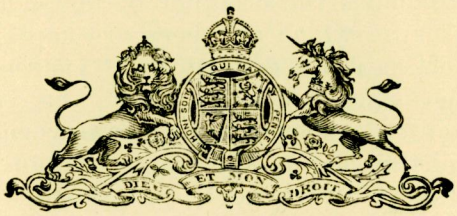
This PUBLIC BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

W. R. McCOURT,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 17 *October,* 1944.

New South Wales.



ANNO OCTAVO

GEORGII VI REGIS.

* *

Act No. , 1944.

An Act to make further provision for regulating the bee industry and preventing the spread of bee diseases; to amend the Apiaries Act, 1916, and certain other Acts; and for purposes connected therewith.

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

1. (1) This Act may be cited as the "Apiaries (Amendment) Act, 1944." Short title, commencement and citation.

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

(3) The Apiaries Act, 1916, as amended by subsequent Acts and by this Act, may be cited as the Apiaries Act, 1916-1944.

2. The Apiaries Act, 1916, as amended by subsequent Acts, is amended— **Amendment of Act No. 24, 1916.**

(a) (i) by omitting from section two the words "control of" and by inserting in lieu thereof the words "context or"; Sec. 2. (Definitions.)

(ii) by inserting in the same section at the end of the definition of "Beekeeper" the words "and includes the occupier of any land or premises on which any bees are kept";

(iii) by inserting in the definition of "Inspector" in the same section after the word "appointed" the words "by the Governor";

(iv) by omitting from the same section the definition of "Minister";

(b) by inserting at the end of section three the following new subsection:— Sec. 3. New subsec. (2).

(2) The Minister may by writing under his hand appoint honorary inspectors who shall have such powers and perform such duties as may be prescribed by regulations made under this Act.

(c) by omitting from paragraph (a) of section four the words "be kept" and by inserting in lieu thereof the word "remain"; Sec. 4. (Infected bees.)

(d) by omitting sections six, seven and eight and by inserting in lieu thereof the following sections:— Subst. secs. 6, 7, 8.

6. Any inspector may enter in and upon any land on which he has reasonable grounds to believe that there are any bees, bee-hives, fittings, apparatus, appliances, honey, honeycomb, or any articles used in connection therewith, and may carry out such inspection as he deems necessary for the purposes of this Act. **Powers of entry and inspection.**

7.

7. If an inspector is satisfied on reasonable grounds that any bees are diseased and are a source of danger to other bees, he may forthwith destroy them, or cause them to be destroyed. Power to destroy bees.

5 8. (1) If an inspector finds that any beehives, fittings, apparatus, appliances, honey, honeycomb, or any articles are, in his opinion, liable to spread disease, he may forthwith destroy them, or cause them to be destroyed, or 10 may order all or any of them to be cleansed, disinfected, renewed, readjusted, or otherwise treated in such manner and within such time as he may direct. Beehives, etc., liable to spread disease.

He may also order that any of the above-15 mentioned articles shall not be sold or otherwise alienated or removed from the place at which they are for the time being situated for a further specified period of not more than one month, except with his written consent.

20 (2) Articles, the value of which exceeds ten pounds, shall not be destroyed under this section without the written approval of the Minister.

(e) by inserting next after section eight the following new sections:— New secs. 8A, 8B, 8C.
25

8A. If an inspector is satisfied on reasonable grounds that any bees or any beehives have been abandoned and are neglected, he may take possession of them, and shall dispose of them 30 in accordance with regulations made under this Act. Abandoned bees and beehives.

8B. No person shall suffer or allow any honey, or any honeycomb, receptacle or article on or in which honey is deposited, and which is in his 35 possession or under his control, to remain exposed in a manner or under conditions which would provide robber bees with access to the honey. Honey not to be exposed.

8c. (1) The Governor may from time to time by proclamation published in the Gazette prohibit the importation, introduction or bringing into the State or into any specified portion thereof, either generally or from any other State or country or place, or the bringing into one portion of the State from any other portion of any bees, honey, honeycomb or other thing of any nature or kind whatsoever which in his opinion is likely to introduce any disease into the State or into any specified portion thereof, as the case may be, or is likely to spread such disease. Prohibition of importation of bees, etc., likely to introduce disease.

(2) Such prohibition may be absolute or conditional.

(3) The Governor may at any time revoke or vary any such proclamation.

(4) Any person who contravenes the provisions of any such proclamation shall be liable to a penalty not exceeding one hundred pounds.

