

BEEES.

An Act to Consolidate and Amend the Law 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.

11 GEO. VI.
No. 42.
THE APIARIES
ACT OF 1947.

[ASSENTED TO 9TH DECEMBER, 1947.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I.—PRELIMINARY.

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1. (1.) This Act may be cited as “*The Apiaries Act of 1947.*” Short title.

*(2.) Except as herein otherwise provided, this Act shall come into operation on a date to be fixed by the Governor in Council by Proclamation published in the *Gazette.* Commence-
ment of Act.

2. This Act is divided into Parts, as follows:— Parts of Act.

PART I.—PRELIMINARY;

PART II.—REGULATION AND CONTROL OF THE KEEPING OF BEES;

PART III.—CONTROL AND RESTRICTION OF DISEASES AND PESTS AFFECTING BEES;

PART IV.—GENERAL.

3. †“*The Apiaries Act of 1938*” is repealed. The said Act is herein referred to as “the repealed Act”: Repeal of 2
Geo. VI. No.
10.

Provided that, but without limiting the operation of “*‡The Acts Shortening Acts*”— Savings.

(a) All Proclamations and notifications made and published, all appointments made, all regulations and forms made and promulgated, any authority, direction, notice, or

* Commenced 31 March, 1948. (See Proc. publ. *Gaz.* 4th March, 1948, p. 747).

† 2 G. 6 No. 10.

‡ 31 V. No. 6 and amending Acts.

order made or given under the repealed Act and all things done or purporting to be done under the repealed Act, and generally all acts of authority originated under the repealed Act and in force or subsisting at the coming into operation of this Act, shall continue in full force and effect and shall so far as is consistent with this Act be deemed to have been made, published, promulgated, given, done, and originated under and for the purposes of this Act ;

- (b) All matters and proceedings commenced under the repealed Act and pending or in progress at the coming into operation of this Act may be continued, completed, and enforced under this Act ;
- (c) All penalties and forfeitures imposed under the repealed Act and incurred at the coming into operation of this Act shall and may be enforced as if the repealed Act had not been repealed.

Interpreta-
tion.

4. In this Act, unless the context otherwise indicates or requires, the following terms shall have the meanings respectively assigned to them, that is to say :—

Apiary.

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

Apiary site.

“Apiary site ”—The site where any apiary is situated in or upon any land, building, premises, or place ;

Appliances.

“Appliances ”—Any fittings, utensils, apparatus, or implements that are or have been used or that in the opinion of an inspector are being or have been used in beekeeping or in handling, housing, or storing bees, bee combs, beeswax, or honey ;

Bee combs.

“Bee combs ”—Bee comb whether in frames or not ;

Beekeeper.

“Beekeeper ”—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 land,

building, premises, or 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 land, building, premises, or place owned or occupied by him ;

“ Beeswax ”—Raw beeswax produced by a bee-keeper : the term does not include any beeswax commercially processed ; Beeswax.

“ Director, Division of Plant Industry ”—Such officer or the officer for the time being carrying out the duties of that office ; Director,
Division of
Plant
Industry.

“ Disease ”—Any disease affecting bees, bee combs, beeswax, or honey caused by or consisting of the presence of any insect or fungus ; and any disease affecting bees, bee combs, beeswax, or honey which the Governor in Council from time to time by Proclamation declares to be a disease within the meaning of this Act, and whether or not caused by or consisting of the presence of any insect or fungus. Without limiting the generality of this definition, the term includes the presence of suspicious symptoms which, although not ascertainable as a certain specific disease, in the opinion of the Minister should be deemed a disease for the purposes of this Act ; Disease.

“ District ”—A district constituted under this Act ; District.

“ Frame hive ”—A hive containing moveable frames in which the combs are built, and which may be separately and readily removed from the hive for examination ; Frame hive.

“ Fungus ”—Includes any fungus, virus, or bacterium which the Governor in Council from time to time by Proclamation declares to be a fungus within the meaning of this Act, in whatever stage of existence such fungus, virus, or bacterium may be ; Fungus.

