



ANNO TRICESIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1987

No. 100 of 1987

An Act to amend the Apiaries Act, 1931.

[Assented to 17 December 1987]

The Parliament of South Australia enacts as follows:

- Short title.** 1. (1) This Act may be cited as the "Apiaries Act Amendment Act, 1987".
- (2) The Apiaries Act, 1931, is in this Act referred to as "the principal Act".
- Commencement.** 2. This Act will come into operation on a day to be fixed by proclamation.
- Amendment of s. 3—
Interpretation.** 3. Section 3 of the principal Act is amended—
- (a) by striking out the definition of "disease" in subsection (1) and substituting the following definition:
- "disease" means any disease of or affecting bees prescribed by regulation;
- and
- (b) by inserting after the definition of "inspector" in subsection (1) the following definition:
- "notifiable disease" means a disease declared by regulation to be a notifiable disease.
- Amendment of s. 5—
Registration as beekeeper.** 4. Section 5 of the principal Act is amended by striking out from subsection (1) "Penalty: Five hundred dollars" and substituting:
- Penalty:
- for a first offence—\$500;
- for a second or subsequent offence—\$5 000.
- Repeal of s. 6 and
substitution of
new section.** 5. Section 6 of the principal Act is repealed and the following section is substituted:

6. (1) A beekeeper must, within 48 hours after evidence of a notifiable disease appears in his or her apiary, give notice to an inspector describing the nature of the evidence.

Beekkeepers to notify presence of disease.

Penalty: \$5 000.

(2) The reference in subsection (1) to evidence of a notifiable disease extends to any indication that would cause a reasonable and conscientious beekeeper to suspect the disease.

6. Section 7 of the principal Act is amended by striking out paragraph (c) of subsection (1) and substituting the following paragraph:

Amendment of s. 7—
Duties of beekkeepers.

(c) comply with any directions or instructions lawfully given by an inspector under this Act.

7. Section 8a of the principal Act is amended by striking out “and” between paragraphs (a) and (b) of subsection (2) and by inserting the following word and paragraph after paragraph (b):

Amendment of s. 8a—
Beekkeeper's Compensation Fund.

and

(c) interest at such rates as the Treasurer determines on amounts standing to the credit of the Fund.

8. Section 8c of the principal Act is amended—

Amendment of s. 8c—
Compensation.

(a) by striking out paragraph (b) of subsection (1) and substituting the following paragraph:

(b) that are destroyed or sterilized in a manner approved by the chief inspector.;

and

(b) by inserting after subsection (5) the following subsection:

(6) The maximum amount of compensation payable under this section will be calculated in accordance with the regulations.

9. Section 8d of the principal Act is amended by striking out “or” between paragraphs (b) and (c) and by inserting the following word and paragraph after paragraph (c):

Amendment of s. 8d—
Limits to compensation.

or

(d) in the opinion of an inspector, the disease that affected the property in respect of which compensation is sought had been present for at least two months before notification was given in accordance with this Act.

10. The following section is inserted after section 8d of the principal Act:

Insertion of new section.

8e. (1) A person who has been refused compensation by the Minister under section 8d may appeal against that refusal to a District Court.

Right of appeal from Minister's refusal of compensation.

(2) An appeal under this section must be commenced within one month after receipt of notice of the Minister's refusal.

(3) On an appeal the Court may confirm or reverse the Minister's decision.

Amendment of
s. 9—
Offences.

11. Section 9 of the principal Act is amended—

(a) by striking out paragraph (d) and substituting the following paragraph:

(d) except when required by an inspector, remove any honey, beeswax, bees, hives or appliances, knowing them to be infected with disease from any premises;

(b) by striking out from paragraph (f) “beeswax, appliances, or articles affected with any disease” and substituting “beeswax or appliances”;

and

(c) by striking out “Penalty: Five hundred dollars” and substituting:
Penalty:

—for a first offence—\$500;

—for a second or subsequent offence—\$5 000.

Amendment of
s. 10—
Power to prohibit
removal of bees.

12. Section 10 of the principal Act is amended by striking out from subsection (3) “five hundred dollars” and substituting “\$5 000”.

Amendment of
s. 11—
Power to prohibit
the keeping of
bees in specified
areas.

13. Section 11 of the principal Act is amended by striking out from subsection (3) “five hundred dollars” and substituting “\$5 000”.

Amendment of
s. 12—
Prohibition of
keeping other
than Ligurian
bees on Kangaroo
Island.

14. Section 12 of the principal Act is amended—

(a) by striking out from subsection (1) “Five hundred dollars” and substituting “\$5 000”;

(b) by striking out paragraphs (a) and (b) of subsection (2) and substituting the following paragraphs:

(a) may go on board and inspect—

(i) any aeroplane, ship, boat or vessel that is about to proceed to Kangaroo Island;

(ii) any aeroplane that has landed at Kangaroo Island or any ship, boat or vessel in or near any harbour of Kangaroo Island;

and

(b) seize and destroy any bees, or any hive or receptacle for bees, found in the course of the inspection.;

(c) by striking out from subsection (3) “Five hundred dollars” and substituting “\$5 000”;

(d) by striking out subsection (4) and substituting the following subsection:

(4) An inspector or member of the police force may—

(a) search any vehicle on Kangaroo Island;

or

(b) enter upon and inspect any land on Kangaroo Island,

and seize and destroy any bees that are not pure Ligurian Bees and any hive or receptacle for such bees.;

and

(e) by striking out from subsection (6) "Five hundred dollars" and substituting "\$5 000".

15. Section 13 of the principal Act is amended by striking out from subsection (2) "Five hundred dollars" and substituting "\$5 000".

Amendment of s. 13—
Power to reserve parts of the State for breeding specified kinds of bees.

16. Section 13aa of the principal Act is amended by striking out "Penalty: Five hundred dollars" and substituting:

Amendment of s. 13aa—
Bees to be kept in frame hive.

Penalty:

- for a first offence—\$500;
- for a second or subsequent offence—\$5 000.

17. Section 13a of the principal Act is amended by striking out "Penalty: Five hundred dollars" and substituting:

Amendment of s. 13a—
Hives to be branded.

Penalty:

- for a first offence—\$500;
- for a second or subsequent offence—\$5 000.

18. Section 13b of the principal Act is repealed and the following section is substituted:

Repeal of s. 13b and substitution of new section.

13b. A beekeeper must maintain, in each place where bees are kept and so as to be not more than 200 metres from any hive, sufficient clean water of suitable mineral content for the bees.

Beekeeper to provide water.

Penalty:

- for a first offence—\$500;
- for a second or subsequent offence—\$5 000.

19. Section 19 of the principal Act is amended by striking out subsection (2) and substituting the following subsection:

Amendment of s. 19—
Regulations.

(2) A regulation under this section may create an offence punishable by a fine not exceeding for a first offence \$500 or for a second or subsequent offence \$5 000.

20. The schedule to the principal Act is repealed.

Repeal of schedule.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor