

NSW Apiaries Act 1985 – a guide to the main sections

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Introduction

The New South Wales *Apiaries Act 1985* was established to:

- regulate the keeping of bees in NSW
- require and provide for the registration of beekeepers
- control, eradicate and prevent the introduction of certain diseases and pests which afflict bees and apiaries in NSW
- provide for the payment of compensation to registered beekeepers in certain cases.

Registration

If you are keeping one or more hives of honey bees in NSW you are required to be registered as a beekeeper with NSW Department of Primary Industries (NSW DPI), even if you are registered in another state or territory.

Registration is for a period of two years. The registration fee is divided into an administrative fee of \$40 paid by all beekeepers, plus a further charge (levy) of \$3 for every ten hives (or part thereof). Funds are used to pay beekeepers compensation for the destruction or irradiation of beehives infected with American foulbrood disease (AFB) when directed in writing to do so by an apiary inspector (conditions apply).

Nucleus hives are included in the hive count. Four nucleus hives consisting of not more than six standard full depth Langstroth frames are counted as one hive for the purpose of calculating the payment for the compensation levy.

When applying for registration, beekeepers are required to sign an application form stating that they should check all hives for diseases and pests, and that any sign of a notifiable disease or pest

must be immediately reported to an inspector or by telephoning (02) 6741 8374. If you are not familiar with notifiable diseases or pests, contact your local apiary officer or inspector for further guidance and instruction.

How to register

Registration is made by completing and returning an Application for Registration as a Beekeeper form with the required payment. Application forms can be obtained from:

NSW Department of Primary Industries,
PO Box 108, Gloucester, NSW 2422, phone
(02) 6558 1707, or from NSW DPI's honeybee
website: www.dpi.nsw.gov.au/reader/honeybees

Identification

Once registered, you are allocated a registered number which is usually a combination of letters and numerals and you will receive a certificate of registration. Beekeepers are required to display this number on all brood boxes within 60 days of notification of their registration number. The registration number must be displayed on the outside wall of one side of each brood box. The size is not specified but should be easily read. Many beekeepers identify all components of their hives to deter theft; this is advisable but not required by law.

Hive movements

Beekeepers are required to maintain a record of hive movements containing details for each movement of:

- the date the hives are moved
- the number of hives moved
- the site from which the hives were moved
- the site to which the hives were moved
- the name of the person moving the hives
- any losses and thefts.



This is for the purpose of tracing hive movements in the event of disease occurring in your hives. Good records assist with the identification of sources of disease outbreaks.

Disposal of hives

Beekeepers who dispose of their hives (by selling or giving their hives away or disposal by other means) are required to notify the department within 21 days of disposal, giving the new owner's name and address. This notification form is part of the registration certificate. A 'Notice of Disposal' is available on the NSW DPI honeybee web page.

Unidentified beehives on public land

An inspector may seize and remove any beehive that is on public land and is not identified. A seized hive is forfeited to the Crown.

Identified hives on public land

If an inspector is satisfied that an identified beehive is on public land without the permission of the controller of the land, the inspector may seize and remove it. A seized hive is forfeited to the Crown.

Unidentified beehives on private land

Any beehive that is on land other than public land and is not identified may be seized by an inspector and forfeited to the Crown.

Framed hives

A person shall not keep bees, or allow bees to be kept in an apiary, except in a framed hive. Removable frames allow the frames to be inspected for disease.

Access

A beekeeper shall at all times keep the normal access to their beehives clear of obstructions which would prevent or impede the inspection of the beehives by an inspector.

Abandoned or neglected hives

Apiaries may be left unattended for lengthy periods of time and bee boxes may become unsightly with a state of apparent neglect or, worse, become a source of disease for bees within flight range of the diseased hives. In these circumstances, inspectors can direct that appropriate remedial action be taken by the beekeeper. In some cases hives can be seized and sold or destroyed.

