

BEEES.

14° and 15° Geo. VI., No. LXX.

No. 70 of 1950.

AN ACT to amend the Bees Act, 1930.*[Assented to 5th January, 1951.]*

BE it enacted by the King'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 *Bees Act Amendment Act, 1950*, and shall be read as one with the Bees Act, 1930 (Act No. 18 of 1930), hereinafter referred to as the principal Act.

Short title.

2. The principal Act, as amended by this Act, may be cited as the Bees Act, 1930-1950.

Citation of principal Act as amended by this Act.

3. The long title of the principal Act is deleted and the following is substituted:—

Amendment of long title.

“AN ACT relating to the Regulation and control of the Keeping of Bees and the Control and Restriction of Diseases and Pests affecting Bees, and for other purposes.”

Amendment
of s. 3.

4. Section three of the principal Act is amended by—

- (a) substituting for the definition “Apiary” the following:—

“Apiary” means any hive standing singly or any two or more hives standing in a group;

- (b) inserting after the definition “Apiary” the following definition:—

“Apiary site” means the site where any apiary is situated in or upon any place;

- (c) substituting for the definition “Beekeeper” the following:—

“Beekeeper” means any person who keeps bees or the person in charge of bees, or, where reasonable inquiry fails to establish the beekeeper as aforesaid, then the person with whose knowledge, connivance, or consent the bees in question are kept in or upon any place occupied or owned by him, or who is the owner of or has in his possession any hives or appliances that have been used in connection with beekeeping, or with whose knowledge, connivance, or consent, any such hives or appliances are kept in or upon any place owned or occupied by him;

- (d) adding after the definition “Officer” the following:—

“Registered beekeeper” means any person registered under the provisions of this Act as a beekeeper;

“sale” includes barter and exchange and supply, and also offering or attempting to sell, or receiving for sale, or having in possession for sale, or exposing for sale, or sending, forwarding, or delivering for or on sale.

or causing or suffering or allowing to be sold or offered for sale; and the words "sell," "sold," and other derivatives thereof shall have correlative meanings.

5. Section five of the principal Act is repealed and the following is substituted:—

Repeal and re-enactment of s. 5.

5. (1) A person shall not keep bees or act as, or carry on the business of, a beekeeper at any time when he is not a registered beekeeper.

Registration of beekeepers.

(2) Every person who, at the date of the coming into operation of the Bees Act Amendment Act, 1950, is a beekeeper, shall apply to be registered as a registered beekeeper within one month after that date.

Beekeepers at commencement of Act.

(3) Every person who on any date after the coming into operation of the Bees Act Amendment Act, 1950, becomes a beekeeper shall apply to be registered as a registered beekeeper within fourteen days after the date of his first becoming a beekeeper.

Beekeeper to apply to be registered.

(4) Every registered beekeeper shall on or before the thirty-first day of December of every year apply for the renewal of his registration as a registered beekeeper.

Renewal of registration.

(5) (a) Every application for registration or renewal of registration as a registered beekeeper shall be made to the Director of Agriculture in the prescribed form and shall contain the prescribed particulars and information.

Forms of application.

(b) The information and particulars to be contained in such application shall include—

- (i) a list of apiaries maintained by the applicant beekeeper;
- (ii) a description of the respective apiary site of each apiary so maintained, which description shall be in terms reasonably identifying each of those sites; and

- (iii) a statement of the number of hives comprised in each of those apiaries.

Current period of registration.

(6) Registration and renewal of registration as a registered beekeeper shall, subject to the provisions of this Act, remain in force to and including the thirty-first day of December of the calendar year next succeeding the calendar year during which it was granted.

Certificates of registration.

(7) The Director of Agriculture shall issue to every registered beekeeper a certificate in the prescribed form of registration or of any renewal of registration.

Ss. 5A to 5G inserted.

6. The principal Act is amended by inserting after section five the following sections:—

Notice to be given of an establishment or removal of an apiary.

5A. (1) Every beekeeper or registered beekeeper who—

- (a) establishes any new apiary; or
- (b) removes any apiary or part of any apiary from its apiary site to any other site,

shall, within fourteen days after such establishment or removal, notify the Director of Agriculture in the prescribed manner, that he has established such new apiary or, as the case may be, removed such apiary or part of an apiary to another apiary site.

Apiary not to be maintained on new site when notice has not been given.

(2) A beekeeper or registered beekeeper shall not maintain upon any apiary site an apiary, whether a new apiary or an apiary which has been removed to the site as mentioned in subsection (1) of this section, at any time after the termination of a period of fourteen days from the establishment or removal of the apiary on or to such apiary site when a notice as prescribed by this section has not been given by him to the Director of Agriculture.

