

WESTERN AUSTRALIA

**BEE INDUSTRY AMENDMENT
AND REPEAL ACT 1993**

No. 26 of 1993

AN ACT to amend the *Beekeepers Act 1963*, to repeal the *Bee Industry Compensation Act 1953*, to make consequential amendments to the —

- *Constitution Acts Amendment Act 1899*; and
- *Parliamentary Commissioner Act 1971*,

and for related purposes.

[Assented to 15 December 1993]

The Parliament of Western Australia enacts as follows:

PART 1 — PRELIMINARY

Short title

1. This Act may be cited as the *Bee Industry Amendment and Repeal Act 1993*.

Commencement

2. This Act comes into operation on such day as is fixed by proclamation.

PART 2 — BEEKEEPERS ACT 1963

Principal Act

3. In this Part the *Beekeepers Act 1963** is referred to as the principal Act.

[* *Reprinted as at 2 September 1991.*]

Section 4 amended

4. Section 4 of the principal Act is amended —

(a) by deleting the definition of “beekeeper” and substituting the following definition —

“

“beekeeper” means —

(a) a person who owns, or has the charge, care or possession of, bees or any hive that contains, or has contained, bees; and

(b) where a person referred to in paragraph (a) is a body corporate, each of the directors of the body corporate;

”;

(b) by deleting the definition of “Director” and substituting the following definition —

“

“Director General” means the Director General of Agriculture;

”;

- (c) in the definition of “Senior Apiculturist” —
- (i) by deleting “the branch of ” and substituting the following —
- “ apiculture in ”;
- (ii) by deleting “known as the Apicultural Branch,”; and
- (iii) by deleting “Apiculturist;” and substituting the following —
- “ Apiculturist. ”;
- and
- (d) by deleting the definition of “the Committee”.

Section 7 amended

5. Section 7 of the principal Act is amended by deleting “Except where, and to the extent that, the *Bee Industry Compensation Act 1953*, otherwise provides, a” and substituting the following —

“ A ”.

Section 8 amended

6. Section 8 of the principal Act is amended —

- (a) by inserting after subsection (3) the following subsections —

“

(3a) A beekeeper who provides false information in an application for registration, or renewal of registration, commits an offence.

Penalty: \$3 000.

(3b) A beekeeper must, by 31 January of the year to which the registration is to relate —

- (a) pay the prescribed registration fee; or
- (b) notify the Registrar that renewal of registration will not be applied for,

and, if the beekeeper does not do so, a court before which the beekeeper is charged with the offence of failure to comply may order the beekeeper to pay any registration fees then outstanding.

(3c) The registrar may cancel the registered brand of a beekeeper who does not apply for the renewal of his registration as a beekeeper.

”;

- (b) in subsection (4) by deleting “Subject to subsection (5), the Director” and substituting the following —

“ The Director General ”; and

- (c) by repealing subsection (5).

Section 16 amended

7. Section 16 of the principal Act is amended in subsection (3) by inserting after “effect”, in the first place where it occurs, the following —

“ , within 7 days, ”.

Section 17 amended

8. Section 17 of the principal Act is amended by deleting “shall”, in the first place where it occurs, and substituting the following —

“ may ”.

Section 18 repealed and a section substituted

9. Section 18 of the principal Act is repealed and the following section is substituted —

“

Prevention of robbing

18. A person shall not expose used hives, combs or honey in such a manner as may attract bees to rob from hives, combs or honey.

”.

Section 21 repealed

10. Section 21 of the principal Act is repealed.

Section 23 amended

11. Section 23 of the principal Act is amended by repealing subsection (1) and substituting the following subsection —

“

(1) Where, on any site, a beekeeper keeps an apiary to the detriment or nuisance of the public, an inspector may order the beekeeper to remove the apiary to a site approved by the inspector.

”.

References to “Director” amended

12. The principal Act is amended by deleting “Director” wherever it occurs in the provisions referred to in the Table to this section and substituting in each case the following —

“ Director General ”.

TABLE

Section 8 (3)
Section 12 (3)
Section 12 (7) (a)

Various penalties increased

13. The principal Act is amended by deleting in the provisions referred to in column 1 of the Table to this section the penalties respectively set out in column 2 of the Table and substituting in each case the corresponding penalty set out in column 3 of the Table.

TABLE

<i>column 1</i>	<i>column 2</i>	<i>column 3</i>
<i>Provision</i>	<i>Deleted penalty</i>	<i>Substituted penalty</i>
section 12	\$3 000.	\$6 000.
section 15A	\$1 000.	\$2 000.
section 17A	\$1 500.	\$3 000.

PART 3 — BEE INDUSTRY COMPENSATION ACT 1953

Repeal

14. The *Bee Industry Compensation Act 1953* is repealed.

PART 4 — TRANSITIONAL PROVISIONS

Interpretation

15. In this Part —

“**Commencement**” means the commencement of this Act;

“**Committee**” means the Beekeepers’ Compensation Fund Committee constituted under section 4 of the repealed Act;

“**repealed Act**” means the *Bee Industry Compensation Act 1953*.

Beekeepers’ Compensation Fund

16. On the Commencement all moneys standing to the credit of the Beekeepers’ Compensation Fund established under section 6 of the repealed Act are, without further authorization or appropriation than this Act, transferred to the credit of the Consolidated Fund.

Outstanding amounts under section 7 of the repealed Act

17. On the Commencement —

- (a) any liability incurred by the advance of moneys from the Consolidated Fund to the Beekeepers’ Compensation Fund under section 7 of the repealed Act, which have not been repaid under subsection (2) of that section, is extinguished; and
- (b) any charge on the Beekeepers’ Compensation Fund which has not been discharged, is discharged.

Beekeepers' Compensation Fund Committee

18. On the Commencement, the appointment of a person as a member or a deputy member of the Committee is terminated and that person ceases to hold office as such.

Interpretation Act to apply

19. With respect to the repeal effected by section 14, this Act is supplementary to, and does not replace the operation of the *Interpretation Act 1984*.

**PART 5 — CONSEQUENTIAL AMENDMENTS TO
OTHER ACTS**

***Constitution Acts Amendment Act 1899* amended**

20. The *Constitution Acts Amendment Act 1899** is amended in Schedule V Part 3 by deleting “The Beekeepers’ Compensation Fund Committee constituted under the *Bee Industry Compensation Act 1953*”.

[* *Reprinted as at 6 April 1993.*

For subsequent amendments see Acts Nos. 59 and 77 of 1992 and Act No. 2 of 1993.]

***Parliamentary Commissioner Act 1971* amended**

21. The *Parliamentary Commissioner Act 1971** is amended in the Schedule by deleting “Beekeepers’ Compensation Fund Committee constituted under the *Bee Industry Compensation Act 1953*”.

[* *Reprinted as at 21 October 1992.*

For subsequent amendments see Act No. 59 of 1992 and Acts Nos. 2 and 6 of 1993.]