- Hive. “Hive”—Any receptacle housing living bees of which, in the opinion of an inspector, housed living bees ;
- Honorary field man. “Honorary field man”—A person appointed by the Minister to carry out the duties and functions of an honorary field man under this Act ;
- Insect. “Insect”—Includes any insect which the Governor in Council from time to time by Proclamation declares to be an insect within the meaning of this Act, in whatever stage of existence such insect may be. For the purpose of this Act the term “insect” also includes “mites” ;
- Inspector. “Inspector”—An inspector appointed under this Act and any other person at any time when such person is authorised by the Minister or Under Secretary to perform the duties of an inspector ;
- Land. “Land”—Includes Crown land, freehold, lease, and land held for an estate of leasehold from the Crown but so that as respects any such estate of leasehold the term “owner” shall not include the Crown ;
- Minister. “Minister”—The Secretary for Agriculture and Stock or other Minister of the Crown charged for the time being with the administration of this Act ;
- Person. “Person”—Includes any body corporate ;
- Prescribed. “Prescribed”—Prescribed by this Act ;
- Registered beekeeper. “Registered beekeeper”—Any person registered under this Act as a beekeeper ;
- Sale. “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 ;
- This Act. “This Act”—This Act and all Proclamations, Orders in Council, regulations, declarations, directions, notifications, orders, and prohibitions made hereunder ;

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“Under Secretary”—The Under Secretary, Under Secretary,
Department of Agriculture and Stock, or Secretary.
the person for the time being performing
the duties of such office.

5. (1.) This Act shall be administered by the Administration of Act.
Minister and subject to the Minister by the Under
Secretary who in carrying out or exercising any power,
function, duty or discretion conferred or imposed upon
him by this Act shall observe any applicable general or
particular direction or instruction of the Minister.

(2.) Such inspectors and officers as the Governor Inspectors
in Council shall from time to time deem necessary for and officers.
the due and proper administration of this Act may be
appointed under **“The Public Service Acts, 1922 to 1945.”*”

(3.) The Minister may from time to time appoint Appointment of
such and so many persons as he deems necessary to be honorary
honorary field men and may from time to time cancel field men.
any such appointment.

PART II.—REGULATION AND CONTROL OF THE
KEEPING OF BEES.

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6. (1.) This Part of this Act shall extend to and be in Application
force in the Pastoral Districts of Moreton, Darling Downs, of Part to
Wide Bay, and Burnett, which districts shall, for the districts.
purposes of this Act, be respectively known as Apiaries
District No. 1, Apiaries District No. 2, Apiaries District
No. 3, and Apiaries District No. 4.

(2.) Moreover this Part of this Act shall extend This Part
to and be in force in such other district or districts as shall extend
the Governor in Council may from time to time by to other
Order in Council published in the *Gazette* declare. declared
districts.

(3.) The Governor in Council may in any Order in Governor in
Council made under this section declare the whole or Council
any part or parts of the State to be a district or districts may declare
to and in which this Part of this Act extends and is in districts.
force, and may in like manner alter the boundaries of or
abolish any such district (including any district men-
tioned in subsection one of this section).

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

* 13 G. 5 No. 31 and amending Acts.

- (2.) Every person who, at the date of the coming into operation of this Act, is a beekeeper shall apply to be registered as a registered beekeeper within one month after such date.
- Beekeepers at commencement of Act.
- (3.) Every person who upon any date after the coming into operation of this Act 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 March of every year apply for the renewal of his registration as a registered beekeeper.
- Renewal of registration.
- (5.) Every application for registration or renewal of registration as a registered beekeeper shall be made to the Under Secretary in the prescribed form and shall contain the prescribed particulars and information.
- Forms of application.
- The information and particulars to be contained in such application shall include :—
- (i.) A list of apiaries maintained by the applicant beekeeper ; and
 - (ii.) A description of the respective apiary site of each such apiary (which description shall be in terms reasonably identifying every such site) ; and
 - (iii.) A statement of the number of hives comprised in every such apiary.
- (6.) Registration and renewal of registration as a registered beekeeper shall, subject to this Act, remain in force to and including the thirty-first day of March of the calendar year next succeeding the calendar year during which it was granted.
- Current period of registration.
- (7.) The Under Secretary shall issue to every registered beekeeper a certificate in the prescribed form of registration or of any renewal of registration.
- Certificates of registration.
8. For the purposes of the registration of registered beekeepers, apiaries shall be classified as follows, that is to say :—
- (i.) “Apiary Class A”—An apiary comprising less than forty hives ;
 - (ii.) “Apiary Class B ”—An apiary comprising not less than forty hives ;
- Classification of apiaries.

