



Western Australia

## **Beekeepers Act 1963**

Compare between:

[12 Oct 2007, 03-b0-04] and [01 May 2013, 03-c0-03]



## Beekeepers Act 1963

**An Act to make better provision for the eradication of diseases and pests among bees, the orderly conduct of the industry, and for the improvement of the products of beekeeping.**

**1. Short title**

This Act may be cited as the *Beekeepers Act 1963*<sup>1</sup>.

**2. Commencement**

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

[3. *Omitted under the Reprints Act 1984 s. 7(4)(f).*]

**4. Interpretation**

In this Act, unless the context otherwise requires —

***apiary*** means a hive standing alone or any 2 or more hives standing in a group;

***apiary site*** means the place occupied by an apiary;

***appliances*** means equipment used in the normal course of beekeeping;

***approved*** means approved by the Senior Apiculturist;

***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;

**brand** means the permanent impression of any letter, sign or character made upon a hive;

**destroy** means complete consumption by fire in a pit followed by burying at a depth of not less than 0.3 metres underground;

**Director General** means the Director General of Agriculture;

**disease** means any infectious disease to which bees are subject and includes any parasite of bees;

**hive product** means honey, pollen, beeswax, propolis and any other product of the bee hive that may be prescribed;

**infectious disease** means European Brood disease, American Foul Brood disease and any other disease that may be prescribed;

**inspector** means a person appointed an inspector under the provisions of this Act;

**pests** means the Greater Wax Moth (*Galleria mellonella*), the Lesser Wax Moth (*Achroia grisella*) and such other animal, bird or insect as may from time to time be declared to be pests, under section 25;

**Registrar** means the Registrar of Brands appointed under the *Stock (Identification and Movement) Act 1970*;

**Senior Apiculturist** means the officer in charge of apiculture in the Department of Agriculture and includes any person for the time being discharging the duties of the office of Senior Apiculturist.

*[Section 4 amended by No. 94 of 1972 s. 4(1) (as amended by No. 83 of 1973 s. 2); No. 44 of 1980 s. 3; No. 84 of 1984 s. 3; No. 26 of 1993 s. 4; No. 46 of 1994 s. 40.]*

## **5. Appointment of inspectors**

The Governor may appoint such inspectors as he considers necessary to carry out the provisions of this Act.

**6. Inspectors may enter apiary and plant**

An inspector may, at any time, enter and inspect any apiary, beekeeping store and any plant or place used for extracting, processing or storing any hive product, or any place he reasonably believes is being used for any of those purposes, and may there examine, or remove for examination, any bees, combs, appliances, or hive product or any other article used on, or in connection with, that place.

*[Section 6 inserted by No. 44 of 1980 s. 4.]*

**7. Compensation limited**

A beekeeper is not entitled to receive compensation by reason of any measures taken pursuant to the provisions of this Act.

*[Section 7 amended by No. 26 of 1993 s. 5.]*

**8. Registration of beekeepers**

- (1) Subject to subsection (1a), every person shall, within 14 days after becoming a beekeeper, apply to be registered as such.
- (1a) A person who becomes a beekeeper only because of the ownership, or the charge, care or possession, of bees —
  - (a) kept in a device of an approved kind; and
  - (b) used for the purposes of the pollination of crops,is not required to be registered under this section if the bees and device are disposed of in the prescribed manner within 8 weeks after the person becomes a beekeeper in relation to them.
- (1b) A device used and disposed of in accordance with subsection (1a) is not a “hive” for the purposes of this Act.
- (2) Every beekeeper shall, on or before 31 December of each year, apply for the renewal of his registration as a beekeeper, and a beekeeper who fails to register, or to renew his registration, as a beekeeper commits an offence.

- (2a) Registration of a person as a beekeeper is effective until 31 December of the year in which registration is effected pursuant to this section.
- (3) Every application for registration, or renewal of registration, as a beekeeper shall be made to the Director General, in the prescribed manner, and shall be accompanied by the prescribed fee.
- (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.
- (4) The Director General shall issue to every registered beekeeper a certificate of registration in the prescribed form.

*[Section 8 amended by No. 5 of 1972 s. 2; No. 44 of 1980 s. 5; No. 84 of 1984 s. 4; No. 26 of 1993 s. 6 and 12; No. 24 of 2000 s. 6.]*

**9. Branding of hives**

- (1) Every hive owned by a beekeeper shall be branded with a registered brand.

