

CA302\*

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**

r. 21	r. 23
r. 24	r. 25
r. 27	r. 31
r. 34	r. 35
r. 36	r. 38

**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**

Regulation 98D(1)

**CONSERVATION AND LAND MANAGEMENT REGULATIONS 2002**  
**APIARY PERMIT**

Permit No. \_\_\_\_\_

I \_\_\_\_\_ Reg Brand \_\_\_\_\_  
of \_\_\_\_\_

is authorised, subject to the Conservation and Land Management Regulations 2002 -

a) to occupy the land described below for the purpose of operating an apiary; and  
b) to remove honey, bees-wax and pollen from that land

in accordance with the terms and conditions and any limitations set out below, and not otherwise.

*Note: The authority conferred by this permit is of no effect at any time when a term, condition or limitation of the permit is not being complied with.*

Site that may be occupied		
DEC REGION/DISTRICT	DEC Plan & Ref	Land Tenure
_____	_____	_____
Forest Block	or COG Map Ref	_____
_____	_____	_____
DEC Apiary Zone	Nearest Road/Track	GPS Reading - Map Location
_____	_____	Longitude _____
		Latitude _____

Conditions to be followed	Authority to Issue Permit
DRA Permit _____	Apiary Batch Number _____
Water Catchment _____	Conservation Commission _____
Catchment Area _____	Minister for the Environment or his Delegate's Approval _____
Pastoral Lease _____	<b>Rental</b>
Special Conditions _____	per annum, subject to review from time to time _____
Standard Apiary Site Conditions _____	

Special Conditions

**Period during which site may be occupied**

First day of Period: \_\_\_\_\_ Last day of Period: \_\_\_\_\_

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.