(f) (i) by omitting from section ten the words "in charge"; Sec. 10. (Transfer to frame-hives.)

(ii) by omitting from the same section all words following the words "such order";

(g) by inserting next after section eleven the following new section:— New sec. 11A.

11A. If, in the opinion of an inspector, any hive is in such a condition that it cannot readily be handled for inspection, he may order such hive to be replaced within such time as he may specify in the order. Replacement of hive.

(h) by omitting section twelve and by inserting in lieu thereof the following sections:— Subst. sec. 12 and new secs. 12A, 12B, 12C.

12. (1) Within three months after the commencement of the Apiaries (Amendment) Act, 1944, or within fourteen days after commencing to keep bees, every beekeeper shall register each and every apiary on which bees are kept by him, and thereafter shall register the same annually on the thirty-first day of March in each year. Beekeepers to register.

(2)

(2) Registration of apiaries under this section may be effected as prescribed.

(3) An annual fee, fixed in accordance with regulations made under this Act, shall be payable in respect of each registration of an apiary and such regulations may provide for the fixing of different annual fees in respect of different apiaries on the basis of the number of hives kept thereon.

A fee shall not be payable in respect of any registration effected before the thirty-first day of March, one thousand nine hundred and forty-five.

Notification of removal of bees.

12A. A beekeeper who removes hives of bees from his apiary shall within seven days thereafter give notice of such removal to the Under Secretary of the Department of Agriculture.

Such notice shall be given in the manner and in or to the effect of the form prescribed.

Protected apiaries.

12B. (1) If, upon the prescribed application being made to the Minister, a beekeeper satisfies the Minister—

(a) that he is carrying on the business of a bee farmer; and

(b) that he keeps on any apiary registered by him under section twelve of this Act at least fifty hives of bees; and

(c) that he has carried out work on such apiary or on land in the vicinity for the purpose of improving the apiary as a site for bee-farming,

the Minister may direct that such apiary shall be registered as a protected apiary and that a certificate of registration thereof as a protected apiary shall be issued to him.

(2) No person shall, without the consent in writing of the Minister, move bees or cause or permit bees to be moved into or upon any land which is situated within the prescribed distance from any external boundary of the site of an

apiary

apiary in respect of which a certificate of registration as a protected apiary has been issued under this section.

The prescribed distance for the purposes of this subsection shall not in any case exceed two miles.

(3) An application under this section shall be accompanied by the prescribed fee.

(4) No beekeeper shall be entitled to be issued under this section with certificates of registration in respect of more than three protected apiaries.

Power to prohibit the keeping of bees in specified areas.

cf. S.A. Act No. 2021, s. 11.

12c. (1) In any case where the Governor is of opinion that the keeping of bees in any part of the State is harmful to the drying of any fruits the Governor may by proclamation published in the Gazette prohibit (either absolutely or subject to such conditions as may be declared in the proclamation) the keeping of bees within the part of the State specified in the proclamation.

(2) Any such proclamation may provide that the same is to continue in force for the period or periods therein named, and any such proclamation may be revoked or varied by proclamation made by the Governor and published in the Gazette.

(3) Any person who keeps any bees in contravention of the provisions of any such proclamation shall be liable to a penalty not exceeding twenty pounds.

Sec. 15. (Offences and penalties.)

(i) (i) by inserting in section fifteen after the words "under this Act" the words "or the regulations made thereunder";

(ii) by omitting from the same section the words "the inspector may himself carry out the necessary work at the expense of the person failing to so comply" and by inserting in lieu thereof the words "an inspector or any

person

person authorised in writing by the Minister may carry out the necessary work at the expense of the person failing so to comply, and may for that purpose employ any necessary assistance";

(iii) by inserting at the end of the same section the following new subsection:—

(2) Such expense shall be recoverable in any court of competent jurisdiction by an inspector or any person authorised in writing by the Minister, and shall include the expense incurred by the inspector or other person in travelling to and from the place where such work is carried out, a proportionate part of the salary or wages of the inspector or other person, having regard to the time occupied by him in so travelling and in performing the work, and the cost of any necessary assistance.

(j) (i) by inserting in subsection one of section seventeen after the word "inspections" the words "the grading and packing of honey and the marking, branding or labelling of packages or containers containing honey and the prohibition of any sale thereof unless the prescribed conditions are fulfilled"; Sec. 17. (Regulations.)

