

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 4 of 1928.

AN ORDINANCE

To Regulate the Bee Industry and to Prevent the Spread of Disease in Bees.

BE it ordained by the Governor-General of the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act* 1909, and the *Seat of Government (Administration) Act* 1910, as follows:—

1. This Ordinance may be cited as the *Apiaries Ordinance* Short title.
1928.

2. In this Ordinance, unless the contrary intention appears— Definitions.

“ Apiary ” means any place where bees are kept;

“ Bee-keeper ” means any person who keeps bees, or any person in charge of bees;

“ Disease ” means foul-brood, bee-moths, and any other diseases or pests declared by the Commission, by notice published in the *Gazette*, to be diseases within the meaning of this Ordinance;

“ Frame-hive ” means a hive containing movable frames in which the combs are built and which may be readily removed from the hive for examination;

“ Inspector ” means inspector appointed in pursuance of this Ordinance and includes an inspector appointed under the *Apiaries Act*, 1916, of the State of New South Wales, who is authorized, under this Ordinance, to exercise the powers and functions of an inspector under this Ordinance;

“ the Commission ” means the Federal Capital Commission.

3.—(1.) The Commission may delegate any of its powers and functions under this Ordinance (except this power of delegation) in relation to any matters or class of matters so that the delegated powers and functions may be exercised by the delegate with respect to the matters or class of matters specified in the instrument of delegation. Delegation by Commission.

(2.) Every delegation under this section shall be revocable at will and no delegation shall prevent the exercise of any power or function by the Commission.

Inspectors.

4. The Commission may appoint such inspectors and other officers as are necessary to carry out the provisions of this Ordinance.

Exercise of powers and functions by State inspectors and officers.

5.—(1.) Inspectors appointed under the *Apiaries Act*, 1916 of the State of New South Wales, may (if thereto authorized in writing by the Commission) exercise all the powers and functions of inspectors under this Ordinance, and any other officer appointed under that Act may (if thereto authorized in writing by the Commission) exercise those powers and functions under this Ordinance which correspond to the powers and functions which he may exercise under that Act.

(2.) The Commission may enter into an arrangement with the proper authority of the State of New South Wales for the payment of the salaries and travelling allowances of inspectors and officers of that State whilst they are exercising the powers and functions of inspectors under this Ordinance.

Infected bees, &c., not to be kept or sold or brought into Territory.

6.—(1.) A bee-keeper shall not—

- (a) keep or allow to be kept upon any land occupied by him any bees, bee-combs, hives, or appliances known by him to be infected by or liable to spread disease, without immediately taking the prescribed steps to cure or eradicate the disease; or
- (b) sell, barter, give away, or, otherwise than in the prescribed manner, dispose of any bees or appliances from an apiary known by him to be infected by or liable to spread disease.

(2.) A person shall not bring into, or cause to be brought into, the Territory any bees, bee-combs, hives or appliances unless and until he has made an application to the Commission for the purpose and the Commission has consented thereto.

(3.) Any application for the consent of the Commission in pursuance of the last preceding sub-section shall be accompanied by a certificate by an inspector appointed under the *Apiaries Act*, 1916, of the State of New South Wales that the bees, bee-combs, hives or appliances are free from disease.

(4.) The lessee, holder or occupier of any land onto which any bees, bee-combs, hives or appliances are to be brought from outside the Territory shall forthwith notify that fact to the Commission.

Bee-keeper to give notice of disease.

7. Every bee-keeper in whose apiary any disease appears shall, immediately after first becoming aware of its presence, send written notice thereof to the Commission or to an inspector.

8. Any inspector may enter and inspect any premises where bees are kept, and may inspect any bees, bee-hives, fittings, apparatus, appliances, or any articles used in connexion therewith. Powers of entry and inspection.

9.—(1.) If an inspector certifies, in writing, to the Commission that any bees are diseased and, in his opinion, are a source of danger to other bees, and that they ought to be destroyed, the Commission may make an order directing the bee-keeper in charge to destroy the bees. Power to destroy bees.

(2.) If, at the expiration of seven days after the service of the order upon the bee-keeper, the bees are not destroyed, any inspector may cause them to be destroyed at the bee-keeper's expense.

10.—(1.) If an inspector finds that any bee-hive, fittings, apparatus, appliances, or any other articles are, in his opinion, liable to spread disease, he may order— Bee-hives, &c., liable to spread disease to be disinfected.