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- (iii.) "Apiary Class C"—An apiary not being an "Apiary Class A" in which queen bees are bred for sale, and so classified in a certificate issued to a registered beekeeper by the Under Secretary as an "Apiary Class C" and situated on an apiary site specified in such certificate ;
- (iv.) "Apiary Class D"—An apiary classified in a certificate issued to a registered beekeeper by the Under Secretary as an "Apiary Class D" and situated on an apiary site specified in such certificate ;
- (v.) Such other classes as may be prescribed.

9. (1.) The Under Secretary shall not classify any apiary as an "Apiary Class C" unless an inspector certifies in writing that such apiary is suitable both as regards site and such other matters as the Under Secretary thinks necessary or desirable for breeding queen bees for sale. " Apiary Class C."

(2.) The Under Secretary shall not classify any apiary as an "Apiary Class D" unless an inspector certifies in writing— " Apiary Class D."

- (a) That the total number of hives maintained by the beekeeper concerned is not less than one hundred and fifty ; and
- (b) That such apiary comprises not less than forty hives ; and
- (c) That the apiary site of such apiary is suitable for an " Apiary Class D."

(3.) The Under Secretary may classify any apiary as an " Apiary Class C" or, as the case may be, an " Apiary Class D" for such period and under and subject to such conditions as he shall think fit. Such period and conditions shall be specified in a certificate issued in respect to any such apiary. The Under Secretary may revoke any such certificate at any time. Powers of Under Secretary.

(4.) The Under Secretary may in his absolute discretion determine whether he will classify only one " Apiary Class D" or more " Apiaries Class D" than one in respect to apiaries kept by any one registered beekeeper, and if he should so classify more than one " Apiary Class D," then he may accordingly determine the number of " Apiaries Class D" to be kept by the registered beekeeper.

Distances
between
apiary sites.

10. (1.) A person shall not at any time establish an apiary in or upon any land, building, premises, or place less than a prescribed distance from any apiary site upon which an "Apiary Class C" is situated at that time :

Provided that if a registered beekeeper keeping an "Apiary Class C" notifies his consent in writing to the Under Secretary that an apiary may be established on a site less than the distance so prescribed from his apiary site, then the Under Secretary may permit the establishment of an apiary on a site at such distance less than is prescribed from such "Apiary Class C" and under such conditions as the Under Secretary may determine.

(2.) A person shall not at any time establish any "Apiary Class B" in or upon any land, building, premises, or place within a radius of less than one half of a mile from any apiary site in respect to which a certificate for an "Apiary Class D" has been issued and is current.

The provisions of this subsection shall apply notwithstanding that any "Apiary Class D" in question may at any time or from time to time comprise less than the number of hives required for an "Apiary Class D."

(3.) A person shall not at any time establish any "Apiary Class B" in or upon any land, building, premises, or place within a radius of less than one half of a mile from any apiary site upon which another "Apiary Class B" is established at such time.

(4.) The radii mentioned in subsections two and three of this section may as respects any district or part of a district be such distance other than one half of a mile as may be prescribed.

(5.) If—

(a) A registered beekeeper keeping an "Apiary Class B" or an "Apiary Class D" gives to the Under Secretary his consent in writing to the establishment of another apiary (being either an "Apiary Class B" or an "Apiary Class D") upon a site less than the distance provided by or prescribed under this section from the apiary site of the apiary kept by him ; or

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(b) An inspector certifies in writing to the Under Secretary that the establishment of another apiary (being an "Apiary Class B" or an "Apiary Class D") upon a site at a less distance than the distance provided by or prescribed under this section from an apiary site upon which there is already an "Apiary Class B" or an "Apiary Class D" will not prejudice the keeping of such lastmentioned apiary,

the Under Secretary may in writing permit the apiary referred to in such consent or certificate to be established upon a site at such distance less than the distance provided by or prescribed under this section from the apiary site of the other apiary concerned as he shall determine and specify in such permit :

Provided that the Under Secretary may in such permit limit the period during which the permit is to remain in force, and the apiary thereby permitted shall be removed from such apiary site forthwith upon the expiration of such period, otherwise it shall be deemed to be established on such apiary site in contravention of this section.