- (2) Every application for a registered brand shall be made to the Registrar, in the prescribed manner, and shall be accompanied by the prescribed fee.
- (3) The Registrar shall issue a certificate of registration for such brand in the prescribed form.

**10. Establishment or movement of apiaries**

Every beekeeper who establishes a new apiary or who removes an apiary or part of an apiary from its site to any other site shall, if so required by the Senior Apiculturist, notify him within 14 days of the establishment of the new apiary or of the removal of the apiary or part of the apiary to another site.

**11. Sale, lease, exchange or disposal of apiaries**

A beekeeper shall, within 14 days after leasing, selling, exchanging or otherwise disposing of an apiary, or part of an apiary, owned by him, notify the Senior Apiculturist in writing of that lease, sale, exchange or disposal.

**12. Prohibition of imports of bees, etc.**

- (1) In this section —  
*prohibited material* means bees, combs, used hives, hive products, or used beekeeping appliances in respect of which a prescribed certificate is not issued for the purpose of subsection (2).
- (2) Subject to this section, a person shall not introduce bees, combs, used hives, hive products, or used beekeeping appliances into the State from elsewhere except such as are accompanied by the prescribed certificate.
- (3) The regulations may exempt any class of hive product or used beekeeping appliance from the provisions of subsection (2) if the hive product or used beekeeping appliance, as the case requires, is introduced into the State under such circumstances

or conditions as are approved by the Director General and set out in a notice published in the *Government Gazette*.

- (4) Where a person introduces into the State from elsewhere any prohibited material that person shall, if directed by an inspector, deliver the material into the custody of an inspector at any place nominated by an inspector.
- (5) Where any prohibited material has been delivered to a place pursuant to subsection (4) no person shall remove the material from that place without the prior written authority of an inspector.
- (6) Where —
  - (a) any prohibited material has been delivered into the custody of an inspector pursuant to subsection (4); and
  - (b) an inspector suspects that the prohibited material is infected by disease,

an inspector may cause the prohibited material to be destroyed or direct the material to be otherwise dealt with by the owner, consignor, consignee or person claiming possession or control of it.

- (7) A person who —
  - (a) introduces into the State from elsewhere any hive product or used beekeeping equipment exempted by the regulations from the provisions of subsection (2) otherwise than in accordance with such circumstances and conditions as are approved by the Director General in relation thereto under a notice given under subsection (3); or
  - (b) contravenes or fails to comply with a provision of this section or with a direction given by an inspector under this section,

commits an offence.

Penalty: \$6 000.



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*[Section 12 inserted by No. 44 of 1980 s. 6; amended by No. 20 of 1989 s. 3; No. 26 of 1993 s. 12 and 13.]*

**13. Beekeepers to report disease**

Every beekeeper, on learning of the occurrence of, or suspecting the existence of, any disease in his apiary, shall forthwith report that occurrence in writing, to the Senior Apiculturist or to an inspector, and shall forthwith take the prescribed steps for the eradication of, and for the prevention of the spread of, the disease.

*[Section 13 amended by No. 44 of 1980 s. 7.]*

**14. Beekeepers to eradicate pests**

Every beekeeper, on learning of or suspecting the existence of any pests in his apiary, store or premises, shall forthwith take the prescribed steps for the eradication of, and the prevention of the spread of, the pest.

*[Section 14 amended by No. 44 of 1980 s. 8.]*

**15. Restrictions on the keeping, or the disposal of, infected materials**

- (1) A person shall not keep any bees, combs, hive product, hives or appliances infected by, or liable to spread, disease or pests, unless he takes the prescribed steps to cure or eradicate the disease or eradicate pests.
- (2) A person shall not dispose of any bees, combs, hive product, hives or appliances from an apiary infected by, or liable to spread disease or pests, except in the prescribed manner.

*[Section 15 amended by No. 44 of 1980 s. 9.]*

**15A. Use of prescribed substance prohibited**

- (1) A beekeeper shall not use a prescribed substance or any substance of a prescribed class of substances for the treatment of a disease without the prior approval of an inspector.

- (2) An approval given for the purposes of subsection (1) may be given subject to such conditions and restrictions (if any) as are specified in writing by an inspector.
- (3) A person who contravenes the provisions of this section or who uses a prescribed substance otherwise than in accordance with written conditions or restrictions specified by an inspector in respect of such use commits an offence.

Penalty: \$2 000.

