



ANNO TRICESIMO TERTIO

# ELIZABETHAE II REGINAE

A.D. 1984

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## No. 35 of 1984

### An Act to amend the Apiaries Act, 1931.

[Assented to 24 May 1984]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Apiaries Act Amendment Act, 1984". Short title.
- (2) The Apiaries Act, 1931, is in this Act referred to as "the principal Act".
2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.
3. Section 3 of the principal Act is amended by inserting after the definition of "frame-hive" the following definition: Amendment of s. 3—  
Interpretation.

"the Fund" means the Beekeeper's Compensation Fund established under this Act:.
4. Section 5 of the principal Act is amended by striking out from subsection (1) the passage "Two hundred dollars" and substituting the passage "Five hundred dollars". Amendment of s. 5—  
Registration as beekeeper.
5. Section 7 of the principal Act is amended by inserting after subsection (2) the following subsection: Amendment of s. 7—  
Duties of beekeepers.

(3) A beekeeper shall, within seven days of selling or disposing of any bees, give written notice of the sale or disposal to an inspector.
6. The following sections are inserted after section 8 of the principal Act: Insertion of new ss. 8a, 8b, 8c and 8d.
  - 8a. (1) There shall be a Fund at the Treasury entitled the "Beekeeper's Compensation Fund". Beekeeper's Compensation Fund.

(2) There shall be paid into the Fund—

(a) the contributions required to be paid in accordance with section 8b;

and

(b) such amounts as are paid from the General Revenue of the State under subsection (4).

(3) There shall be paid out of the Fund—

(a) any amount payable as compensation pursuant to section 8c;

(b) any expenses certified by the Treasurer as having been incurred in administering the Fund;

and

(c) any amount required to be paid in accordance with the terms and conditions of an advance made under subsection (4).

(4) Where the amount standing to the credit of the Fund is not sufficient to meet payments of compensation under section 8c, the Treasurer may, at the request of the Minister, advance from the General Revenue of the State (which is appropriated to the necessary extent) such amount as is necessary to cover the insufficiency.

(5) An advance under subsection (4) shall be made upon such terms and conditions as the Treasurer may determine.

(6) Proper accounts shall be kept in relation to the Fund.

(7) The Auditor-General may at any time, and shall at least once in every year, audit the accounts of the Fund.

8b. (1) Every registered beekeeper must make a triennial payment to the Minister, in accordance with the regulations, of the prescribed amount.

(2) A payment received by the Minister under subsection (1) shall be credited to the Fund.

(3) If a registered beekeeper fails to pay the prescribed amount within the time allowed for payment by the regulations, his registration shall, by virtue of this subsection, be suspended until the payment is made.

(4) A committee comprising an officer of the Department of Agriculture and three representatives of beekeepers shall be appointed by the Minister.

(5) The committee shall have the function of recommending to the Minister the rate that should, in its opinion, be fixed as the prescribed rate.

(6) The Minister may, from time to time, upon the recommendation of the committee, fix an amount per frame-hive as the prescribed rate.

(7) Notice of an amount per frame-hive fixed as the prescribed rate under subsection (6) shall be published in the *Gazette*.

(8) In this section—

Beekeepers  
required to make  
payments into  
Fund.

“the prescribed amount”, in relation to a beekeeper, means the amount obtained by multiplying the number of frame-hives kept by him at the time at which he is required by the regulations to make a payment under this section by the prescribed rate last notified in the *Gazette* under subsection (7).

8c. (1) Subject to section 8d, compensation shall be paid to a registered beekeeper in respect of any of his bees, hives, combs or appliances—

(a) that are infected with, or affected by—

(i) American Foul Brood;

or

(ii) any other disease declared by regulation to be a disease in respect of which compensation may be paid under this section;

and

(b) that are destroyed—

(i) in accordance with a notice given by an inspector under section 7;

or

(ii) by an inspector under section 8.

(2) An application for compensation must—

(a) be made to the Minister;

(b) be in writing and in the prescribed form;

and

(c) be accompanied by the prescribed information verified by statutory declaration.

(3) The amount of the compensation payable under this section shall be seventy-five per centum of the value of the property destroyed calculated as at the date of its destruction but on the assumption that it had not become infected with, or affected by, the disease.

(4) The value of property for the purpose of subsection (3) shall be determined by agreement between the beekeeper and the Minister and, in default of agreement, by a competent person nominated by the Minister.

(5) The determination of a competent person under subsection (4) shall be final and conclusive.

8d. The Minister may refuse an application for compensation under section 8c where—

(a) the beekeeper has contravened, or failed to comply with, a provision of this Act or a requirement or direction of an inspector;

(b) the property in respect of which compensation is sought became infected with, or affected by, disease as a result of neglect on the part of the beekeeper;

or

(c) the property in respect of which compensation is sought was brought into the State after having been infected with, or affected by, the disease by reason of which it was destroyed.

Amendment of  
s. 9—  
Offences.

7. Section 9 of the principal Act is amended by striking out the passage “Penalty—Not exceeding two hundred dollars” and substituting the passage “Penalty: Five hundred dollars”.

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

8. Section 10 of the principal Act is amended by striking out from subsection (3) the passage “two hundred dollars” and substituting the passage “five hundred dollars”.

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

9. Section 11 of the principal Act is amended by striking out from subsection (3) the passage “two hundred dollars” and substituting the passage “five hundred dollars”.

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

10. Section 12 of the principal Act is amended by striking out from subsections (1), (3) and (6) the passage “Penalty—Not exceeding two hundred dollars.” and substituting, in each case, the passage “Penalty: Five hundred dollars.”.

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

11. Section 13 of the principal Act is amended by striking out from subsection (2) the passage “Penalty—Not exceeding two hundred dollars” and substituting the passage “Penalty: Five hundred dollars”.

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

12. Section 13aa of the principal Act is amended by striking out the passage “Not exceeding two hundred dollars” and substituting the passage “Five hundred dollars”.

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

13. Section 13a of the principal Act is amended by striking out from subsection (1) the passage “Not exceeding two hundred dollars” and substituting the passage “Five hundred dollars”.

Amendment of  
s. 16—  
Protection for  
inspector.

14. Section 16 of the principal Act is amended by striking out subsection (2).

Amendment of  
s. 19—  
Regulations.

15. Section 19 of the principal Act is amended by striking out from subsection (2) the passage “two hundred dollars” and substituting the passage “five hundred dollars”.

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

D. B. DUNSTAN, Governor