(6.) If an inspector certifies in writing that the establishment of an "Apiary Class A" in or upon any land, building, premises, or place would unduly encroach upon any other apiary being an "Apiary Class B" or an "Apiary Class D," then the Under Secretary may by a notice in writing prohibit the establishment of such "Apiary Class A" in or upon such land, building, premises, or place.

Power of Under Secretary to prohibit the establishment of an "Apiary Class A."

A person shall not establish such an apiary in contravention of such a prohibition.

(7.) A person shall not at any time maintain upon any apiary site any apiary established thereon in contravention of this section.

Offence.

11. (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,

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

shall, within fourteen days after such establishment or removal, notify the Under Secretary 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.

Every such notification shall be in the prescribed form or to the like effect and shall contain the prescribed particulars.

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 such site as mentioned in subsection one 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 Under Secretary.

Prohibited apiary sites.

12. (1.) If an inspector certifies in writing to the Under Secretary that in his opinion—

- (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 Minister 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 Minister.

Offence.

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

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

(3.) If an inspector certifies in writing to the Under Secretary that any person has established or is maintaining an apiary upon any prohibited apiary site, the Minister 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.

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

Upon failure to comply with order to remove Minister may authorise inspector to remove apiary.

(4.) If an inspector certifies in writing to the Under Secretary that any person has failed to comply with an order by the Minister 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 Minister, the Minister may authorise

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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.

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 in a summary way under **"The Justices Acts, 1886 to 1946,"* or by action as for a debt.

13. A person shall, within fourteen days after selling any apiary or part of an apiary owned by him, give to the Under Secretary notice in writing in the prescribed form or to the like effect of such sale. Notice to be given of sale of apiary.

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.

14. A person shall not establish or maintain an apiary unless he marks or brands as prescribed not less than one hive in each fifty hives or part thereof comprising such apiary with a registered mark or number issued to him by the Under Secretary. Marking of hives.

PART III.—CONTROL AND RESTRICTION OF DISEASES AND PESTS AFFECTING BEES.

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15. (1.) A person shall not keep bees or allow bees to be kept in any apiary or in or upon any land, building, premises, or place except in a frame hive. Bees to be kept in frame hives.

When bees are kept in or upon any land, building, premises, or place contrary to this subsection with the knowledge, consent, or connivance of the occupier or owner thereof such occupier or owner shall be deemed to allow such bees to be so kept.

This subsection shall not extend or apply to native or indigenous bees in their native habitat.

(2.) In the event of any hive being or becoming in such a condition that it cannot readily be handled for inspection, an inspector may order its repair or replacement by a hive that can be so readily handled within such time as is specified in such order. Inspector may order replacement of hive.

* 50 V. No. 17 and amending Acts.

The person to whom the order is directed shall within the time specified therein carry out the directions contained in such order accordingly.

Power of
inspector
upon failure
to comply
with his
order.

(3.) If at the expiration of such specified time a inspector finds that the directions contained in the order have not been complied with he may cause the bees to be transferred and, if he thinks fit, the hive referred to destroyed at the expense of the person to whom the order was directed, whether or not proceedings are taken against such person as for an offence :

Provided that where the costs involved in any such transfer exceed five pounds, the inspector shall not cause such transfer without prior authority of the Under Secretary.

Beekeeper
shall notify
disease.

16. Every beekeeper in whose apiary any disease appears shall immediately give notice thereof in writing under his hand to the Under Secretary.

Provisions as
to disease.

17. No beekeeper shall—

- (a) Keep, or allow to be kept, in or upon any land, building, premises, or place any bees, bee combs, beeswax, hives, honey, or appliances which are affected by a disease without immediately giving notice in accordance with section sixteen of this Act ; or
- (b) Remove, sell, give away, or otherwise deal with any bees, bee combs, beeswax, hives, honey, or appliances from an apiary affected by or liable to spread a disease except to dispose of such bees, bee combs, beeswax, hives, honey, or appliances in a manner approved of by an inspector.

Powers of
inspector
and
honorary
field men.

18. (1.) Any inspector or honorary field man may enter and inspect any land, building, premises, or place upon or in which bees, bee combs, beeswax, hives, honey or appliances are or are suspected by him to be and may inspect any bees, bee combs, beeswax, hives, honey, or appliances or any articles used in connection therewith.

Removal for
examination
or analysis.