*[Section 15A inserted by No. 44 of 1980 s. 10; amended by No. 26 of 1993 s. 13.]*

**16. Inspector may order destruction or disinfection**

- (1) An inspector may, on finding any bees, combs, hive product, hives, appliances or any other articles used in connection therewith to be infected by disease or pests, direct the beekeeper forthwith to take such measures as the inspector considers necessary to eradicate the disease or pests or to destroy the bees, materials and articles so infected.
- (2) Any direction given under this section shall be confirmed by the inspector, in writing.
- (3) Where a person fails to give effect, within 7 days, to any direction given by an inspector under this section, that direction may be given effect to by the inspector, at the expense of the owner; and the amount of any expense so incurred may be recovered in any court of competent jurisdiction by, and in the name of, the inspector.

*[Section 16 amended by No. 44 of 1980 s. 11; No. 26 of 1993 s. 7.]*

**17. Inspector to order quarantine**

An inspector, on finding evidence of the presence of disease in an apiary, or having reasonable grounds to suspect the presence of disease, may, by notice in writing to the beekeeper in the prescribed form, order the apiary to be, and remain, in quarantine;

and a person shall not during the currency of the quarantine, remove any bees, combs, hive product, hives or appliances from that apiary, except under the authority of an inspector.

*[Section 17 amended by No. 44 of 1980 s. 12; No. 26 of 1993 s. 8.]*

**17A. Movement of bees, etc., may be prohibited**

- (1) The Minister may by Order declare that an infectious disease exists in any part of the State and may make orders prohibiting and regulating the movement of bees, hives and hive products into, within, or out of any area so declared except where the movement occurs in such circumstances (if any) as are specified in the Order.
- (2) An Order made under subsection (1) may be varied or revoked by further Order made by the Minister.
- (3) An Order under subsection (1) or subsection (2) shall be published in the *Government Gazette*.
- (4) A person who moves bees, hives or a hive product contrary to the terms of an Order made under this section or in circumstances other than the circumstances specified in an Order under this section commits an offence.

Penalty: \$3 000.

*[Section 17A inserted by No. 44 of 1980 s. 13; amended by No. 20 of 1989 s. 3; No 26 of 1993 s. 13.]*

**18. Prevention of robbing**

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 18 inserted by No. 26 of 1993 s. 9.]*

**19. Protection against wax moth**

A person shall not store combs, cappings, or beeswax in such a manner as to attract pests to breed and develop therein.

**20. Hives to be of type prescribed**

- (1) A beekeeper shall not keep bees in a hive of any kind other than such as is prescribed.
- (2) An inspector finding bees in a hive of a kind other than such as is prescribed, may by notice in writing direct the beekeeper to transfer the bees to a hive of the prescribed kind, within a time specified in the notice.
- (3) Where a beekeeper fails to give effect to any direction given by an inspector under this section, that direction may be given effect to by the inspector, at the expense of the beekeeper; and the amount of any expense so incurred may be recovered in any court of competent jurisdiction by, and in the name of, the inspector.

*[21. Deleted by No. 26 of 1993 s. 10.]*

**22. Water to be provided**

Unless water is available from natural sources, every beekeeper shall provide a good and sufficient supply of water on every apiary site in such a manner as to be readily accessible to the bees on that site.

**23. Order to move apiary**

- (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.
- (2) Where a person fails to comply with an order of an inspector to remove an apiary to an approved site, the Senior Apiculturist may, by authority in writing, authorise an inspector to remove the apiary to an approved site at the expense of that person; and the amount of any expense so incurred may be recovered from that person, in any court of competent jurisdiction by, and in the name of, the inspector.

*[Section 23 amended by No. 26 of 1993 s. 11.]*

**24. Abandoned hives**

Where an inspector is satisfied on reasonable grounds, that any bees or hives have been abandoned or are neglected, he may take possession of them and shall thereafter dispose of them in such manner as he may be directed by the Senior Apiculturist.

**25. Governor may declare pests**

The Governor may, from time to time, by proclamation, declare any animal, bird or insect to be a pest for the purposes of this Act and may in like manner vary or cancel any proclamation so made.

**25A. Saving of civil remedy**

- (1) The provisions of this Act relating to a nuisance do not limit or affect any right, remedy, or proceeding under any other Act or at law.
- (2) No proceedings taken under this Act against any person shall in any way interfere with or lessen any right or remedy by civil process of any party aggrieved by any offence against this Act.

