not satisfied that at the time the property was brought into the State it was free from disease;
- (b) where the Committee is satisfied that the property was so destroyed or so disinfected because of a disease that occurred by reason of the failure of the beekeeper to observe the provisions of the Bees Act, 1930;<sup>1</sup> and
- (c) where the beekeeper has not paid all license fees that are required to be paid by him in accordance with this Act in respect of all colonies of bees owned by him.

Amount of compensation payable. Amended by No. 23 of 1957, ss. 3 and 5; No. 16 of 1963, s. 7.

13. (1) Subject to this Act, the amount of compensation payable out of the Compensation Fund to a beekeeper whose property, as referred to in section twelve of this Act, has been destroyed or disinfected as therein mentioned, shall be—

- (a) the value of the property at the time it was so destroyed; or
- (b) the lesser amount of the amount of the expense incurred by the beekeeper in having the property so disinfected or an

<sup>1</sup> Now Beekeepers Act, 1963.

amount equal to two thirds of the value of the property at the time it is so disinfected.

(2) (a) Where under the provisions of section ten of the Bees Act, 1930,<sup>1</sup> an officer directs a beekeeper to destroy any property which is infected with disease as defined in that Act, the officer shall take a written inventory of the property directed by him to be destroyed, whether the direction is or is not subject to a provision exempting the beekeeper from the necessity of destroying the property if it is disinfected as directed; but if any item of the inventory is the subject of such an exemption, the officer shall distinctly indicate the item in the inventory.

(b) The inventory shall be signed by the officer and the beekeeper for the purpose of identification.

14. Where a beekeeper desires to make a claim for compensation upon the Compensation Fund, the following provisions, subject to the provisions of subsection (1) of section thirteen of this Act, apply:—

Provisions relating to claims for compensation.  
Amended by No. 23 of 1957, s. 4; No. 16 of 1963, s. 8.

- (a) The claim shall be made in writing signed by the claimant, shall be addressed to the Committee and be served on it within twenty-one days after the destruction or, as the case may be, disinfection, of the property which is the subject of the claim, occurs.
- (b) The claim shall be in the prescribed form and shall be verified by a statutory declaration of the claimant.
- (c) The claimant shall furnish such further particulars in relation to the claim as the Committee may in writing require.
- (d) The claim shall contain a definite statement of the amount of compensation claimed together with the details thereof;
- (e) Upon receipt of the claim and after considering it the Committee may—
  - (i) admit liability for the amount of the compensation claimed; or

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<sup>1</sup> Now Beekeepers Act, 1963.

- (ii) admit liability for any portion of the amount of compensation claimed; or
  - (iii) reject the claim.
- (f) Where the Committee admits liability for the amount of compensation claimed, payment of the amount shall be made by the Committee to the claimant as soon as practicable.
- (g) Where the Committee admits liability for portion of the amount of compensation claimed, or rejects the claim, if the Committee and the claimant are unable to agree as to the amount of compensation to be paid, the claimant may appeal in manner prescribed to the Minister against the decision of the Committee and the decision of the Minister shall be final and conclusive.

Regulations.  
Amended by  
No. 16 of  
1963, s. 9;  
No. 113 of  
1965, s. 8.

15. (1) The Governor may make regulations for or with respect to—

- (a) the manner of making and dealing with and the verification of applications for compensation;
- (b) all matters and things necessary or convenient to be prescribed with respect to the Compensation Fund;
- (c) forms for the purpose of this Act;
- (d) prescribing penalties of not more than fifty dollars for any contravention of or failure to comply with the regulations;
- (e) generally all matters and things which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for giving effect to or carrying out this Act and guarding against evasions and violations of this Act.

(2) The regulations may provide that, in such cases as may be prescribed documents required by or under this Act to be lodged with the Committee or any information required in forms prescribed under these regulations, shall be verified by statutory declaration made by such persons as may be so prescribed.