

BEEKEEPERS.

No. 44 of 1980.

AN ACT to amend the Beekeepers Act 1963-1973.

[Assented to 12 November 1980.]

BE it enacted by the Queen'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. (1) This Act may be cited as the *Beekeepers Amendment Act 1980*. Short title and citation.

(2) In this Act the Beekeepers Act 1963-1973 is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Beekeepers Act 1963-1980.

Commence-
ment.

2. This Act shall come into operation on such day or days as is or are fixed by proclamation.

Section 4
amended.

3. Section 4 of the principal Act is amended—

(a) by inserting after the definition of “disease” the following definitions—

“ “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; ” ;

and

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

“ “Registrar” means the Registrar of Brands appointed under the Stock (Brands and Movement) Act 1970; ” .

Section 6
repealed and
substituted.

4. Section 6 of the principal Act is repealed and the following section substituted—

“ 6. 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 8
amended.

5. Section 8 of the principal Act is amended in subsection (2) by deleting “1972, and on or before the thirty-first day of December in every fifth year thereafter” and substituting the following—

“ 1982, and on or before the thirty-first day of December in every second year thereafter ”.

6. Section 12 of the principal Act is repealed and the following section substituted—

Section 12
repealed and
substituted.

“ 12. (1) In this section—

Prohibition
of imports
of bees, etc.

“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) of this section.

(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) of this section 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 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) of this section 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) of this section; 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 in relation thereto under a notice given under subsection (3) of this section; 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: \$1 000. ”.

Section 13
amended.

7. Section 13 of the principal Act is amended by inserting after “occurrence of” in lines one and two the following—

“ , or suspecting the existence of , ”.

Section 14
amended.

8. Section 14 of the principal Act is amended by inserting after “of” in line one the following—

“ or suspecting ”.

Section 15
amended.

9. Section 15 of the principal Act is amended by deleting “honey, beeswax,” where occurring in—

- (a) line two of subsection (1); and
- (b) line two of subsection (2),

and substituting in each place the following—

“ hive product, ”.

10. The principal Act is amended by inserting after section 15 the following section—

Section 15A
inserted.

“ 15A. (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.

Use of
prescribed
substance
prohibited.

(2) An approval given for the purposes of subsection (1) of this section 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: \$1 000. ”.

11. Section 16 of the principal Act is amended in subsection (1) by deleting “honey, wax,” in line two and substituting the following—

Section 16
amended.

“ hive product, ”.

12. Section 17 of the principal Act is amended by deleting “ honey, wax, ” in line eight and substituting the following—

Section 17
amended.

“ hive product, ”.

13. The principal Act is amended by inserting after section 17 the following section—

Section 17A
inserted.

“ 17A. (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

Movement
of bees, etc.
may be
prohibited.

declared except where the movement occurs in such circumstances (if any) as are specified in the Order.

(2) An Order made under subsection (1) of this section may be varied or revoked by further Order made by the Minister.

(3) An Order under subsection (1) or subsection (2) of this section 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: \$1 000. ”.

Section 25A
inserted.

14. The principal Act is amended by inserting after section 25 the following section—

Saving of
civil remedy.

“25A. (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 26
amended.

15. Section 26 of the principal Act is amended—

(a) in subsection (2)—

(i) by deleting “honey” in paragraph (f) and substituting the following—

“ any hive product ”;

- (ii) by deleting "honey and beeswax" in paragraph (j) and substituting the following—
 - " any hive product "; and
- (iii) by deleting paragraphs (k) and (l) and substituting the following paragraphs—
 - " (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. " ; and
- (b) by inserting the following subsection—
 - " (3) Regulations made under this section may prescribe a penalty not exceeding \$500 for any offence against a regulation. ".

16. Section 28 of the principal Act is amended—

Section 28
amended.

- (a) by inserting after the section designation "28." the subsection designation "(1)";
- (b) by deleting "honey, beeswax" in line nine and substituting the following—
 - " any hive product ";
- (c) by deleting "honey and beeswax" in line twelve and substituting the following—
 - " any hive product ";
- (d) by deleting "Penalty: One hundred dollars." ; and
- (e) by inserting the following subsection—
 - " (2) A person who commits an offence against this Act for which no penalty is specifically prescribed is liable to a penalty of \$500. ".

Section 29
amended.

17. Section 29 of the principal Act is amended by deleting the penalty provision and substituting the following—

“ Penalty: \$1 000. ”.