(2.) Any inspector or honorary field man may for the purposes of any inspection authorised under subsection one of this section remove for examination or analysis any bees, bee combs, beeswax, hives, honey and/or appliances, or portions or samples of or from any bee combs, beeswax, or honey found by him : Provided

That where the method of any such removal is prescribed such removal shall be effected in accordance with the prescribed method.

19. (1.) If an inspector upon inspection finds that any bees, bee combs, beeswax, hives, honey, and/or appliances are in his opinion affected by a disease or liable to spread a disease he may order the beekeeper concerned, or owner, agent, or person in charge of such bees, bee combs, beeswax, hives, honey, and/or appliances to cleanse and/or disinfect and/or isolate such bees, bee combs, beeswax, hives, honey, and/or appliances in such manner and within such period as he directs in the order, and such beekeeper, owner, agent, or person in charge shall cause such bees, bee combs, beeswax, hives, honey, and/or appliances to be cleansed and/or disinfected and/or isolated accordingly.

Power of inspector to order hives, &c., to be cleansed.

(2.) If at the expiration of the period directed in the order such bees, bee combs, beeswax, hives, honey, and/or appliances are not cleansed and/or disinfected and/or isolated in the manner directed, any inspector may cause the same to be cleansed and/or disinfected and/or isolated at the expense of the beekeeper concerned or owner, agent, or person in charge.

20. (1.) If at any time an inspector certifies in writing to the Under Secretary that any bees, bee combs, beeswax, hives, honey, and/or appliances are affected by a disease and in his opinion are a source of danger to other bees and ought to be destroyed, the Under Secretary may, if such certificate is counter-signed by the Director, Division of Plant Industry, cause an order to be made directing the beekeeper concerned to destroy within such time and in such a manner as may be specified therein such bees, bee combs, beeswax, hives, honey, and/or appliances.

Power of Under Secretary to order destruction of bees, &c.

A beekeeper to whom such an order is directed shall, within the period and in the manner specified therein, destroy such bees, bee combs, beeswax, hives, honey, and/or appliances.

(2.) If at the expiration of such period as is so directed after the service of such order upon such beekeeper the bees, bee combs, beeswax, hives, honey, and/or appliances concerned are not destroyed in the manner required, any inspector may so destroy or cause to be so destroyed such bees, bee combs, beeswax, hives, honey, and/or appliances at the beekeeper's expense.

Restriction
of
introduction
into
Queensland
of bees, &c.

21. (1.) A person shall not introduce or cause to be introduced into the State of Queensland any bees, bee combs, beeswax, hives, honey, and/or appliances unless the same shall be accompanied by a certificate in writing as prescribed from an approved officer of the Department of Agriculture in the country or State of origin thereof certifying that the same come from a district in which none of the following diseases exist, that is to say—Foulbrood (*Bacillus larvæ*, *Bacillus pluton*, or *Bacillus alvei*), Isle of Wight Disease (Acarine Disease), Nosema Disease (*Nosema apis*), Bee Louse (*Braula cæca*), Sacbrood (*Virus*), and any other disease proclaimed by the Governor in Council to be a disease to which this section applies.

Notwithstanding any such certificate as aforesaid the Under Secretary may prohibit the introduction into the State of any bees, bee combs, beeswax, hives, honey, and/or appliances in respect to which an inspector certifies in writing that the same are affected by a disease and such certificate is counter-signed by the Director, Division of Plant Industry.

Any person offending against any provision of this section shall be liable to a penalty of not less than five pounds and not exceeding fifty pounds.

(2.) The Under Secretary or an inspector or honorary field man may detain and open any package containing or which is suspected to contain bees, bee combs, beeswax, hives, honey, and/or appliances or may detain bees, bee combs, beeswax, hives, honey, and/or appliances, being or suspected of being introduced into the State in contravention of this section, and may inspect or cause to have examined or analysed any such package, bees, bee combs, beeswax, hives, honey, and/or appliances and may otherwise take any action in connection therewith in accordance with this Act.

(3.) A person shall not be entitled to sue for or recover any compensation, damages, or other moneys whatsoever in consequence of any expenses, loss, or damage incurred in consequence of any measures so taken with respect to any imports of any bees, bee combs, beeswax, hives, honey, and/or appliances, whether such bees, bee combs, beeswax, hives, honey, and/or appliances were accompanied by a certificate or not.

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Quarantine.

