



Apiaries Act 1982

Apiaries Regulation 1998

Current as at 1 July 2015

Reprint note

This is the last reprint before lapse. Lapsed on 1 July 2016 by 2014 Act No. 7 s 504.



Queensland

Apiaries Regulation 1998

Contents

| | | Page |
|-------------------|---|------|
| Part 1 | Preliminary | |
| 1 | Short title | 3 |
| 2 | Definitions | 3 |
| 2A | Declaration of bees | 3 |
| 3 | Declaration of diseases | 3 |
| Part 2 | Regulation and control of beekeeping | |
| Division 1 | Exclusions | |
| 4 | Exclusion of part of State | 4 |
| Division 2 | Classifying apiaries | |
| 5 | Classifying class C or D apiaries | 4 |
| 6 | Apiary class A, B or C certificates | 5 |
| 7 | Cancelling certificates | 5 |
| 8 | Reclassification | 5 |
| 8A | Notice of decisions under div 2 | 5 |
| Division 3 | Hive marking | |
| 9 | Prescribed marks or brands—Act, s 17(1) | 6 |
| 10 | Markings for apiaries not at usual residence—Act, s 17(3) | 6 |
| 11 | Maintenance of marks or brand or notice | 6 |
| Part 3 | Disease prevention, control and restriction | |
| Division 1 | Notifiable diseases | |
| 12 | Diseases for which notice not required | 7 |
| Division 2 | Introducing queen bees and escorts or queen cells | |
| 13 | Prescribed particulars for returns—Act, s 27(6) | 7 |
| 14 | General conditions | 7 |
| 15 | Additional conditions for introducing from Tasmania | 8 |
| Division 3 | Prohibition on introduction | |
| 15A | Prohibition on introducing Asian honeybees | 9 |

Contents

| | | |
|-------------------|---|----|
| 15B | Prohibition on introducing Africanised strains of honeybees | 10 |
| Division 4 | Infected matter | |
| 16 | Direction to move to quarantine | 10 |
| 17 | Permit to move for certain infections | 10 |
| 17A | Notice of refusal of permission | 11 |
| Part 4 | Reviews | |
| 18 | Review of particular decisions | 11 |
| Part 5 | Miscellaneous | |
| 24 | Prescribed interest rate | 12 |
| 25 | Registration fee | 12 |
| Schedule 1 | Diseases | 13 |
| Schedule 2 | Excluded part of the State | 15 |
| Schedule 3 | Diseases for which notice not required | 16 |

Apiaries Regulation 1998

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Apiaries Regulation 1998*.

2 Definitions

In this regulation—

appellant see section 18.

Asian honeybee means the Asian honeybee (*Apis cerana*).

decision maker see section 18.

disease means a disease declared under section 3.

information notice means a notice complying with the QCAT Act, section 157(2).

introduce means to introduce, or cause to introduce, into the State.

2A Declaration of bees

The Asian honeybee is declared to be a bee for section 2 of the Act, definition *bee*.

3 Declaration of diseases

A thing stated in schedule 1 is declared to be a disease for section 2 of the Act, definition *disease*.

Part 2 **Regulation and control of beekeeping**

Division 1 **Exclusions**

4 **Exclusion of part of State**

- (1) The following provisions of part 3 of the Act do not apply to the part of the State shown on the map in schedule 2 (the *excluded part of the State*)—
 - (a) section 14, for an apiary class A, B or C;
 - (b) section 16.
- (2) The exact location of the boundary of the excluded part of the State is held in digital electronic form by the department.
- (3) A map showing the exact location of the boundary of the excluded part of the State can be accessed, free of charge, on the department's website.

Editor's note—

The department's website address is <www.daff.qld.gov.au>.

- (4) The information held in digital electronic form can be reduced or enlarged to show the details of the boundary.

Division 2 **Classifying apiaries**

5 **Classifying class C or D apiaries**

- (1) This section applies if an apiary is not classified as an apiary class C or D under section 11 of the Act.
- (2) The owner of the apiary must apply to the chief executive to classify the apiary if—
 - (a) queen bees are bred for sale in the apiary and it consists of not less than 100 hives; or

- (b) the apiary consists of a nucleus and drone mother hives used exclusively for the mating of bees.
- (3) The application must be in the approved form.

