

APIARIES AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Apiaries Act 1969.

Clause 1 relates to the Short Title and commencement. Subject to *clause 10* of the Bill (which relates to the abolition of restrictions on spraying trees and plants), the Bill comes into force on 1 January 1980.

Clause 2 relates to interpretation.

Subclause (1) defines “bee” for the purposes of registration of an apiary, and for the purposes of importation.

Subclause (2) consolidates the definitions of “honey” and “honeydew”.

Subclause (3) corrects a drafting error in the original Act.

Subclause (4) allows the Schedules to the principal Act to be amended by omitting the names of various bee diseases.

Clause 3 is consequential on *clause 2 (3)*.

Clause 4 provides that the only apiaries that need to be supplied with an identification number are those which are situated more than 200 m from the beekeeper’s usual place of residence.

Clause 5 requires a person taking over occupancy of a registered permanent apiary to advise the Registrar of his doing so.

Clause 6 redrafts section 6 of the principal Act to make it clear that, except between disease-free apiaries owned by the same person, the shifting of bees more than 200 m from their present site requires the consent of an Inspector.

Clause 7 introduces a greater degree of flexibility into the procedures used in inspecting apiaries and reporting to the Director-General of Agriculture and Fisheries.

Clause 8: Section 19 (4) of the principal Act provides that, where bees, honey, or appliances have been destroyed because of disease, no bees, honey, or appliances are to be disposed of from the apiary for a period of 2 months, except with consent. This clause extends the period of 2 months to 6 months.

Clause 9 repeals section 32 of the principal Act, which relates to certain conditions specified as applying to all permits to keep bees. The Minister has power under section 31 to specify conditions if necessary.

Clause 10 repeals the restrictive provisions relating to the spraying of trees and plants. The repeal is to take effect from a day to be specified by Order in Council.

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Clause 11 authorises the appointment of analysts and other officers for the purposes of the Act.

Clause 12 increases the amount of general penalty, and introduces an additional penalty for the illegal importation of queen bees.

Clause 13 authorises regulations to be made relating to the export of honey, bee products, and bees, and the certification for export of those things.

Clause 14 substitutes new Schedules (which relate to bee diseases) in the principal Act.

Right Hon. Mr MacIntyre

APIARIES AMENDMENT

ANALYSIS

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A BILL INTITULED

An Act to amend the Apiaries Act 1969

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same,
5 as follows:

1. **Short Title and commencement**—(1) This Act may be cited as the Apiaries Amendment Act 1980, and shall be read together with and deemed part of the Apiaries Act 1969* (hereinafter referred to as the principal Act).
- 10 (2) Subject to section 10 (2) of this Act, this Act shall come into force on the 1st day of January 1981.

*1969, No. 53

Amendments: 1971, No. 82; 1973, No. 49; 1978, No. 87

2. Interpretation—(1) Section 2 (1) of the principal Act is hereby amended by inserting, after the definition of the term “appliance”, the following definition:

“‘Bee’ means the honeybee (*Apis mellifera*) including its eggs, larvae, pupae, and semen; and includes, for the purposes of sections 21 to 24B of this Act, every other species of bee, including its eggs, larvae, pupae, and semen:”.

(2) The said section 2 (1) is hereby further amended by repealing the definitions of the terms “honey” and “honey-dew”, and substituting the following definition:

“‘Honey’ means the fluid, viscous, or crystallised substance produced by bees from the nectar of blossoms or from secretions of, or on, living parts of plants other than blossoms, which bees collect, transform, or combine with substances of their own, and store and leave to mature in honeycombs:”.

(3) The said section 2 (1) is hereby further amended by omitting from the definition of the term “registered apiary” the words “or appliances” and the words “and appliances”.

(4) Section 2 (2) (b) of the principal Act is hereby amended by adding the words “, or by omitting it altogether”.

3. Apiaries to be registered—Section 4 (9) of the principal Act is hereby amended by omitting the words “or appliances”.

4. Identification of apiaries—Section 5 (1) of the principal Act is hereby amended by inserting, after the word “district”, the words “in any case where the apiary is situated more than 200 m from the beekeeper’s usual place of residence”.

5. Information to be supplied to Registrar—Section 6 of the principal Act is hereby amended by adding, as sub-section (2), the following subsection:

“(2) Where any person becomes the occupier of an apiary still registered as a permanent apiary he shall, within 14 days after commencing occupation, give notice in writing of his occupancy to the Registrar.”

6. Changing location of bees—(1) The principal Act is hereby amended by repealing section 9 (as amended by section 2 of the Apiaries Amendment Act 1973), and substituting the following section:

“9. (1) No person shall, without the written consent of an Inspector and subject to such conditions as he may specify, remove or transfer any bees to a location situated more than 200 m from the place where they were previously located.

5 “(2) Notwithstanding subsection (1) of this section, a beekeeper may, without the consent of an Inspector, remove bees from any registered apiary owned by him to any other registered apiary owned by him if both apiaries are free of any disease specified in the First and Second Schedules to
10 this Act.

“ (3) In cases of urgency, the consent of an Inspector referred to in subsection (1) of this section may be given orally but still subject to such conditions as he may specify, and in such a case the person removing or transferring the
15 bees shall, within 14 days, notify an Inspector in writing of the removal and the place at which the bees are now located.

“ (4) Every person commits an offence who fails to comply with the provisions of this section or any conditions specified by an Inspector in giving a consent under this section.”