Nuisance bees

Bees at times may create a public nuisance. A member of the public may lodge a complaint to the Director-General of NSW DPI concerning the offending bees that are considered a danger to their health or safety. After investigation by an

Apiary Inspector, beekeepers may be asked to relocate hives to an alternative position on the premises or may be directed to remove some or all hives from the site. Beekeepers have the right to appeal to the Administrative Decisions Tribunal against an Order by the Director-General to reduce hive numbers or to remove their beehives.

In cases where bees on a particular premises are such a danger to public health or public safety as to require the immediate removal of the beehives, an inspector may without notice, cause the beehives to be removed and relocated to another place.

Exposed honey

Honey, bee comb or appliances containing honey (for example, exposed honey combs, dead out hives, waste wax material, leaking honey drums, extracting plants) are not to be left exposed to robbing bees. Robber bees can spread disease by taking honey from a diseased hive or from other products containing diseased honey back to their own hive.

Disease control

It is an offence to keep bees known to be infected with a notifiable disease unless the bees are being treated by a method approved by an Apiary Inspector of NSW DPI. Any beekeeper who suspects that their hives are infected with a notifiable disease is required to advise the nearest NSW DPI Apiary Inspector within 24 hours of becoming aware of the problem.

Certificates

Beekeepers moving beehives, queen bees, hive products and used bee equipment into NSW from another state or territory require a health certificate issued by an Apiary Inspector in that state indicating that the bees, products and equipment are disease-free. This is to ensure that bee disease and pests are not introduced into New South Wales.

An alternative system using a Vendor Declaration for the movement of specified apiary products is being considered.

Compensation for infected material

Where hives are infected with American foulbrood disease, infected hive materials may be irradiated or destroyed after consultation with an Apiary Inspector.

Apiary Inspectors are able to inform you of your entitlement to compensation. No allowance is made for loss of profit in determining compensation. Compensation may be rejected on the following grounds.

- Registration is not current.

- Hives were moved into NSW without health certificates from the state of origin.
- Diseased hives were purchased.
- Negligence on the part of the claimant caused the spread of disease.
- The beekeeper failed to notify that the hives were diseased.
- Written directions were not issued by an inspector to have infected material destroyed or irradiated.

Queen candy

Honey used in the manufacture of queen candy must be irradiated at the rate of 20 kilograys to provide honey free from live bee disease organisms.

Notifiable disease under the Apiaries Act

American foulbrood (caused by *Paenibacillus larvae*) (AFB) is the only prescribed, notifiable and compensatable disease under the Apiaries Act. A beekeeper must notify an inspector within 24 hours of first becoming aware or suspecting that any bees, beehives or apiary products or appliances are infected with AFB. Penalties for failing to notify the presence or suspected presence of AFB include a Penalty Infringement Notice of \$550 or a maximum penalty of \$2,200 if convicted in court.

Notifiable diseases under the Stock Diseases Act 1924

The following diseases which were previously notifiable under the Apiaries Act 1985 are now notifiable under the *Stock Diseases Act 1924*.

- European foulbrood (*Melissococcus pluton*)
- Chalk brood (*Ascosphaera apis*)
- Small hive beetle (*Aethina tumida*)

Maximum penalty for failing to notify is \$11,000.

Notifiable diseases and pests under the Exotic Diseases of Animals Act

Exotic diseases and pests previously listed under the Apiaries Act are now listed under the *Exotic Disease of Animals Act 1991*. Beekeepers are required to notify an inspector of the suspected presence of these diseases or pests as soon as possible.

The exotic diseases and pests are:

Diseases

- Tracheal mite (*Acarine, Acariasis, Acarapis woodi*)

Pests

- Tropilaelaps mite (Asian mite, *Tropilaelaps clareae*)
- Braula fly (Bee louse, *Braula coeca*)
- Varroa mite (*Varroa destructor*)
- Africanised honeybee
- Asian honeybee (*Apis cerana*)
- Dwarf honeybee (*Apis florea*)
- Giant honeybee (*Apis dorsata*)

Maximum penalty for failing to notify is \$22,000.

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