6 Apiary class A, B or C certificates

- (1) If the owner of an apiary class A, B or C applies to the chief executive, the chief executive must issue a certificate of classification for the apiary.
- (2) The certificate must be in the approved form.

Note—

For apiary class D certificates and their cancellation or reclassification, see section 11(5) and (6) (Classification of apiaries) of the Act.

7 Cancelling certificates

The chief executive may cancel a certificate for an apiary class A, B or C if—

- (a) the apiary is no longer an apiary of the class for which the certificate was issued; or
- (b) for an apiary class C certificate—the chief executive could no longer classify the apiary as an apiary class C under section 11(3) of the Act.

8 Reclassification

The chief executive must classify an apiary under section 11(1) of the Act if the chief executive the chief executive—

- (a) cancels a certificate under section 7; and
- (b) considers the apiary is in another class of apiary.

8A Notice of decisions under div 2

If the chief executive makes a decision under this division, the chief executive must give the owner or beekeeper of the apiary

to which the decision relates an information notice for the decision within 14 days after making the decision.

Division 3 Hive marking

9 Prescribed marks or brands—Act, s 17(1)

- (1) For section 17(1) of the Act, an apiary's registered mark or number must be marked or branded—
 - (a) on the front of the hives; and
 - (b) in block letters and figures at least 25mm high.
- (2) The first mark or brand on a hive must be placed in the centre of the front of the hive.
- (3) If a hive is already marked or branded, any subsequent marks or brands on the hive must be placed in the corners of the front of the same hive in a clockwise sequence, starting from the top left hand corner of the hive.

10 Markings for apiaries not at usual residence—Act, s 17(3)

- (1) The prescribed particulars for a notice under section 17(3) of the Act are—
 - (a) for a registered beekeeper—the beekeeper's registered mark or brand number; or
 - (b) for a beekeeper who holds a permit under section 9 of the Act—the permit number.
- (2) The particulars must be written in block letters and figures at least 25mm high.

11 Maintenance of marks or brand or notice

- (1) An apiary's beekeeper must maintain a mark or a brand or a notice under section 17(1) or (3) of the Act so they are legible.

[s 15]

- (i) acarine mite (*Acarapis woodii*);
 - (ii) American foulbrood (*Paenibacillus larvae* var. *larvae*);
 - (iii) Asian mite (*Tropilaelaps clareae*);
 - (iv) bee louse (*Braula coeca*);
 - (v) varroa mite (*Varroa jacobsonii*); and
- (b) they have, within 3 months before the introduction, been within 5km of bees, hives, bee products or appliances infected with a disease mentioned in paragraph (a); and
 - (c) they are from a hive infected with a disease stated in schedule 3; and
 - (d) honey or pollen used for manufacturing any food stores for the bees and escorts or cells before the introduction was not irradiated to inactivate any disease.

15 Additional conditions for introducing from Tasmania

- (1) For section 28(2) of the Act, a person must not introduce queen bees and escorts or queen cells from Tasmania unless—
 - (a) a Tasmanian lice-free certificate has been given for the queen bees and escorts or queen cells; and
 - (b) the queen bees and escorts or queen cells are—
 - (i) packed in a locked mite-proof container; and
 - (ii) free from bee lice when they are packed; and
 - (iii) accompanied by the certificate when they are introduced; and
 - (c) an inspector examines the queen bees and escorts or queen cells when they are introduced; and
 - (d) no order has been made about the queen bees and escorts or queen cells under section 26(1) of the Act; and

-
- (e) if an order has been given under section 5(3)(d) of the Act about the queen bees and escorts or queen cells—the order has been complied with.
- (2) Subsection (1) is taken to be complied with if the conditions of any order under the *Apiaries Act 1985* (NSW), section 26(1) for introducing the queen bees and escorts or queen cells into New South Wales have been met.

Editor's note—

Apiaries Act 1985 (New South Wales), section 26 (Prohibition of importation of bees etc.)