5B. (1) If an inspector certifies in writing to the Director of Agriculture that, in his opinion—

Prohibited
apiary sites.

- (a) any provision of this Act is being contravened or not complied with in respect of an apiary situated upon any apiary site; or
- (b) any apiary site is or has become unsuitable for beekeeping; or
- (c) the keeping of bees on any apiary site is detrimental to public interest;

or for any other reason, the Director of Agriculture may prohibit the keeping of bees upon such apiary site, hereinafter in this section referred to as a "prohibited apiary site." Such prohibition shall continue in force until it is cancelled by the Director of Agriculture.

(2) A person shall not at any time establish or maintain an apiary upon any prohibited apiary site.

Offence.

(3) (a) If an inspector certifies in writing to the Director of Agriculture that any person has established or is maintaining an apiary upon any prohibited apiary site, the Director of Agriculture may, whether such person is or is not prosecuted for such offence, order such person to remove such apiary from such prohibited apiary site within the time specified in such order.

Power of
Minister to
order
removal of
apiary from
prohibited
apiary site.

(b) Such person shall comply with the directions contained in such order.

(4) (a) If an inspector certifies in writing to the Director of Agriculture that any person has failed to comply with an order by the Director of Agriculture to remove such apiary from such prohibited apiary site, or that a person has removed the apiary concerned from such prohibited apiary site to another prohibited apiary site in purported compliance with an order by the Director of Agriculture, the Director of

Upon failure
to comply
with order
to remove
Director of
Agriculture
may
authorise
inspector to
remove
apiary.

Agriculture may authorise such inspector to remove such apiary from any prohibited apiary site upon which it is found by the inspector to an apiary site selected by the inspector whereon it is lawful to establish and maintain such apiary and thereupon such inspector shall remove such apiary accordingly.

(b) The amount of any costs, charges, and expenses incurred by an inspector in so removing such apiary, together with interest at the prescribed rate, shall be recoverable from such person by action at the suit of the Director of Agriculture as for a debt.

Notice to be given of sale of apiary.

5C. (1) A person shall, within fourteen days after selling any apiary or part of an apiary owned by him, give to the Director of Agriculture notice in writing in the prescribed form or to the like effect of such sale.

(2) Notice under this section shall be given, either where the apiary or part thereof is sold for removal to another apiary site or where the apiary or part thereof sold is to be retained by the purchaser on its existing apiary site.

Hives to be branded.

5D. A person shall not establish or maintain an apiary unless the hives kept thereon are marked or branded with a registered mark or brand issued to him by the Director of Agriculture.

Power to prohibit the keeping of bees in prohibited areas.

5E. (1) In any case where the Governor is of opinion that the keeping of bees in any part of the State is harmful to the drying of any fruits, the Governor may, by proclamation, prohibit, either absolutely or subject to such conditions as may be declared in the proclamation, the keeping of bees within the part of the State specified in the proclamation.

(2) Any such proclamation may provide that the same is to continue in force for the period or periods therein named, and any such proclamation may be revoked or varied by proclamation made by the Governor.

(3) Any person who keeps any bees in contravention of the provisions of any such proclamation shall be liable to a penalty not exceeding twenty pounds.

5F. If an inspector is satisfied on reasonable grounds that any bees or any beehives have been abandoned and are neglected, he may take possession of them, and shall dispose of them in accordance with regulations made under the provisions of this Act.

Abandoned
bees and
beehives.

5G. Every beekeeper shall provide a good and sufficient supply of water on every site on which he keeps bees so that it shall be accessible to them unless such water is available from natural sources.

Beekeeper
to provide
water.

7. Section nineteen of the principal Act is amended by—

Amendment
of s. 19.

(a) inserting after the word “regulations” in line one, the words “providing for all or any purposes, whether general or to meet particular cases that may be convenient for the administration of this Act or that may be necessary or expedient to carry out the objects and provisions of this Act and without limiting the generality of the foregoing provisions of this section, the regulations may provide for all or any of the following matters:—”;

(b) inserting after paragraph (f) of subsection (1) the following paragraphs:—

(g) The registration and renewal of registration of registered beekeepers.

(h) The marking or branding of hives with registered marks or brands.

(i) The application for approval, issue, transfer, transmission, cancellation and recording of registered marks or brands.

- (j) Defining the duties and obligation of beekeepers under this Act.
 - (k) The issue, renewal, or refusal of any permit or certificate; the form of any permit, certificate, or notice, or any form under the provisions of this Act and the particulars and information to be contained in any such permit, certificate, notice, or form.
 - (l) Prescribing the manner of giving notifications under the provisions of this Act.
 - (m) Prescribing the fees to be paid.
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