(ii) by omitting from the same subsection the words "five pounds" and by inserting in lieu thereof the words "twenty pounds".

Sydney: Thomas Henry Tennant, Government Printer—1944.

No. , 1944.

A BILL

To make further provision for regulating the bee industry and preventing the spread of bee diseases; to amend the Apiaries Act, 1916, and certain other Acts; and for purposes connected therewith.

[Mr. Graham;—11 *October*, 1944.]

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

1. (1) This Act may be cited as the "Apiaries (Amendment) Act, 1944." Short title, commencement and citation.

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

(3) The Apiaries Act, 1916, as amended by subsequent Acts and by this Act, may be cited as the Apiaries Act, 1916-1944.

2. The Apiaries Act, 1916, as amended by subsequent Acts, is amended— Amendment of Act No. 24, 1916.

(a) (i) by omitting from section two the words "control of" and by inserting in lieu thereof the words "context or"; Sec. 2. (Definitions.)

(ii) by inserting in the same section at the end of the definition of "Beekeeper" the words "and includes the occupier of any land or premises on which any bees are kept";

(iii) by inserting in the definition of "Inspector" in the same section after the word "appointed" the words "by the Governor";

(iv) by omitting from the same section the definition of "Minister";

(b) by inserting at the end of section three the following new subsection:— Sec. 3. New subsec. (2).

(2) The Minister may by writing under his hand appoint honorary inspectors who shall have such powers and perform such duties as may be prescribed by regulations made under this Act.

(c) by omitting from paragraph (a) of section four the words "be kept" and by inserting in lieu thereof the word "remain"; Sec. 4. (Infected bees.)

(d) by omitting sections six, seven and eight and by inserting in lieu thereof the following sections:— Subst. secs. 6, 7, 8.

6. Any inspector may enter in and upon any land on which he has reasonable grounds to believe that there are any bees, bee-hives, fittings, apparatus, appliances, honey, honeycomb, or any articles used in connection therewith, and may carry out such inspection as he deems necessary for the purposes of this Act. Powers of entry and inspection.

7.

7. If an inspector is satisfied on reasonable grounds that any bees are diseased and are a source of danger to other bees, he may forthwith destroy them, or cause them to be destroyed. Power to destroy bees.

5 8. (1) If an inspector finds that any beehives, fittings, apparatus, appliances, honey, honeycomb, or any articles are, in his opinion, liable to spread disease, he may forthwith destroy them, or cause them to be destroyed, or 10 may order all or any of them to be cleansed, disinfected, renewed, readjusted, or otherwise treated in such manner and within such time as he may direct. Beehives, etc., liable to spread disease.

He may also order that any of the above-15 mentioned articles shall not be sold or otherwise alienated or removed from the place at which they are for the time being situated for a further specified period of not more than one month, except with his written consent.

20 (2) Articles, the value of which exceeds ten pounds, shall not be destroyed under this section without the written approval of the Minister.

(e) by inserting next after section eight the following new sections:— New secs. 8A, 8B, 8C.
25

8A. If an inspector is satisfied on reasonable grounds that any bees or any beehives have been abandoned and are neglected, he may take possession of them, and shall dispose of them 30 in accordance with regulations made under this Act. Abandoned bees and beehives.

8B. No person shall suffer or allow any honey, or any honeycomb, receptacle or article on or in which honey is deposited, and which is in his 35 possession or under his control, to remain exposed in a manner or under conditions which would provide robber bees with access to the honey. Honey not to be exposed.

8c. (1) The Governor may from time to time by proclamation published in the Gazette prohibit the importation, introduction or bringing into the State or into any specified portion thereof, either generally or from any other State or country or place, or the bringing into one portion of the State from any other portion of any bees, honey, honeycomb or other thing of any nature or kind whatsoever which in his opinion is likely to introduce any disease into the State or into any specified portion thereof, as the case may be, or is likely to spread such disease. Prohibition of importation of bees, etc., likely to introduce disease.

(2) Such prohibition may be absolute or conditional.

(3) The Governor may at any time revoke or vary any such proclamation.

(4) Any person who contravenes the provisions of any such proclamation shall be liable to a penalty not exceeding one hundred pounds.

(f) (i) by omitting from section ten the words "in charge"; Sec. 10. (Transfer to frame-hives.)

(ii) by omitting from the same section all words following the words "such order";

(g) by inserting next after section eleven the following new section:— New sec. 11A.

