No. 100 of 1987
An Act to amend the Apiaries Act, 1931.

[Assented to 17 December 1987]

The Parliament of South Australia enacts as follows:

1. (1) This Act may be cited as the “Apiaries Act Amendment Act, 1987”.
   (2) The Apiaries Act, 1931, is in this Act referred to as “the principal Act”.

2. This Act will come into operation on a day to be fixed by proclamation.

3. Section 3 of the principal Act is amended—
   (a) by striking out the definition of “disease” in subsection (1) and substituting the following definition:
       “disease” means any disease of or affecting bees prescribed by regulation;
   and
   (b) by inserting after the definition of “inspector” in subsection (1) the following definition:
       “notifiable disease” means a disease declared by regulation to be a notifiable disease.

4. Section 5 of the principal Act is amended by striking out from subsection (1) “Penalty: Five hundred dollars” and substituting:
   Penalty:
   — for a first offence—$500;
   — for a second or subsequent offence—$5000.

5. Section 6 of the principal Act is repealed and the following section is substituted:
6. (1) A beekeeper must, within 48 hours after evidence of a notifiable disease appears in his or her apiary, give notice to an inspector describing the nature of the evidence.

Penalty: $5 000.

(2) The reference in subsection (1) to evidence of a notifiable disease extends to any indication that would cause a reasonable and conscientious beekeeper to suspect the disease.

6. Section 7 of the principal Act is amended by striking out paragraph (c) of subsection (1) and substituting the following paragraph:

(c) comply with any directions or instructions lawfully given by an inspector under this Act.

7. Section 8a of the principal Act is amended by striking out “and” between paragraphs (a) and (b) of subsection (2) and by inserting the following word and paragraph after paragraph (b):

and

(c) interest at such rates as the Treasurer determines on amounts standing to the credit of the Fund.

8. Section 8c of the principal Act is amended—

(a) by striking out paragraph (b) of subsection (1) and substituting the following paragraph:

(b) that are destroyed or sterilized in a manner approved by the chief inspector;

and

(b) by inserting after subsection (5) the following subsection:

(6) The maximum amount of compensation payable under this section will be calculated in accordance with the regulations.

9. Section 8d of the principal Act is amended by striking out “or” between paragraphs (b) and (c) and by inserting the following word and paragraph after paragraph (c):

or

(d) in the opinion of an inspector, the disease that affected the property in respect of which compensation is sought had been present for at least two months before notification was given in accordance with this Act.

10. The following section is inserted after section 8d of the principal Act:

8e. (1) A person who has been refused compensation by the Minister under section 8d may appeal against that refusal to a District Court.

(2) An appeal under this section must be commenced within one month after receipt of notice of the Minister’s refusal.

(3) On an appeal the Court may confirm or reverse the Minister’s decision.
11. Section 9 of the principal Act is amended—
   (a) by striking out paragraph \((d)\) and substituting the following para-
       graph:
       \((d)\) except when required by an inspector, remove any honey,
       beeswax, bees, hives or appliances, knowing them to
       be infected with disease from any premises;;

   (b) by striking out from paragraph \((f)\) "beeswax, appliances, or articles
       affected with any disease" and substituting "beeswax or appli-
       cances";

   and

   (c) by striking out "Penalty: Five hundred dollars" and substituting:

   Penalty:
   
   —for a first offence—$500;
   —for a second or subsequent offence—$5 000.

12. Section 10 of the principal Act is amended by striking out from
subsection (3) "five hundred dollars" and substituting "$5 000".

13. Section 11 of the principal Act is amended by striking out from
subsection (3) "five hundred dollars" and substituting "$5 000".

14. Section 12 of the principal Act is amended—
   (a) by striking out from subsection (1) "Five hundred dollars" and
       substituting "$5 000";

   (b) by striking out paragraphs \((a)\) and \((b)\) of subsection (2) and sub-
       stituting the following paragraphs:

   \((a)\) may go on board and inspect—

   (i) any aeroplane, ship, boat or vessel that is about
       to proceed to Kangaroo Island;

   (ii) any aeroplane that has landed at Kangaroo Island
       or any ship, boat or vessel in or near any
       harbour of Kangaroo Island;

   and

   \((b)\) seize and destroy any bees, or any hive or receptacle for
       bees, found in the course of the inspection.;

   (c) by striking out from subsection (3) "Five hundred dollars" and
       substituting "$5 000";

   (d) by striking out subsection (4) and substituting the following sub-
       section:

   (4) An inspector or member of the police force may—

       \((a)\) search any vehicle on Kangaroo Island;
       or

       \((b)\) enter upon and inspect any land on Kangaroo
       Island,

   and seize and destroy any bees that are not pure Ligurian
   Bees and any hive or receptacle for such bees.;
and

(e) by striking out from subsection (6) "Five hundred dollars" and substituting "$5 000".

15. Section 13 of the principal Act is amended by striking out from subsection (2) "Five hundred dollars" and substituting "$5 000".

16. Section 13aa of the principal Act is amended by striking out "Penalty: Five hundred dollars" and substituting:

Penalty:
— for a first offence—$500;
— for a second or subsequent offence—$5 000.

17. Section 13a of the principal Act is amended by striking out “Penalty: Five hundred dollars” and substituting:

Penalty:
— for a first offence—$500;
— for a second or subsequent offence—$5 000.

18. Section 13b of the principal Act is repealed and the following section is substituted:

13b. A beekeeper must maintain, in each place where bees are kept and so as to be not more than 200 metres from any hive, sufficient clean water of suitable mineral content for the bees.

Penalty:
— for a first offence—$500;
— for a second or subsequent offence—$5 000.

19. Section 19 of the principal Act is amended by striking out subsection (2) and substituting the following subsection:

(2) A regulation under this section may create an offence punishable by a fine not exceeding for a first offence $500 or for a second or subsequent offence $5 000.

20. The schedule to the principal Act is repealed.

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

D. B. DUNSTAN, Governor