22. (1.) The Department of Agriculture and Stock and precincts, William Street, Brisbane, shall be a quarantine area. Within this quarantine area bees, bee combs, beeswax, hives, honey, and/or appliances affected by or liable to be affected by a disease may be kept, stored, isolated, and treated and/or examined and/or investigated at the discretion of the Director, Division of Plant Industry.

The Minister may from time to time by notification published in the *Gazette* appoint such other buildings and precincts as he shall deem necessary to be quarantine areas to which this subsection applies. Such notification shall be judicially noticed.

(2.) The Minister may declare any area affected by disease a quarantine area, and may determine the nature of the quarantine to be imposed in such area, and may order that no bees, bee combs, beeswax, hives, honey, and/or appliances be removed therefrom during such period as he shall specify.

(3.) A quarantine area may be so declared in an area associated with or contiguous to an area affected by disease or suspected of being affected by disease, notwithstanding that in such area there is an absence of any disease.

(4.) Any area declared a quarantine area under subsections two and three of this section shall remain and continue to be a quarantine area until released by order of the Minister.

(5.) In any case in which in his opinion urgent measures are necessary to be had and taken an inspector may declare an area affected by disease a quarantine area for a period not exceeding twenty-one days, and the same shall, unless and until the Minister otherwise determines, be a quarantine area during such period as declared by the inspector for the purposes of this Act.

(6.) The duties and obligations and any course of action to be taken by a beekeeper in any such quarantine area shall be as is prescribed or as may be directed by the Minister or, in the case of a quarantine area declared by an inspector, as may be directed by such inspector.

PART IV.—GENERAL.

Beekeeper
on demand
to furnish
information
re queen bees
supplied by
him.

23. (1.) The Under Secretary may by writing under his hand request any beekeeper to furnish him within a time to be specified in such request with a list showing the names and addresses in full of all persons to whom such beekeeper has supplied queen bees during such period as is specified in such request.

(2.) Any beekeeper who fails to furnish such list within the required time or who furnishes a list which is false in a material particular shall be guilty of an offence.

Containers
of honey to
be marked.

24. All containers of honey being honey produced in Queensland shall be marked or labelled as prescribed.

Obstruction,
&c.

25. A person shall not—

(a) Assault, threaten, intimidate, obstruct, or impede any inspector or honorary field man or other person in the execution of any of the powers conferred by this Act ; or

(b) Disobey or neglect or fail to comply with any order, direction, declaration, notification, or prohibition made or given under this Act.

Offence by
owner or
occupier of
land.

26. An owner or occupier of any land, building, premises, or place shall not permit or allow any bees to be kept in or upon such land, building, premises, or place at any time when such owner knows that any provision of this Act is being contravened or not complied with as respects such keeping.

Abandoned
bees, &c.

27. If an inspector is satisfied on reasonable grounds that any bees, bee combs, beeswax, hives, honey, and/or appliances have been abandoned and are neglected he may take possession of them, and shall dispose of them in any manner which may be prescribed, or if the manner of such disposal is not prescribed, then in such a manner as may be directed by the Under Secretary.

No inspector,
&c., shall be
liable for
damage in
carrying
out the
provisions
of this Act.

28. No inspector, or honorary field man, or person acting under the direction or order of an inspector or honorary field man, or of the Minister or Under Secretary shall be deemed to be a trespasser by reason of any entry or removal or destruction under this Act, or be liable for any damage occasioned in carrying out the provisions of this Act, unless the damage was occasioned wilfully and maliciously and without reasonable and probable cause.

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29. (1.) A person shall not be entitled to sue for or recover any damages or compensation whatsoever in consequence of any measures taken for— Limit of right to compensation.

(a) The removal of any bees, bee combs, beeswax, hives, honey, and/or appliances, or portions or samples of bee combs, beeswax, and/or honey removed or ordered or caused to be removed under this Act; or

(b) The eradication of any disease or the destruction of any bees, bee combs, beeswax, hives, honey, and/or appliances 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 maliciously and without reasonable and probable cause.

(2.) Proof that any such damage was occasioned wilfully and maliciously and without reasonable and probable cause by any inspector, or honorary field man, or person acting under the direction or order of an inspector or honorary field man, or of the Minister or Under Secretary shall lie on the person making any claim in respect of any such damage.

(3.) No action shall be brought against any person acting in the execution of this Act for anything alleged to be done or omitted to be done hereunder unless the same is commenced within four months after the act or omission complained of has occurred.