11A. If, in the opinion of an inspector, any hive is in such a condition that it cannot readily be handled for inspection, he may order such hive to be replaced within such time as he may specify in the order. Replacement of hive.

(h) by omitting section twelve and by inserting in lieu thereof the following sections:— Subst. sec. 12 and new secs. 12A, 12B, 12C.

12. (1) Within three months after the commencement of the Apiaries (Amendment) Act, 1944, or within fourteen days after commencing to keep bees, every beekeeper shall register each and every apiary on which bees are kept by him, and thereafter shall register the same annually on the thirty-first day of March in each year. Beekeepers to register.

(2)

(2) Registration of apiaries under this section may be effected as prescribed.

(3) An annual fee, fixed in accordance with regulations made under this Act, shall be payable in respect of each registration of an apiary and such regulations may provide for the fixing of different annual fees in respect of different apiaries on the basis of the number of hives kept thereon.

A fee shall not be payable in respect of any registration effected before the thirty-first day of March, one thousand nine hundred and forty-five.

Notification of removal of bees.

12A. A beekeeper who removes hives of bees from his apiary shall within seven days thereafter give notice of such removal to the Under Secretary of the Department of Agriculture.

Such notice shall be given in the manner and in or to the effect of the form prescribed.

Protected apiaries.

12B. (1) If, upon the prescribed application being made to the Minister, a beekeeper satisfies the Minister—

(a) that he is carrying on the business of a bee farmer; and

(b) that he keeps on any apiary registered by him under section twelve of this Act at least fifty hives of bees; and

(c) that he has carried out work on such apiary or on land in the vicinity for the purpose of improving the apiary as a site for bee-farming,

the Minister may direct that such apiary shall be registered as a protected apiary and that a certificate of registration thereof as a protected apiary shall be issued to him.

(2) No person shall, without the consent in writing of the Minister, move bees or cause or permit bees to be moved into or upon any land which is situated within the prescribed distance from any external boundary of the site of an

apiary

apiary in respect of which a certificate of registration as a protected apiary has been issued under this section.

The prescribed distance for the purposes of this subsection shall not in any case exceed two miles.

(3) An application under this section shall be accompanied by the prescribed fee.

(4) No beekeeper shall be entitled to be issued under this section with certificates of registration in respect of more than three protected apiaries.

Power to prohibit the keeping of bees in specified areas.

cf. S.A. Act No. 2021, s. 11.

12c. (1) In any case where the Governor is of opinion that the keeping of bees in any part of the State is harmful to the drying of any fruits the Governor may by proclamation published in the Gazette prohibit (either absolutely or subject to such conditions as may be declared in the proclamation) the keeping of bees within the part of the State specified in the proclamation.

(2) Any such proclamation may provide that the same is to continue in force for the period or periods therein named, and any such proclamation may be revoked or varied by proclamation made by the Governor and published in the Gazette.

(3) Any person who keeps any bees in contravention of the provisions of any such proclamation shall be liable to a penalty not exceeding twenty pounds.

Sec. 15. (Offences and penalties.)

(i) (i) by inserting in section fifteen after the words "under this Act" the words "or the regulations made thereunder";

(ii) by omitting from the same section the words "the inspector may himself carry out the necessary work at the expense of the person failing to so comply" and by inserting in lieu thereof the words "an inspector or any

person

person authorised in writing by the Minister may carry out the necessary work at the expense of the person failing so to comply, and may for that purpose employ any necessary assistance";

(iii) by inserting at the end of the same section the following new subsection:—

(2) Such expense shall be recoverable in any court of competent jurisdiction by an inspector or any person authorised in writing by the Minister, and shall include the expense incurred by the inspector or other person in travelling to and from the place where such work is carried out, a proportionate part of the salary or wages of the inspector or other person, having regard to the time occupied by him in so travelling and in performing the work, and the cost of any necessary assistance.

(j) (i) by inserting in subsection one of section seventeen after the word "inspections" the words "the grading and packing of honey and the marking, branding or labelling of packages or containers containing honey and the prohibition of any sale thereof unless the prescribed conditions are fulfilled"; Sec. 17. (Regulations.)

(ii) by omitting from the same subsection the words "five pounds" and by inserting in lieu thereof the words "twenty pounds".

Sydney: Thomas Henry Tennant, Government Printer—1944.

[7d.]

New South Wales.

ANNO OCTAVO

GEORGII VI REGIS.

