Conservation and Land Management Act 1984

Conservation and Land Management Amendment Regulations (No. 2) 2010

Made by the Governor in Executive Council.

1. Citation

These regulations are the Conservation and Land Management Amendment Regulations (No. 2) 2010.

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 on which the Forest Management Amendment Regulations (No. 2) 2010 regulation 5 comes into operation.

3. Regulations amended

These regulations amend the Conservation and Land Management Regulations 2002.

4. Part 8A inserted

After regulation 98 insert:

Part 8A — Apiary permits and licences

98A. Terms used

In this Part —

**apiary authority** means an apiary licence or apiary permit;

**apiary licence** means a licence granted under Part VIII Division 2 of the Act to —

(a) enter and use the land specified in the licence for the purpose of operating an apiary; and

(b) remove honey, bees-wax and pollen from that land;
**apiary permit** means a permit granted under Part VIII Division 1 of the Act to —
   (a) occupy the land specified in the permit for the purpose of operating an apiary; and
   (b) remove honey, bees-wax and pollen from that land;

**apiary site** means the land specified in an apiary authority as the land to which the authority relates;

**South-west zone** means those parts of the South-west Division and Eucla Division of the State (as described in the *Land Administration Act 1997* Schedule 1) depicted as the South-west zone on the Department of Environment and Conservation plan entitled “South-west zone — Apiary Permits and Licenses” dated August 2009.

### 98B. Application of Part 8A

This Part applies to all land in respect of which an apiary licence or apiary permit may be granted.

### 98C. Applications

(1) An application —
   (a) for the grant, renewal or transfer of an apiary authority; or
   (b) for the variation of an apiary licence to change the site to which it relates; or
   (c) otherwise relating to an apiary authority,

must be made to the CEO in writing.

(2) An applicant must provide the CEO with any relevant information requested by the CEO.

(3) An application may be made in relation to 2 or more apiary authorities in the same form.

(4) The fees specified in Schedule 1 Division 11 are payable in respect of an application made in relation to an apiary authority.

### 98D. Maximum area of apiary site

The area of an apiary site for which an apiary authority is granted must not exceed the area that the CEO considers is reasonably necessary to enable an apiary to be efficiently operated on the site.

### 98E. Form of apiary authority

(1) An apiary permit is to be in the form of Schedule 3 Form 3.
(2) An apiary licence is to be in writing in such form as the CEO thinks fit.

98F. Duration of apiary authority

(1) An apiary authority —
   (a) takes effect on the day on which it is granted or any later day specified in it; and
   (b) remains in force for the period specified in it unless before then it expires under subregulation (2), is surrendered or is cancelled.

(2) An apiary authority expires if the apiary site ceases to be land in respect of which the authority can be granted under Part VIII Division 1 or 2, as the case requires, of the Act.

(3) The holder of an apiary authority may surrender it at any time by returning the permit or licence to the CEO, in which case it ceases to have effect when it is received by the CEO.

98G. Conditions

(1) In this regulation —
   apiarist includes an employee or agent of the apiarist;
   local departmental office, in relation to an apiary site, means the office of the Department responsible for the day-to-day management of the area that includes the apiary site.

(2) The following conditions apply to every apiary authority —
   (a) the apiarist must immediately report any outbreak of fire on or near the apiary site to the local departmental office;
   (b) the apiarist must cooperate with the Department and any other authority or person lawfully carrying out fire prevention or control activities on or near the apiary site;
   (c) the apiarist must ensure that there is adequate water on the apiary site for all apiary requirements;
   (d) before placing hives on the apiary site the apiarist must give notice to —
      (i) the local departmental office; and
      (ii) if the site is on a pastoral lease or mining tenement — the employee or agent of the pastoral lessee or tenement holder who is responsible for the
day-to-day management of the area of
the lease or tenement where the site is
located;
(e) the apiarist must take all reasonably practicable
steps to ensure that the apiarist’s activities do
not infect the site with, or spread, a forest
disease;
(f) the apiarist must comply with the following
written laws —
   (i) Conservation and Land Management
       Act 1984;
   (ii) Bush Fires Act 1954;
   (iii) Health Act 1911;
   (iv) any written law relating to protection of
       water catchments or regulation of water
       supplies.

(3) A notice for the purposes of subregulation (2)(d) must
include the following information —
   (a) the proposed location of the hives;
   (b) the number of hives proposed to be placed on
       the site;
   (c) how long it is proposed the hives will remain
       on the site;
   (d) the names of the people who are expected to be
       entering the site for apiary purposes.