*[Section 25A inserted by No. 44 of 1980 s. 14.]*

**26. Regulations**

- (1) The Governor may make such regulations as he thinks fit for the carrying out and giving effect to this Act.
- (2) Without limiting the generality of subsection (1), regulations may be made for, or in respect of, —
  - (a) the duties of inspectors;
  - (b) the duties and obligations of beekeepers under this Act;
  - (c) the issue, manner of serving, and forms of, any application, report, direction, notice, order, permit or certificate under the provisions of this Act;
  - (d) the issue, and form of, registered brands;

- (e) the fees to be paid for the purposes of this Act;
  - (f) the regulation, management and control of an apiary in quarantine and the treatment and disposal of bees, combs, any hive product, hives or appliances whilst in quarantine or in transit thereto or therefrom;
  - (g) the period of quarantine and manner of extension of the period of quarantine;
  - (h) the hives to be used;
  - (i) the method of securing and transporting bees;
  - (j) the conditions under which any hive product shall be extracted, packed and stored;
  - (k) standards of quality and grades for any hive product offered for sale;
  - (l) all matters which are required or permitted to be prescribed or necessary or convenient to be prescribed.
- (3) Regulations made under this section may prescribe a penalty not exceeding \$2 000 for any offence against a regulation.

*[Section 26 amended by No. 44 of 1980 s. 15; No. 20 of 1989 s. 3.]*

**27. Immunity of persons acting in good faith**

Civil or criminal proceedings shall not lie against any person for any act, matter or thing done, or commanded to be done, by him and purporting to be done for the purpose of carrying out the provisions of this Act, or for any act, matter or thing omitted to be done, unless that act, matter or thing was done, commanded to be done, or omitted to be done, maliciously or without reasonable and probable cause.

**28. Penalty**

- (1) Every person who fails to comply with any of the provisions of this Act, of the regulations, or of any direction or order given or made under the provisions of this Act, or who obstructs or

impedes, or attempts to obstruct or impede an inspector in the execution of his duties, or who wilfully refuses or neglects to furnish to an inspector any information required by him, relating to any apiary, bees, hives, combs, any hive product or appliances, or to any store, plant, building or vehicle used in connection with beekeeping or the handling of any hive product, is guilty of an offence.

- (2) A person who commits an offence against this Act for which no penalty is specifically prescribed is liable to a penalty of \$2 000.

*[Section 28 amended by No. 44 of 1980 s. 16; No. 20 of 1989 s. 3.]*

**29. Offence of personating an inspector**

A person who falsely represents himself to be, or who personates, an inspector, commits an offence.

Penalty: \$1 500.

*[Section 29 amended by No. 113 of 1965 s. 8(1); No. 44 of 1980 s. 17; No. 20 of 1989 s. 3.]*

*[Schedule omitted under the Reprints Act 1984 s. 7(4)(f).]*

## Notes

<sup>1</sup> This is a compilation of the *Beekeepers Act 1963* and includes the amendments made by the other written laws referred to in the following table <sup>1a</sup>. The table also contains information about any reprint.

### Compilation table

Short title	Number and year	Assent	Commencement
<i>Beekeepers Act 1963</i>	4 of 1963	3 Oct 1963	20 Dec 1963 (see s. 2 and <i>Gazette</i> 20 Dec 1963 p. 3923)
<i>Decimal Currency Act 1965</i>	113 of 1965	21 Dec 1965	s. 4-9: 14 Feb 1966 (see s. 2(2)); balance: 21 Dec 1965 (see s. 2(1))
<b>Reprint of the <i>Beekeepers Act 1963</i> authorised 12 Mar 1971</b> (includes amendments listed above)			
<i>Beekeepers Act Amendment Act 1972</i>	5 of 1972	8 May 1972	8 May 1972
<i>Metric Conversion Act 1972</i>	94 of 1972 (as amended by No. 19 and 83 of 1973)	4 Dec 1972	Relevant amendments (see Third Sch. <sup>2</sup> ) took effect on 22 Mar 1974 (see s. 4(2) and <i>Gazette</i> 22 Mar 1974 p. 965)
<i>Beekeepers Amendment Act 1980</i>	44 of 1980	12 Nov 1980	6 Apr 1982 (see s. 2 and <i>Gazette</i> 31 Dec 1981 p. 5364)
<i>Beekeepers Amendment Act 1984</i> <sup>3</sup>	84 of 1984	29 Nov 1984	29 Nov 1984 (see s. 2)
<i>Agricultural Legislation (Penalties) Amendment Act 1989</i> s. 3	20 of 1989	1 Dec 1989	15 Dec 1989 (see s. 2 and <i>Gazette</i> 15 Dec 1989 p. 4513)
<b>Reprint of the <i>Beekeepers Act 1963</i> as at 2 Sep 1991</b> (includes amendments listed above)			
<i>Bee Industry Amendment and Repeal Act 1993</i> Pt. 2	26 of 1993	15 Dec 1993	4 Feb 1994 (see s. 2 and <i>Gazette</i> 4 Feb 1994 p. 339)
<i>Stock (Brands and Movement) Amendment Act 1994</i> s. 40	46 of 1994	27 Sep 1994	17 May 1995 (see s. 2 and <i>Gazette</i> 16 May 1995 p. 1839)
<i>Statutes (Repeals and Minor Amendments) Act 2000</i> s. 6	24 of 2000	4 Jul 2000	4 Jul 2000 (see s. 2)
<b>Reprint 3: The <i>Beekeepers Act 1963</i> as at 2 May 2003</b> (includes amendments listed above)			