* *

Act No. 22, 1944.

An Act to make further provision for regulating the bee industry and preventing the spread of bee diseases; to amend the Apiaries Act, 1916, and certain other Acts; and for purposes connected therewith. [Assented to, 14th November, 1944.]

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

1. (1) This Act may be cited as the "Apiaries (Amendment) Act, 1944." Short title, commencement and citation.

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

(3) The Apiaries Act, 1916, as amended by subsequent Acts and by this Act, may be cited as the Apiaries Act, 1916-1944.

Amendment of Act No. 24, 1916.

2. The Apiaries Act, 1916, as amended by subsequent Acts, is amended—

Sec. 2. (Definitions.)

(a) (i) by omitting from section two the words "control of" and by inserting in lieu thereof the words "context or";

(ii) by inserting in the same section at the end of the definition of "Beekeeper" the words "and includes the occupier of any land or premises on which any bees are kept";

(iii) by inserting in the definition of "Inspector" in the same section after the word "appointed" the words "by the Governor";

(iv) by omitting from the same section the definition of "Minister";

Sec. 3. New subsec. (2).

(b) by inserting at the end of section three the following new subsection:—

(2) The Minister may by writing under his hand appoint honorary inspectors who shall have such powers and perform such duties as may be prescribed by regulations made under this Act.

Sec. 4. (Infected bees.)

(c) by omitting from paragraph (a) of section four the words "be kept" and by inserting in lieu thereof the word "remain";

Subst. secs. 6, 7, 8.

(d) by omitting sections six, seven and eight and by inserting in lieu thereof the following sections:—

Powers of entry and inspection.

6. Any inspector may enter in and upon any land on which he has reasonable grounds to believe that there are any bees, bee-hives, fittings, apparatus, appliances, honey, honeycomb, or any articles used in connection therewith, and may carry out such inspection as he deems necessary for the purposes of this Act.

7.

7. If an inspector is satisfied on reasonable grounds that any bees are diseased and are a source of danger to other bees, he may forthwith destroy them, or cause them to be destroyed. Power to destroy bees.

8. (1) If an inspector finds that any beehives, fittings, apparatus, appliances, honey, honeycomb, or any articles are, in his opinion, liable to spread disease, he may forthwith destroy them, or cause them to be destroyed, or may order all or any of them to be cleansed, disinfected, renewed, readjusted, or otherwise treated in such manner and within such time as he may direct. Beehives, etc., liable to spread disease.

He may also order that any of the abovementioned articles shall not be sold or otherwise alienated or removed from the place at which they are for the time being situated for a further specified period of not more than one month, except with his written consent.

(2) Articles, the value of which exceeds ten pounds, shall not be destroyed under this section without the written approval of the Minister.

(e) by inserting next after section eight the following new sections:— New secs. 8A, 8B, 8C.

8A. If an inspector is satisfied on reasonable grounds that any bees or any beehives have been abandoned and are neglected, he may take possession of them, and shall dispose of them in accordance with regulations made under this Act. Abandoned bees and beehives.

8B. No person shall suffer or allow any honey, or any honeycomb, receptacle or article on or in which honey is deposited, and which is in his possession or under his control, to remain exposed in a manner or under conditions which would provide robber bees with access to the honey. Honey not to be exposed.

Prohibition of importation of bees, etc., likely to introduce disease.

8c. (1) The Governor may from time to time by proclamation published in the Gazette prohibit the importation, introduction or bringing into the State or into any specified portion thereof, either generally or from any other State or country or place, or the bringing into one portion of the State from any other portion of any bees, honey, honeycomb or other thing of any nature or kind whatsoever which in his opinion is likely to introduce any disease into the State or into any specified portion thereof, as the case may be, or is likely to spread such disease.

(2) Such prohibition may be absolute or conditional.

(3) The Governor may at any time revoke or vary any such proclamation.

(4) Any person who contravenes the provisions of any such proclamation shall be liable to a penalty not exceeding one hundred pounds.

Sec. 10. (Transfer to frame-hives.)

(f) (i) by omitting from section ten the words "in charge";

(ii) by omitting from the same section all words following the words "such order";

New sec. 11A.

(g) by inserting next after section eleven the following new section:—

Replacement of hive.

11A. If, in the opinion of an inspector, any hive is in such a condition that it cannot readily be handled for inspection, he may order such hive to be replaced within such time as he may specify in the order.