30. (1.) The amount of any costs, charges, and expenses, together with interest at the prescribed rate, incurred by any inspector in or about taking such measures as are provided by this Act in respect of any bees, bee combs, beeswax, hives, honey, and/or appliances shall, and whether or not proceedings have been instituted for the recovery of a penalty, be recoverable from the beekeeper, owner, agent, or person in charge thereof. Recovery of costs, charges, and expenses.

(2.) Any such amount may be recovered in a summary way under **“The Justices Acts, 1886 to 1946,”* or by action as for a debt.

31. (1.) Any person who contravenes or fails to comply with any provision of this Act shall be guilty of an offence against this Act. Offences.

* 50 V. No. 17 and amending Acts.

(2.) Any person guilty of an offence against any provision of this Act shall be liable, if no specific penalty is provided for such offence, to a penalty not exceeding fifty pounds.

(3.) All offences against this Act may be prosecuted in a summary way under **“The Justices Acts, 1886 to 1946,”* upon the complaint of an inspector or of any person authorised by the Minister or the Under Secretary.

Service of
notice, &c.

32. (1.) Any direction, notice, order, process, or other document under this Act required or authorised to be given or served to or upon any person may be served—

- (i.) By delivering the same to such person ; or
- (ii.) By leaving the same at his usual or last-known place of abode ; or
- (iii.) By forwarding the same by post in a prepaid letter addressed to such person at his usual or lastknown place of abode.

(2.) Any such document required to be given to or served on the owner or occupier of any land may, if the name of the owner or occupier is not known, be addressed to him by the description of the “owner” or “occupier” of the land in question (naming it), without further name or description.

(3.) Any such document, if addressed to the owner or occupier of land, may be served by delivering the same or a true copy thereof to some person on the land or, if there is no person on the land who can be so served, by fixing the same on some conspicuous part of the land.

Court may
proceed
ex parte.

33. The justices or court of competent jurisdiction may, if satisfied that there is no occupier of any land and that the owner thereof is absent from Queensland or is unknown, proceed to hear and adjudicate upon any complaint or proceedings for the recovery of moneys under this Act in respect thereof *ex parte*, and in such case the expenses of any such proceedings ordered to be paid by the defendant shall until paid be and remain a charge on such land and payable by the owner thereof for the time being.

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34. In any proceedings for an alleged offence against this Act it shall not be necessary to prove the appointment of any inspector or other authorised person, or the authority of any inspector or other authorised person, to do any act or to give any direction or issue or serve any notice or to take any proceedings. Evidence.

35. (1.) The production of any order, certificate, declaration, direction, notification, authority, or permission purporting to be signed by the Minister, or Under Secretary, or Director, Division of Plant Industry, or by any inspector shall in the absence of proof to the contrary be sufficient evidence of the due making or granting of such order, certificate, declaration, direction, notification, authority, or permission, as the case may be, and that it was duly signed by the person by whom it purports to be signed. Proof of order, &c.

Moreover a writing certified by any such person to be a true copy of or true extract from any such document shall be receivable in evidence to the same extent as the original and shall for the purposes be *primâ facie* evidence of the original of which it purports to be a copy or extract.

(2.) The production of a certificate purporting to be signed by any inspector or of any certified copy thereof that any costs, charges, or expenses of an amount stated have been incurred by such inspector under or for the purposes of this Act shall be *primâ facie* evidence that costs, charges, or expenses were duly incurred and that the amount thereof so stated is the correct amount. Certificate of costs, &c.

36. (1.) In any proceedings under this Act a certificate under the hand of the Under Secretary that any land, building, premises, place, apiary, or apiary site is situated in a district within which Part II. of this Act is in force shall be admissible in evidence and shall be proof that such land, building, premises, place, apiary, or apiary site is within the district named in such certificate unless and until the contrary is proved. Certificates by Under Secretary.

(2.) A certificate by the Under Secretary in the prescribed form or to the like effect that a particular notice has or has not been received by him or that a person is or is not a registered beekeeper or that the keeping of bees or that the establishment of an apiary

upon an apiary site has been prohibited or that an apiary is situated on an apiary site specified in such certificate shall be admissible in evidence and shall, until the contrary is proved, be proof of the fact so certified to.