<sup>1a</sup> ~~On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.~~



<b>Provisions that have not come into operation</b>	
<b>Short title</b>	<b>Number and year</b>
<u><a href="#">This Act was repealed by the <i>Biosecurity and Agriculture Management (Repeal and Consequential Provisions) Act 2007</i> s. 52<sup>4</sup> (No. 24 of 2007) as at 1 May 2013 (see s. 2(2) and Gazette 5 Feb 2013 p. 823)</a></u>	24 of 2007 12 Oct 2007
<p><sup>2</sup> The Third Schedule was inserted by the <i>Metric Conversion Act Amendment Act (No. 2) 1973</i>.</p> <p><sup>3</sup> The <i>Beekeepers Amendment Act 1984</i> s. 5 is a transitional provision that is of no further effect.</p> <p><sup>4</sup> <del>On the date as at which</del> <u>Footnote no longer applicable.</u></p> <p><sup>5</sup> <u>The <i>Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013</i> Pt. 12 Div. 1 reads as follows:</u></p> <p style="text-align: center;"><b><u>Part 12 — Repealed Acts: transitional provisions</u></b></p> <p style="text-align: center;"><b><u>Division 1 — Beekeepers Act 1963</u></b></p> <p><b><u>218. Terms used</u></b></p> <p><del>In this compilation was prepared, Division —</del> <u><i>commencement day</i> means the day on which the <i>Biosecurity and Agriculture Management (Repeal and Consequential Provisions) Act 2007</i> s. <del>section 52 had not come</del> <u>comes</u> into operation. <del>It reads as follows:</del></u></p> <p>“</p> <p><del><b>52. Repeal</b></del> <del>The <i>Beekeepers Act 1963</i> is repealed.</del></p> <p><del>”</del> <u><i>repealed Act</i> means the <i>Beekeepers Act 1963</i> repealed under the <i>Biosecurity and Agriculture Management (Repeal and Consequential Provisions) Act 2007</i> section 52.</u></p> <p><b><u>219. Beekeepers</u></b></p> <p><u>(1) If a person was, immediately before the commencement day, registered as a beekeeper under the repealed Act, that person is, for the purposes of these regulations, to be taken to be a registered beekeeper.</u></p> <p><u>(2) A registration as a beekeeper referred to in subregulation (1), unless sooner cancelled under these regulations, expires on the day on which the registration would have expired under the repealed Act.</u></p>	

- (3) Despite regulation 22 and without limiting regulation 23, if an application is made under these regulations to renew a registration referred to in subregulation (1), the Director General may —
- (a) renew the registration for a term of 3 years; or
  - (b) if the Director General so chooses, renew the registration for a term of one or 2 years.

**220. Brands**

- (1) Any hive that was, immediately before the commencement day, branded with a brand registered under the repealed Act, is, for the purposes of these regulations, to be taken to be identified with an identifier for hives in accordance with these regulations.
- (2) If a brand was, immediately before the commencement day, a registered brand of a particular beekeeper under the repealed Act —
- (a) that brand is, for the purpose of these regulations, to be taken to be a registered identifier for hives; and
  - (b) that beekeeper is, for the purpose of these regulations, to be taken to be a registered owner of that identifier for hives.