20 (2) The Apiaries Amendment Act 1973 is hereby consequentially amended by repealing so much of the Schedule as relates to section 9 (1) of the principal Act.

7. Outbreak of Second Schedule disease—(1) Section 18 (2) of the principal Act is hereby amended—

25 (a) By omitting the words “or October”, and substituting the words “October, or November”:

(b) By omitting the words “of November”, and substituting the words “of December”:

30 (c) By omitting from paragraph (a) the words “The month of the year in which”, and substituting the words “Confirmation that”:

(d) By inserting, after the word “inspection” in paragraph (c), the words “, the date or dates on which the disease was found, and the action taken in respect
35 of the disease”.

(2) The said section 18 (2) is hereby further amended by repealing paragraph (d), and substituting the following paragraph:

40 “(d) Such other particulars relating to any disease specified in the Second Schedule to this Act or to the registration of the apiary or to the location of the site of the apiary as may be requested in the form.”

8. Diseased bees to be destroyed or treated—Section 19 (4) of the principal Act is hereby amended by omitting the words “2 months”, and substituting the words “6 months”.

9. Conditions to be specified in permit—(1) Section 32 of the principal Act (as amended by section 2 of the Apiaries Amendment Act 1973) is hereby repealed. 5

(2) The Apiaries Amendment Act 1973 is hereby consequentially amended by repealing so much of the Schedule as relates to section 32 (c) of the principal Act.

10. Restrictions on spraying trees and plants—(1) Section 10 35 of the principal Act is hereby repealed.

(2) Subsection (1) of this section shall come into force on a date to be appointed by the Governor-General by Order in Council.

11. Appointment of officers and employees—(1) The 15 principal Act is hereby amended by inserting, after section 39, the following section:

“39A. There may be appointed from time to time, under the State Services Act 1962, such analysts and officers and employees other than Inspectors as may be necessary for 20 the purposes of this Act.”

(2) Sections 26 (1) and 28 (1) of the principal Act are hereby consequentially amended by inserting, after the words “Food and Drug Act 1969”, the words “or pursuant to section 39A of this Act”. 25

12. Increase in penalty—(1) Section 43 (2) of the principal Act is hereby amended by omitting the expression “\$200”, and substituting the expression “\$2,000”.

(2) Section 43 of the principal Act is hereby further amended by adding the following subsection: 30

“(3) Every person convicted of an offence against section 22 (5) of this Act in respect of introducing or attempting to introduce any bees into New Zealand without a permit or in breach of any condition of a permit or receiving or being in possession of any such bees shall, in addition to any 35 penalty imposed under subsection (2) of this section, be liable to a further fine not exceeding \$1,000 for each queen bee so introduced or attempted to be introduced or received or in possession.”

13. Regulations—(1) Section 46 of the principal Act is hereby amended by repealing paragraph (a), and substituting the following paragraphs:

5 “(a) Providing for the inspection, grading, packing, marking, stamping, branding, labelling, analysis, and certification as being fit for the purposes prescribed of honey and bee products and, where appropriate, of bees:

10 “(aa) Regulating the export of honey, bee products, and bees, and for this purpose authorising the Director-General—

15 “(i) To prohibit the export of any honey or bee product or bee unless it complies with any standard required in relation to the country to which the honey or bee product or bee is being exported and is certified accordingly:

20 “(ii) To set, from time to time by notice in the *Gazette*, standards to which any honey or bee product or bee intended for export must comply before having a certificate relating to its suitability for export issued in respect of it:

“(ab) Exempting any honey or bee product or bee from the requirements of all or any regulations made under this section:”.

25 (2) The said section 46 is hereby further amended by omitting from paragraph (d) the expressions “\$200” and “\$5”, and substituting respectively the expressions “\$2,000” and “\$50”.

30 (3) Section 34 of the principal Act is hereby consequentially repealed.

14. First, Second, and Third Schedules substituted—

35 (1) The principal Act is hereby amended by repealing the First, Second, and Third Schedules (as amended by the *Apiaries Act Amendment Order 1980*), and substituting the Schedules set out in the Schedule to this Act.

(2) The *Apiaries Act Amendment Order 1980* is hereby consequentially revoked.

SCHEDULE

Section 14NEW FIRST, SECOND, AND THIRD SCHEDULES
TO PRINCIPAL ACT

"FIRST SCHEDULE

Sections 2, 12, 13, 14, 16, 17

SERIOUS DISEASES OF BEES FOR WHICH COMPENSATION MAY BE PAYABLE

Acarine (*Acarapis woodi*)
Varroa (*Varroa jacobsoni*)

"SECOND SCHEDULE

Sections 2, 16, 18, 19

SERIOUS DISEASES OF BEES

American brood disease (*Bacillus larvae*)
European brood disease (*Streptococcus pluton*)

"THIRD SCHEDULE

Sections 2, 16, 19

BEE DISEASES

Amoeba disease (*Malpighamoeba mellificae*)

Bee virus diseases:

Acute bee paralysis virus
Chronic bee paralysis virus
Kashmir bee virus
Sacbrood virusChalkbrood (*Ascosphaera apis*)Nosema (*Nosema apis*)

PESTS AND PREDATORS

Bee louse (*Braula coeca*)Wax moths (*Galleria mellonella* and *Achroia grisella*)Parasitic mite (*Tropilaelaps clareae*)"