



NSW Legislative Council Hansard

Apiaries Amendment Bill

Extract from NSW Legislative Council Hansard and Papers Thursday 16 November 2006.

Second Reading

The Hon. JOHN DELLA BOSCA (Minister for Finance, Minister for Commerce, Minister for Industrial Relations, Minister for Ageing, Minister for Disability Services, and Vice-President of the Executive Council) [7.27 p.m.] , on behalf of the Hon. Tony Kelly: I move:

That this bill be now read a second time.

The Apiaries Amendment Bill introduces a set of useful and practical changes to the administration of beekeeping in New South Wales. I might add that when my great-grandfather migrated to Australia his first job was as an apiarist in the Bathurst region. As the balance of the speech is the same as that delivered in the lower House, I seek leave to incorporate it in *Hansard*.

Leave granted.

The Apiaries Amendment Bill introduces a set of useful and practical changes to the administration of beekeeping in New South Wales. It makes reforms in the areas of compliance, and it puts in place the last of a set of changes that the Government has brought to beekeeping. Beekeeping is an important area of agriculture and agricultural production. It provides a range of important economic and social benefits. Most obviously, the honeybee industry produces a diverse number of valuable commodities. The main direct product of beekeeping is honey. Beekeepers can also profit from the sale of queen bees or other hive products, such as beeswax, comb honey and royal jelly.

The benefits of beekeeping go well beyond honey and wax. Honeybees play a critical role in the pollination of agricultural and horticultural crops, as well as the house garden. A recent report estimated that 65 per cent of crops introduced to this country are reliant to some extent on honeybees for pollination. The value of this free pollination service to the Australian economy is estimated to be around \$1.7 billion. Additionally, beekeeping provides important social benefits, being an outdoor pursuit that is enjoyed by people of all ages and from all walks of life. Many beekeepers belong to their local amateur beekeeping groups, adding a further social dimension to this activity.

Honourable members would agree that honeybees require proper and responsible management to protect human safety and prevent the spread of disease. Responsible beekeeping in New South Wales is promoted through a voluntary Beekeeping Code of Practice. Apiarists, decision-making authorities and the public use the code, which was developed in consultation with key industry stakeholders, to provide a consistent approach to beekeeping issues. The regulation of beekeeping in New South Wales is primarily carried out through the Apiaries Act 1985.

That Act requires the registration of all commercial and recreational beekeepers. Its main purpose is to prevent the introduction of, and to control and eradicate, certain diseases and pests that afflict bees in New South Wales. Additionally, the Act contains provisions to manage nuisance bees. The Act is being amended to improve the administrative arrangements. The amendments are designed to promote responsible beekeeping, enhance compliance with the Apiaries Act, and minimise potential risks to human safety, while still recognising the importance of recreational and commercial beekeeping. This is part of the continuous improvement process undertaken by the Department of Primary Industries, which is responsible for administering the Apiaries Act.

In terms of threats to human safety, the statistics show that managed bees present a very low risk to the human population. In New South Wales, managed bees have been associated with only two human deaths, the most recent being in early March 2000. As honourable members might recall, an inquiry was initiated following that tragic incident to assess the level of risk to humans posed by urban beekeeping, and to determine whether any further measures were needed to control urban beekeeping. The inquiry identified that the danger to the community from managed beehives is in fact very low. The inquiry's technical expert advised that only one or two people per annum die from bee venom allergy in Australia. The expert also outlined that a person is more likely to die from being struck by lightning than from an allergic reaction to a bee sting.

The inquiry made several recommendations to promote responsible beekeeping. These recommendations included the introduction of penalty notices for breaches of the Apiaries Act and regulation. The inquiry also recommended the need for improved information and education for urban beekeepers. The Government has already taken steps to implement many of the inquiry's recommendations. In terms of compliance, the Apiaries Act has been amended to allow penalty notices to be issued by prescribed officers for offences against the Act

or regulations. These offences include, for example, failing to register hives and owning hives that do not display a registration number.

Authorised officers are inspectors employed by the Department of Primary Industries and can include other persons authorised by the director general of the department. In terms of education, the web site of the Department of Primary Industries now contains detailed information on beekeeping. This includes information on the Beekeeping Code of Practice and other important legal requirements of beekeeping. This information is produced in a variety of languages, which will ensure that non-English speaking beekeepers have access to useful information on urban beekeeping. The code is provided to all apiarists on registration and re-registration. The purpose of the bill is to build on these initiatives. In terms of consultation, the amendments were discussed with key industry and amateur beekeeping representatives, including the New South Wales Apiarists Association and the New South Wales Amateur Beekeepers Association. I am advised that there was support from these groups for the amendments currently before the House.

Turning to the specifics of the amendments, the bill proposes a number of changes to further improve the compliance provisions of the Apiaries Act. I will first address the changes to the provisions on registration of beehives. Registration and the display of registration numbers on hives is a critical tool in effective beekeeping management. Among other things, it assists in controlling and eradicating diseases that afflict bees. For example, where a disease outbreak occurs, a registration system allows authorities to identify all beekeepers in New South Wales, including their home location and the number of hives they keep. This enables all beehives to be inspected and traced from infected locations. This is essential to limit the spread of a disease and ultimately to eradicate it. This system is particularly important, as hives are often not kept at a beekeeper's residence. Beekeepers sometimes travel long distances with their hives to find good flower sources, and usually have hives in numerous locations.