(a) that all or any of them be cleansed, disinfected, or readjusted in such manner and within such time as he directs, at the bee-keeper's expense; and

(b) that the articles, or such of them as he specifies, shall not be sold or otherwise alienated or removed for a further specified period of not more than one month, except with his written consent.

(2.) If the inspector certifies in writing to the Commission that any of the articles mentioned in this section cannot be effectively cleansed, disinfected, or readjusted, and that they ought to be destroyed, the inspector may cause the articles to be destroyed at the cost of the bee-keeper:

Provided that where the value of the articles ordered to be destroyed exceeds Five pounds, this power shall not be exercised without the written approval of the Commission.

11. On and after a date to be fixed by the Commission by notice in the *Gazette* any person keeping bees, other than native or indigenous bees, in any hive other than a frame-hive, shall be guilty of an offence. After date to be fixed only frame-hives to be used.

Penalty: Twenty pounds.

12.—(1.) If an inspector finds any bees hived otherwise than in frame-hives, he may by notice in writing, require the bee-keeper in charge to transfer the bees to frame-hives, within a time specified in the notice. Transfer of bees to frame hives.

(2.) If, at the expiration of that time, the bees are not so transferred, he may cause the bees to be so transferred at the bee-keeper's expense, and the bee-keeper shall in addition be guilty of an offence.

Penalty: Twenty pounds.

Alteration of
hive, frame, &c.

13. If an inspector finds that the bee-combs in any hive cannot, without cutting, be separately and readily removed from the hive for examination, he may order the bee-keeper to readjust the hive, comb, or frame, in such manner and within such time as he specifies.

Registration of
apiaries.

14.—(1.) A bee-keeper shall apply to have his apiary registered.

(2.) The applicaiton for the registration of an apiary established at the commencement of this Ordinance shall be made within one month thereafter.

(3.) The application for the registration of an apiary established after the commencement of this Ordinance shall be made within one month after the establishment thereof.

(4.) A bee-keeper who removes his apiary shall within fourteen days of the removal give notice thereof.

(5.) Applications and notices under this section shall be made to the Commission in accordance with the prescribed form.

(6.) The Commission may in its absolute discretion register or refuse to register any apiary.

(7.) A bee-keeper who fails to comply with any of the provisions of this section shall be guilty of an offence.

Penalty: Twenty pounds.

Inspectors not
liable except
for wilful
damage.

15.—(1.) An inspector acting in the execution of this Ordinance shall not be deemed to be a trespasser by reason of any entry or removal or destruction authorized by this Ordinance, nor be liable for any damage occasioned in carrying out the provisions of this Ordinance, unless the damage was occasioned by the inspector wilfully and without necessity.

(2.) A person shall not be entitled to receive any compensation in consequence of any measures taken for the eradication of any disease or the destruction of any bees or any articles ordered to be destroyed under this Ordinance, or in respect of any damage that may result to him therefrom, either directly or indirectly, unless the damage was occasioned wilfully and without necessity.

Service of
orders, &c.

16. Every direction or order by the Commission, or an inspector, shall be in writing, and, in the case of a direction or order by an inspector, signed under his hand, and shall be either delivered to the bee-keeper personally or sent to him by registered letter addressed to him at his last known place of abode.

Offences and
penalties.

17. Every person who—

(a) obstructs an inspector in the exercise of his duties under this Ordinance; or

(b) fails to comply with any order or direction given under the provisions of this Ordinance; or

(c) commits any other breach of this Ordinance,

shall be guilty of an offence, and shall, where no other penalty is provided, be liable to a penalty not exceeding Twenty pounds; and in the case of a failure to comply with any such order or direction the inspector may himself carry out the necessary work at the expense of the person failing so to comply.

18. Where by this Ordinance it is provided that anything may be done at the bee-keeper's expense, the cost of such action may be recovered by an inspector in any court of competent jurisdiction as if it were a civil debt. ^{Recovery of expense.}

19. The Commission may make regulations, not inconsistent with this Ordinance, prescribing all matters which are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out and giving effect to this Ordinance and in particular prescribing matters providing for and in relation to— ^{Regulations.}

(a) the duties of inspectors;

(b) the obligations of bee-keepers with respect to inspections;

(c) the fees payable in respect of the registration of apiaries; and

(d) the imposition of penalties not exceeding Twenty pounds for breaches of the regulations.

Dated this twenty-fifth day of February, One thousand nine hundred and twenty-eight.

STONEHAVEN

Governor-General.

By His Excellency's Command,

C. W. C. MARR

Minister of State for Home and Territories.

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