(3.) All courts, judges, justices, and persons acting judicially shall take judicial notice of the signature of the Under Secretary to any certificate issued under this section.

Expenses
of Act.

37. All expenses incurred in the administration of this Act shall be paid out of moneys to be appropriated by Parliament for that purpose.

Regulations.

38. (1.) The Governor in Council may from time to time make regulations 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 purposes of this Act.

Without limiting the generality of the foregoing provisions of this section, such regulations may provide for all or any of the following matters :—

- (a) Prescribing quarantine and the nature thereof and all matters and things regarding quarantine in any quarantine area provided, appointed, or declared under this Act, and the administration thereof including the mode of declaration and release of a quarantine area, the matter of appointment of places of entry and quarantine, the duties and obligations and/or course of action to be taken by beekeepers within a quarantine area, the duties and powers of an inspector for the purpose of quarantine, and generally any matter or thing necessary, expedient, or convenient to give full effect to quarantine ;
- (b) Prescribing matters relating to the control of disease, including the approval of steps to cure or eradicate disease and/or the manner of disposal of bees, bee combs, beeswax, hives, honey, or appliances from an apiary affected by or liable to spread a disease ;
- (c) The registration and renewal of registration of registered beekeepers ;

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- (d) Securing the efficient inspection of apiaries and classification and recording of apiaries and the satisfactory location of apiary sites including distances apart of apiary sites either generally or in respect of any district or part of a district, in accordance with this Act;
- (e) Prescribing classes of apiaries and the conditions relating to such apiaries and the classification and sites thereof;
- (f) The marking or branding of hives with registered marks or brands;
- (g) The marking, labelling, grading, or packing of containers containing honey and the prohibition of any sale thereof unless the prescribed conditions are fulfilled;
- (h) The powers of an inspector to condemn honey as unfit for human consumption and the manner of withdrawing from sale or use for human consumption honey believed likely to be so unfit by reason of containing poison or other injurious matter and the direction of treatment or disposal of such honey;
- (i) Defining the duties of inspectors and honorary field men under this Act;
- (j) Defining the duties and obligations of beekeepers under this Act;
- (k) All matters or things required or permitted by this Act to be prescribed;
- (l) The issue, renewal, or refusal of any permit or certificate; the form of any permit, certificate, or notice, or any form under this Act and the particulars and information to be contained in any such permit, certificate, notice, or form;
- (m) Prescribing returns of statistics and/or information and the contents thereof to be furnished to the Minister or Under Secretary or any officer by any person (whether a beekeeper or not), and the time and mode of making and furnishing the same;
- (n) Prescribing the method of removals under this Act for examination or analysis;

- (o) Prescribing rates of interest on costs, charges, and expenses incurred under this Act ;
- (p) Prescribing manner of giving notifications under this Act ;

May be made on passing of Act.

(2.) Regulations may be made on the passing of this Act.

When to take effect.

(3.) Any such regulations shall take effect on the date of the publication in the *Gazette* or from a later date to be specified in any such regulations concerned.

Proclamations, Orders in Council, and regulations to be judicially noticed.

39. All Proclamations, Orders in Council, and regulations made or purporting to have been made under this Act shall be published in the *Gazette*, and thereupon shall be judicially noticed.

Any such Proclamation or Order in Council or regulation may be rescinded or amended, whether by addition or otherwise, by a subsequent Proclamation or Order in Council or regulation under this Act.

Proclamations, Orders in Council, and regulations to be laid before Parliament.

40. All Proclamations, Orders in Council, and regulations shall be laid before the Legislative Assembly within fourteen days after such publication if Parliament is in session ; and, if not, then within fourteen days after the commencement of the next session of Parliament.

If the Legislative Assembly passes a resolution disallowing any such Proclamation, Order in Council, or regulation, of which resolution notice has been given at any time within fourteen sitting days of such House after such Proclamation, Order in Council, or regulation has been laid before it, such Proclamation, Order in Council, or regulation shall thereupon cease to have effect, but without prejudice to the validity of anything done in the meantime.

For the purpose of this section, the term “ sitting days ” shall mean days on which the House actually sits for the despatch of business.

Construction of Act.

41. This Act shall be read and construed so as not to exceed the legislative power of the State to the intent that where any enactment thereof would but for this section have been construed as being in excess of that power it shall nevertheless be a valid enactment to the extent to which it is not in excess of that power.