

## APIARIES ACT.

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### Act No. 24, 1916.

**An Act to regulate the bee industry ; to prevent the spread of disease in bees ; and for purposes incidental thereto or consequent thereon. [Assented to, 19th April, 1916.]**

George V,  
No. 24.

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

#### *Preliminary.*

**1.** This Act may be cited as the “ Apiaries Act, Short title. 1916.”

**2.** In this Act, unless inconsistent with the control Definition. of subject-matter,—

“ Apiary ” means any place where bees are kept.

“ Beekeeper ” means any person who keeps bees or the person in charge of such bees.

“ Disease ” means foul-brood, bee-moths, and any other diseases or pests declared by the Governor by proclamation in the Gazette to be diseases within the meaning of this Act.

“ Frame-hive ” means a hive containing moveable frames in which the combs are built and which may be readily removed from the hive for examination.

“ Inspector ” means an inspector appointed under this Act.

“ Minister ” means the Minister for Agriculture.

“ Prescribed ” means prescribed by this Act or any regulations under this Act. *Measures*

George V,  
No. 24.  
Inspectors.

*Measures for prevention of spread of disease.*

**3.** The Governor may appoint inspectors and any other officers necessary to carry out the provisions of this Act.

Infected bees,  
&c., not to be  
kept or sold.  
N.Z. Act,  
1908, s. 8.

**4.** No bee-keeper shall—

- (a) keep or allow to be kept upon any land occupied by him any bees, bee-combs, hives, or appliances known by him to be infected by or liable to spread disease, without immediately taking the proper steps to cure or eradicate the disease; or
- (b) sell, barter, or give away any bees or appliances from an apiary known by him to be infected by or liable to spread disease.

Bee-keeper to  
give notice of  
disease.  
*Ibid.* s. 3.

**5.** Every bee-keeper in whose apiary any disease appears shall, immediately after first becoming aware of its presence, send written notice thereof to the Minister for Agriculture or to an inspector.

Powers of  
entry and  
inspection.

**6.** Any inspector may enter and inspect any premises where bees are kept and may inspect any bees, bee-hives, fittings, apparatus, appliances, or any articles used in connection therewith.

Power to  
destroy bees.  
Vic. Act No.  
2,279, s. 4.

**7.** (1) If an inspector certifies, in writing, to the Minister that any bees are diseased and in his opinion are a source of danger to other bees, and that they ought to be destroyed, the Minister may make an order directing the beekeeper in charge to destroy such bees.

(2) If at the expiration of seven days after the service of such order upon such beekeeper the bees are not destroyed, any inspector may cause the same to be destroyed at the beekeeper's expense.

Bee-hives,  
&c., liable to  
spread disease  
to be  
disinfected.  
Vic. Act No.  
2,279, s. 5.

**8.** (1) If an inspector finds that any bee-hives, fittings, apparatus, appliances, or any other articles are, in his opinion, liable to spread disease, he may order all or any of them to be cleansed, disinfected, or readjusted in such manner and within such time as he directs, at the beekeeper's expense.

He may also order that any of the abovementioned articles shall not be sold or otherwise alienated for a further specified period of not more than one month, except with his written consent. (2)

(2) If such inspector certifies in writing to the **George V,** Minister that any of the articles mentioned in this section **No. 24.** cannot be effectively cleansed, disinfected or readjusted, Power to destroy infected bee-hives. and that they ought to be destroyed, such inspector may cause such articles to be destroyed at the cost of the beekeeper:

Provided that where the value of such articles ordered to be destroyed exceeds five shillings, this power shall not be exercised without the written approval of the Minister.

*Frame-hives.*

**9.** On and after the first day of July, one thousand nine hundred and sixteen, any person keeping bees, After 1st July, 1916, only frame-hives to be used. other than native or indigenous, in any hive other than a frame hive shall be liable to a penalty not exceeding twenty pounds.

**10.** If, after the above-mentioned date, an inspector finds any bees hived otherwise than in frame-hives, he Transfer of bees to frame-hives. may, in writing, order the beekeeper in charge to transfer such bees to frame-hives within a time specified in such order. If at the expiration of that time the bees are not so transferred, he may cause such bees to be so transferred at the beekeeper's expense, and the beekeeper shall in addition be liable to a penalty not exceeding twenty pounds.

**11.** If after the above-mentioned date an inspector finds that the bee-combs in any hive cannot, Alteration of hive, frame, &c. without cutting, be separately and readily removed from the hive for examination, he may order the beekeeper to readjust the hive, comb, or frame, in such manner and within such time as he may specify.

*Registration of apiaries.*

**12.** (1) Every beekeeper shall each year, on or Registration of apiaries. before a day in the month of September to be fixed by the Minister, apply to the Under Secretary and Director of Agriculture in the form prescribed for registration of his apiary, and shall in such form or in any other form which may be prescribed give in writing such particulars of and concerning his apiary as may be prescribed, including the number of colonies of bees in his apiary

**George V,** apiary on the first day of the said month of September,  
**No. 24.** and shall with such application forward a registration fee amounting to one penny for each colony of bees in his apiary on the said day.

If any beekeeper fails to make such application or fails to give such particulars as aforesaid, or gives any particulars which are to his knowledge untrue, he shall be liable to a penalty not exceeding twenty pounds.

(2) The Under Secretary and Director of Agriculture shall cause such applications and the particulars given as aforesaid to be entered in a register, and shall furnish each beekeeper who has duly made such application and given the prescribed particulars with a certificate of registration.

*Miscellaneous.*

Inspectors  
not liable  
except for  
wilful  
damage.  
Vic. Act No.  
2,279, s. 7.

**13.** (1) An inspector acting in the execution of this Act shall not be deemed to be a trespasser by reason of any entry or removal or destruction authorised by this Act, nor be liable for any damage occasioned in carrying out the provisions of this Act, unless the damage was occasioned by such inspector wilfully and without necessity.

No compensa-  
tion for  
damage  
unless wilful.

(2) No person shall be entitled to receive any compensation in consequence of any measures taken for the eradication of any disease or the destruction of any bees or any articles ordered to be destroyed under this Act, or in respect of any damage that may result to him therefrom, either directly or indirectly, unless the same was occasioned wilfully and without necessity.

Service of  
orders, &c.

**14.** Every direction or order by the Minister, or an inspector, shall be in writing, and signed under his hand, and shall be either delivered to the beekeeper personally or sent to him by registered letter addressed to him at his last known place of abode.

Offences and  
penalties.

**15.** Every person who—  
 (a) obstructs an inspector in the exercise of his duties under this Act; or  
 (b) fails to comply with any order or direction given under the provisions of this Act; or,  
 (c) commits any other breach of this Act,  
 shall, where no penalty is specifically provided, be liable to a penalty not exceeding twenty pounds.

**16.**

**16.** All penalties under this Act or the regulations may be recovered in a summary way before a stipendiary or police magistrate, or any two justices in petty sessions.

George V,  
No. 24.  
Recovery of  
penalties.

**17.** (1) The Governor may make regulations prescribing the duties of inspectors, the obligations of beekeepers with respect to inspections, and generally for carrying out the provisions of this Act, and may in those regulations impose any penalty not exceeding five pounds for any breach thereof.

Regulations.

(2) Such regulations shall—

- (i) be published in the Gazette;
- (ii) take effect from the date of publication, or from a later date to be specified in such regulations; and
- (iii) be laid before both Houses of Parliament within fourteen days after publication if Parliament is in session, and, if not, then within fourteen days after the commencement of the next session. If either House of Parliament passes a resolution at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation, such regulation shall thereupon cease to have effect.