Subst. sec. 12 and new secs. 12A, 12B, 12C.

(h) by omitting section twelve and by inserting in lieu thereof the following sections:—

Beekeepers to register.

12. (1) Within three months after the commencement of the Apiaries (Amendment) Act, 1944, or within fourteen days after commencing to keep bees, every beekeeper shall register each and every apiary on which bees are kept by him, and thereafter shall register the same annually on the thirty-first day of March in each year.

(2)

(2) Registration of apiaries under this section may be effected as prescribed.

(3) An annual fee, fixed in accordance with regulations made under this Act, shall be payable in respect of each registration of an apiary and such regulations may provide for the fixing of different annual fees in respect of different apiaries on the basis of the number of hives kept thereon.

A fee shall not be payable in respect of any registration effected before the thirty-first day of March, one thousand nine hundred and forty-five.

Notification of removal of bees.

12A. A beekeeper who removes hives of bees from his apiary shall within seven days thereafter give notice of such removal to the Under Secretary of the Department of Agriculture.

Such notice shall be given in the manner and in or to the effect of the form prescribed.

Protected apiaries.

12B. (1) If, upon the prescribed application being made to the Minister, a beekeeper satisfies the Minister—

(a) that he is carrying on the business of a bee farmer; and

(b) that he keeps on any apiary registered by him under section twelve of this Act at least fifty hives of bees; and

(c) that he has carried out work on such apiary or on land in the vicinity for the purpose of improving the apiary as a site for bee-farming,

the Minister may direct that such apiary shall be registered as a protected apiary and that a certificate of registration thereof as a protected apiary shall be issued to him.

(2) No person shall, without the consent in writing of the Minister, move bees or cause or permit bees to be moved into or upon any land which is situated within the prescribed distance from any external boundary of the site of an

apiary

apiary in respect of which a certificate of registration as a protected apiary has been issued under this section.

The prescribed distance for the purposes of this subsection shall not in any case exceed two miles.

(3) An application under this section shall be accompanied by the prescribed fee.

(4) No beekeeper shall be entitled to be issued under this section with certificates of registration in respect of more than three protected apiaries.

Power to prohibit the keeping of bees in specified areas.

cf. S.A. Act No. 2021, s. 11.

12c. (1) In any case where the Governor is of opinion that the keeping of bees in any part of the State is harmful to the drying of any fruits the Governor may by proclamation published in the Gazette prohibit (either absolutely or subject to such conditions as may be declared in the proclamation) the keeping of bees within the part of the State specified in the proclamation.

(2) Any such proclamation may provide that the same is to continue in force for the period or periods therein named, and any such proclamation may be revoked or varied by proclamation made by the Governor and published in the Gazette.

(3) Any person who keeps any bees in contravention of the provisions of any such proclamation shall be liable to a penalty not exceeding twenty pounds.

Sec. 15. (Offences and penalties.)

(i) (i) by inserting in section fifteen after the words "under this Act" the words "or the regulations made thereunder";

(ii) by omitting from the same section the words "the inspector may himself carry out the necessary work at the expense of the person failing to so comply" and by inserting in lieu thereof the words "an inspector or any

person

person authorised in writing by the Minister may carry out the necessary work at the expense of the person failing so to comply, and may for that purpose employ any necessary assistance";

(iii) by inserting at the end of the same section the following new subsection:—

(2) Such expense shall be recoverable in any court of competent jurisdiction by an inspector or any person authorised in writing by the Minister, and shall include the expense incurred by the inspector or other person in travelling to and from the place where such work is carried out, a proportionate part of the salary or wages of the inspector or other person, having regard to the time occupied by him in so travelling and in performing the work, and the cost of any necessary assistance.

(j) (i) by inserting in subsection one of section seventeen after the word "inspections" the words "the grading and packing of honey and the marking, branding or labelling of packages or containers containing honey and the prohibition of any sale thereof unless the prescribed conditions are fulfilled"; Sec. 17. (Regulations.)

(ii) by omitting from the same subsection the words "five pounds" and by inserting in lieu thereof the words "twenty pounds".

By Authority:
THOMAS HENRY TENNANT, Government Printer, Sydney, 1944.
[3*d*.]

I certify that this PUBLIC BILL, *which originated in the* LEGISLATIVE ASSEMBLY, *has finally passed the* LEGISLATIVE COUNCIL *and the* LEGISLATIVE ASSEMBLY *of* NEW SOUTH WALES.