98H. Application of regulations to apiary sites that are
not on CALM land
If an apiary site is on land that is not CALM land, the
regulations listed in the Table apply in relation to the
apiarist, any employee or agent of the apiarist and any
other person who is on the site for a purpose related to
the operation of the apiary, as if the apiary site were
CALM land.

Table

<p>| | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>r. 21</td>
<td>r. 23</td>
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<td>r. 24</td>
<td>r. 25</td>
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<td>r. 27</td>
<td>r. 31</td>
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<td>r. 34</td>
<td>r. 35</td>
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<tr>
<td>r. 36</td>
<td>r. 38</td>
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</tbody>
</table>
98I. Other operations not affected by apiary

(1) The fact that an apiary authority is in force in respect of a site does not affect the right of any person who has lawful authority to do so from doing any of the following, whether on the site or elsewhere —
   (a) felling, cutting or removing any forest produce;
   (b) carrying out any fire control or prevention activity, including the construction and maintenance of firebreaks and managed burning;
   (c) doing anything that is required or permitted to be done under a management plan.

(2) The holder of an apiary authority is not entitled to compensation for any loss or damage arising from the carrying out of any such activity.

98J. False or misleading information

A person must not, in relation to an apiary authority, give information orally or in writing to the CEO that the person knows to be —
   (a) false or misleading in a material particular; or
   (b) likely to deceive in a material way.

Penalty: a fine of $1 000.

98K. Rent for apiary sites

(1) The holder of an apiary authority is to pay to the CEO annual rent for each apiary site at the rate set out in subregulation (2).

(2) The rate of rent is —
   (a) if the site is in the South-west zone — $84; or
   (b) if the site is outside the South-west zone — $42.

(3) The rent is payable annually in advance on the date on which the apiary authority takes effect and each anniversary of that date.

(4) If an apiary authority is to be in force for part only of a year the rent payable for that year is reduced proportionately.

(5) The rent is payable whether or not the apiarist places any hives on, or removes any forest produce from, the apiary site.
5. **Schedule 1 amended**

   Delete the reference after the heading to Schedule 1 and insert:

   [r. 49, 83, 92, 97, 98C, 99, 99A, 100, 100A, 101, 102, 102A, 103]

6. **Schedule 1 Division 11 inserted**

   At the end of Schedule 1 insert:

   **Division 11 — Apiary permit and licence fees**

   $  

   1. Application for grant of apiary authority where item 4 does not apply —
      
      (a) for apiary site in South-west zone (fee per 5 sites) 135.00
      
      (b) for apiary site outside the South-west zone (fee per 5 sites) 65.00

   2. Application to transfer apiary authority 12.00

   3. Application to vary apiary licence to change the site to which it relates —
      
      (a) where new site is in the South-west zone (fee per 5 new sites) 100.00
      
      (b) where new site is outside the South-west zone (fee per 5 new sites) 50.00

   4. Application for grant of apiary permit where permit is sought to replace a permit held by the applicant for a different site which will be surrendered if the application is granted —
      
      (a) where new site is in the South-west zone (fee per 5 new sites) 100.00
      
      (b) where new site is outside the South-west zone (fee per 5 new sites) 50.00
7. **Schedule 3 Form 3 inserted**

After Schedule 3 Form 2 insert:

**Form 3 — Apiary permit**

<table>
<thead>
<tr>
<th>DEC REGION/DISTRICT</th>
<th>DEC Plan &amp; Ref</th>
<th>Land Tenure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Forest Block</td>
<td>or COG Map Ref</td>
<td></td>
</tr>
<tr>
<td>DEC Apiary Zone</td>
<td>Nearest Road/Track</td>
<td></td>
</tr>
<tr>
<td></td>
<td>GPS Reading - Map Location</td>
<td></td>
</tr>
</tbody>
</table>

Conditions to be followed

<table>
<thead>
<tr>
<th>Authority to issue Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apairy Batch Number</td>
</tr>
<tr>
<td>Conservation Commission</td>
</tr>
<tr>
<td>Minister for the Environment or his Delegate's Approval</td>
</tr>
<tr>
<td>Rental</td>
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</tbody>
</table>

Standard Apiary Site Conditions

| per annum, subject to review | from time to time |

Special Conditions

<table>
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<tr>
<th>Special Conditions</th>
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</table>

Period during which site may be occupied

<table>
<thead>
<tr>
<th>First day of Period:</th>
<th>Last day of Period:</th>
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This permit is not valid without the signature of the Director General or his delegate.

**DIRECTOR GENERAL**

DEPARTMENT OF ENVIRONMENT AND CONSERVATION

Date

By Command of the Governor,

PETER CONRAN, Clerk of the Executive Council.