Registration also provides a mechanism to ensure beekeepers receive the latest information on bee disease prevention and management. While many beekeepers are responsible and law-abiding, there are some that do not adhere to the requirements of being registered. Therefore, several amendments in the bill strengthen the existing obligation on beekeepers to register and to display a registration number on their hives, and to encourage them to take responsibility for their hives. Public lands provide a vital flora source for beekeepers. Most beekeepers register their hives and seek the permission of public land managers before locating their hives on such land. However, a small number of beekeepers effectively leave their hives on areas like roadsides and reserves without permission. This works against efforts to control disease and can potentially compromise public safety.

Under the new arrangements, inspectors will have the power to seize and remove unidentified beehives on public land. Any expenses incurred by an inspector in removing the hives will be payable by the owner of the hive, and the beekeeper will not be entitled to compensation for the loss of the hive. Identified hives on public land may also be seized by an inspector and forfeited to the Crown if an inspector believes that the hives are on the land without the permission of the controller of the land. Before an inspector can seize a hive in these circumstances, the inspector must serve a notice on the owner of the hives. The notice will advise that the owner has 14 days to remove the hives, or provide satisfactory evidence that permission has been obtained to keep the hives on the land. Unidentified hives can also be a problem on private land, and the bill addresses this issue.

Under the new arrangements, inspectors will have the power to seize and remove such hives, provided that a notice is displayed in the vicinity of the hives for 28 days. The notice will state that the hives are to be forfeited to the Crown unless they are identified. A similar notice must also be placed in a newspaper with statewide circulation. An owner of such hives on private land can avoid forfeiture if the hives are identified with a registration number within the 28 days, or if the owner can prove that registration of the hives took place within 60 days prior to the notice being served. Another amendment in the bill that will encourage beekeepers to register and display a registration number is the removal of the requirement for hives to be branded. Currently, the Act specifies that beekeepers must brand all hives with a registration number.

Branding requires the use of a hot brand to burn the numbers into the box, or other tools such as a router. This requirement can act as a disincentive for beekeepers to display their registration number, in terms of the effort required to physically brand their hives. This is particularly so for beekeepers with only one or two hives. Under the new arrangements, this requirement is modified to make compliance easier. Beekeepers will be required to display their registration number on the outside of their hives. For example, it will be acceptable to paint a registration number on a hive. Another major feature of the bill is the provision of powers to inspectors to relocate beehives in emergencies. Currently, removal of nuisance hives from premises is subject to a fairly lengthy process. Once it comes to an inspector's attention that bees appear to be posing a risk to public health or safety, it is routine practice that an inspector investigates the matter.

Unfortunately, some people make vexatious complaints because of neighbourly disputes and other reasons. When an inspector is satisfied that the bees are posing a risk to public health or safety, a report is prepared by the inspector, with recommendations for the Director General of the Department of Primary Industries. The

director general may order the removal of the hives if this is the best possible solution. The owner of the bees then has 14 days to comply with the order. Often beekeepers comply quickly with such orders, but in other cases they take the full 14 days. This is an appreciably lengthy amount of time and can potentially put human safety at risk. In particular, the safety of a person with a severe allergy to bee venom may be severely compromised. The bill improves this arrangement by allowing inspectors to immediately seize and remove beehives from premises if the bees are a danger to public health or safety. In such cases, the beehives will be relocated to prevent any continued threat to the community.

The seized hives can be removed for a period of 21 days. During that time, an order prohibiting the keeping of bees must be served or the beehives must be returned to the land from which they were removed. The amendments in the bill provide other additional powers to inspectors under the Act. Inspectors will be able to require a person in charge of a premises to produce any records or documents under the person's control that relate to beekeeping. The inspector will also have the power to make copies of these records and documents. This change will allow inspectors to thoroughly investigate matters, including the location and prior movements of hives, and any other relevant information on problematic hives or beekeepers who breach the law. Additionally, inspectors who find a person committing an offence against the Act or regulation will be able to require that person to specify the location of all their hives.

Currently, inspectors may only require persons to state their name and address. This change will allow inspectors to locate the person's hives more quickly. The bill also makes various changes of a minor, administrative nature. The register of beekeepers, for example, is to be maintained by the Director General of the Department of Primary Industries, rather than by a registrar. Access to the register by authorised officers will be free of charge. Authorised officers will include police officers, employees of local councils, and any other persons approved by the director general. Other changes include the removal of section 25 from the Act. This provision imposes an unnecessary restriction on interstate trade, and in any event section 26 provides adequate power to prevent the introduction of diseases from other States or Territories. The apiary industry supports this amendment.

Another minor change concerns liability. The bill inserts a new provision that excludes personal liability for certain persons for things done, or omitted to be done, in good faith for the purposes of executing the Act. This is a standard provision and it is similar to that contained in other legislation, such as section 22A of the Stock Diseases Act 1923. Good beekeeping practices are critical to safe recreational and commercial beekeeping, and the bill recognises this. The amendments in the bill will further improve the management of beekeeping, particularly in urban areas, and will be welcomed by beekeepers and the general community. I commend the bill to the House.