W. R. McCOURT,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 8 *November,* 1944.

New South Wales.

ANNO OCTAVO

GEORGII VI REGIS.

* *

Act No. 22, 1944.

An Act to make further provision for regulating the bee industry and preventing the spread of bee diseases; to amend the Apiaries Act, 1916, and certain other Acts; and for purposes connected therewith. [Assented to, 14th November, 1944.]

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

1. (1) This Act may be cited as the "Apiaries (Amendment) Act, 1944." Short title, commencement and citation.

(2)

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

G. BOOTH,
Chairman of Committees of the Legislative Assembly.

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

(3) The Apiaries Act, 1916, as amended by subsequent Acts and by this Act, may be cited as the Apiaries Act, 1916-1944.

Amendment of Act No. 24, 1916.

2. The Apiaries Act, 1916, as amended by subsequent Acts, is amended—

Sec. 2. (Definitions.)

(a) (i) by omitting from section two the words "control of" and by inserting in lieu thereof the words "context or";

(ii) by inserting in the same section at the end of the definition of "Beekeeper" the words "and includes the occupier of any land or premises on which any bees are kept";

(iii) by inserting in the definition of "Inspector" in the same section after the word "appointed" the words "by the Governor";

(iv) by omitting from the same section the definition of "Minister";

Sec. 3. New subsec. (2).

(b) by inserting at the end of section three the following new subsection:—

(2) The Minister may by writing under his hand appoint honorary inspectors who shall have such powers and perform such duties as may be prescribed by regulations made under this Act.

Sec. 4. (Infected bees.)

(c) by omitting from paragraph (a) of section four the words "be kept" and by inserting in lieu thereof the word "remain";

Subst. secs. 6, 7, 8.

(d) by omitting sections six, seven and eight and by inserting in lieu thereof the following sections:—

Powers of entry and inspection.

6. Any inspector may enter in and upon any land on which he has reasonable grounds to believe that there are any bees, bee-hives, fittings, apparatus, appliances, honey, honeycomb, or any articles used in connection therewith, and may carry out such inspection as he deems necessary for the purposes of this Act.

7.

7. If an inspector is satisfied on reasonable grounds that any bees are diseased and are a source of danger to other bees, he may forthwith destroy them, or cause them to be destroyed. Power to destroy bees.

8. (1) If an inspector finds that any beehives, fittings, apparatus, appliances, honey, honeycomb, or any articles are, in his opinion, liable to spread disease, he may forthwith destroy them, or cause them to be destroyed, or may order all or any of them to be cleansed, disinfected, renewed, readjusted, or otherwise treated in such manner and within such time as he may direct. Beehives, etc., liable to spread disease.

He may also order that any of the above-mentioned articles shall not be sold or otherwise alienated or removed from the place at which they are for the time being situated for a further specified period of not more than one month, except with his written consent.

(2) Articles, the value of which exceeds ten pounds, shall not be destroyed under this section without the written approval of the Minister.

(e) by inserting next after section eight the following new sections:— New secs. 8A, 8B, 8C.

8A. If an inspector is satisfied on reasonable grounds that any bees or any beehives have been abandoned and are neglected, he may take possession of them, and shall dispose of them in accordance with regulations made under this Act. Abandoned bees and beehives.

8B. No person shall suffer or allow any honey, or any honeycomb, receptacle or article on or in which honey is deposited, and which is in his possession or under his control, to remain exposed in a manner or under conditions which would provide robber bees with access to the honey. Honey not to be exposed.

Prohibition of importation of bees, etc., likely to introduce disease.

8c. (1) The Governor may from time to time by proclamation published in the Gazette prohibit the importation, introduction or bringing into the State or into any specified portion thereof, either generally or from any other State or country or place, or the bringing into one portion of the State from any other portion of any bees, honey, honeycomb or other thing of any nature or kind whatsoever which in his opinion is likely to introduce any disease into the State or into any specified portion thereof, as the case may be, or is likely to spread such disease.

(2) Such prohibition may be absolute or conditional.

(3) The Governor may at any time revoke or vary any such proclamation.

(4) Any person who contravenes the provisions of any such proclamation shall be liable to a penalty not exceeding one hundred pounds.

Sec. 10. (Transfer to frame-hives.)

(f) (i) by omitting from section ten the words "in charge";

(ii) by omitting from the same section all words following the words "such order";

New sec. 11A.

(g) by inserting next after section eleven the following new section:—

Replacement of hive.

11A. If, in the opinion of an inspector, any hive is in such a condition that it cannot readily be handled for inspection, he may order such hive to be replaced within such time as he may specify in the order.

Subst. sec. 12 and new secs. 12A, 12B, 12C.

(h) by omitting section twelve and by inserting in lieu thereof the following sections:—

Beekeepers to register.

12. (1) Within three months after the commencement of the Apiaries (Amendment) Act, 1944, or within fourteen days after commencing to keep bees, every beekeeper shall register each and every apiary on which bees are kept by him, and thereafter shall register the same annually on the thirty-first day of March in each year.

(2)

(2) Registration of apiaries under this section may be effected as prescribed.

(3) An annual fee, fixed in accordance with regulations made under this Act, shall be payable in respect of each registration of an apiary and such regulations may provide for the fixing of different annual fees in respect of different apiaries on the basis of the number of hives kept thereon.

A fee shall not be payable in respect of any registration effected before the thirty-first day of March, one thousand nine hundred and forty-five.

Notification of removal of bees.

12A. A beekeeper who removes hives of bees from his apiary shall within seven days thereafter give notice of such removal to the Under Secretary of the Department of Agriculture.

Such notice shall be given in the manner and in or to the effect of the form prescribed.

Protected apiaries.

12B. (1) If, upon the prescribed application being made to the Minister, a beekeeper satisfies the Minister—

(a) that he is carrying on the business of a bee farmer; and

(b) that he keeps on any apiary registered by him under section twelve of this Act at least fifty hives of bees; and

(c) that he has carried out work on such apiary or on land in the vicinity for the purpose of improving the apiary as a site for bee-farming,

the Minister may direct that such apiary shall be registered as a protected apiary and that a certificate of registration thereof as a protected apiary shall be issued to him.

(2) No person shall, without the consent in writing of the Minister, move bees or cause or permit bees to be moved into or upon any land which is situated within the prescribed distance from any external boundary of the site of an

apiary

apiary in respect of which a certificate of registration as a protected apiary has been issued under this section.

The prescribed distance for the purposes of this subsection shall not in any case exceed two miles.

(3) An application under this section shall be accompanied by the prescribed fee.

(4) No beekeeper shall be entitled to be issued under this section with certificates of registration in respect of more than three protected apiaries.

Power to prohibit the keeping of bees in specified areas.

cf. S.A. Act No. 2021, s. 11.

12c. (1) In any case where the Governor is of opinion that the keeping of bees in any part of the State is harmful to the drying of any fruits the Governor may by proclamation published in the Gazette prohibit (either absolutely or subject to such conditions as may be declared in the proclamation) the keeping of bees within the part of the State specified in the proclamation.

(2) Any such proclamation may provide that the same is to continue in force for the period or periods therein named, and any such proclamation may be revoked or varied by proclamation made by the Governor and published in the Gazette.

(3) Any person who keeps any bees in contravention of the provisions of any such proclamation shall be liable to a penalty not exceeding twenty pounds.

Sec. 15. (Offences and penalties.)

(i) (i) by inserting in section fifteen after the words "under this Act" the words "or the regulations made thereunder";

(ii) by omitting from the same section the words "the inspector may himself carry out the necessary work at the expense of the person failing to so comply" and by inserting in lieu thereof the words "an inspector or any

person

person authorised in writing by the Minister may carry out the necessary work at the expense of the person failing so to comply, and may for that purpose employ any necessary assistance";

(iii) by inserting at the end of the same section the following new subsection:—

(2) Such expense shall be recoverable in any court of competent jurisdiction by an inspector or any person authorised in writing by the Minister, and shall include the expense incurred by the inspector or other person in travelling to and from the place where such work is carried out, a proportionate part of the salary or wages of the inspector or other person, having regard to the time occupied by him in so travelling and in performing the work, and the cost of any necessary assistance.

(j) (i) by inserting in subsection one of section seventeen after the word "inspections" the words "the grading and packing of honey and the marking, branding or labelling of packages or containers containing honey and the prohibition of any sale thereof unless the prescribed conditions are fulfilled"; **Sec. 17. (Regulations.)**

(ii) by omitting from the same subsection the words "five pounds" and by inserting in lieu thereof the words "twenty pounds".

In the name and on behalf of His Majesty I assent to this Act.

WAKEHURST,
Governor.

Government House,
Sydney, 14*th November,* 1944.