The conditions at the commencement are contained in an order titled 'Prohibition of importation into New South Wales from Tasmania of bees, beehives, apiary products or appliances, on account of the disease *Braula coeca* (bee lice)' made on 11 October 1996.

- (3) This section is in addition to section 14.
- (4) In subsection (1)—

bee lice means the disease bee louse (*Braula coeca*).

Tasmanian lice-free certificate means a document (however described) that—

- (a) is given by—
- (i) the chief executive or the head of the Tasmanian government department responsible for matters relating to apiculture; or
 - (ii) a person authorised by the chief executive or the head; and
- (b) certifies stated queen bees and escorts or queen cells are free of bee lice.

Division 3 Prohibition on introduction

15A Prohibition on introducing Asian honeybees

For section 28(1) of the Act, the introduction of the Asian honeybee (*Apis cerana*) is prohibited.

15B Prohibition on introducing Africanised strains of honeybees

For section 28(1) of the Act, the introduction of Africanised strains of honeybees (*Apis mellifera scutellata* Lepeletier) is prohibited.

Division 4 Infected matter

16 Direction to move to quarantine

- (1) This section applies if an inspector is reasonably satisfied an appliance, bee, bee product or hive is infected by, or might spread, a disease.
- (2) The inspector may direct a person in charge of the appliance, bee, bee product or hive to move it to a stated quarantine area for inspection.
- (3) The inspector must give each of the following persons an information notice for the decision to give the direction—
 - (a) the owner of the appliance, bee, bee product or hive;
 - (b) the person in charge of the appliance, bee, bee product or hive.

17 Permit to move for certain infections

- (1) This section applies if an appliance, bee, bee product or hive is infected with any of the following—
 - (a) acarine mite (*Acarapis woodii*);
 - (b) American foulbrood (*Paenibacillus larvae* var. *larvae*);
 - (c) Asian mite (*Tropilaelaps clarae*);
 - (d) bee louse (*Braula coeca*);
 - (e) varroa mite (*Varroa jacobsonii*).

- (2) An inspector may permit a person to move the appliance, bee, bee product or hive if satisfied suitable precautions have been or will be taken to prevent the disease spreading.
- (3) A person must not move the appliance, bee, bee product or hive unless the person is—
 - (a) directed to do so under section 16(2); or
 - (b) permitted to do so under subsection (2).

17A Notice of refusal of permission

If an inspector decides to refuse a person permission under section 17(2), the inspector must give the person an information notice for the decision within 14 days after making the decision.

Part 4 Reviews

18 Review of particular decisions

The following persons may apply, as provided under the QCAT Act, to QCAT for a review of the decision stated for the person—

- (a) for a decision by the chief executive under section 6, 7 or 8—the owner or beekeeper of the apiary to which the decision relates;
- (b) for a decision by an inspector under section 16 to give a direction to a person in charge—
 - (i) the person in charge; or
 - (ii) the owner of the appliance, bee, bee product or hive to which the direction relates;
- (c) for a decision by an inspector under section 17 to refuse a person permission to move an appliance, bee, bee product or hive—

- (i) the person; or
- (ii) the owner of the appliance, bee, bee product or hive to which the decision relates.

Part 5 Miscellaneous

24 Prescribed interest rate

For section 35 of the Act, the prescribed interest rate is 5% per annum.

25 Registration fee

The fee for an application for, or renewal of, registration as a registered bee keeper is \$15.30.

Schedule 1 Diseases

section 3

Part 1 Bacteria, fungi and protozoa

American foulbrood (*Paenibacillus larvae* var. *larvae*)

chalk brood (*Ascosphaera apis*)

European foulbrood (*Melissococcus pluton*)

nosema (*Nosema apis*)

Part 2 Viruses

acute bee paralysis virus

chronic bee paralysis virus

Kashmir bee virus

sacbrood virus

slow bee paralysis virus

Editor's note—

The viruses in part 2 (Viruses) have no scientific name.

Part 3 Parasites

acarine mite (*Acarapis woodii*)

asian mite (*Tropilaelaps clareae*)

bee louse (*Braula coeca*)

varroa mite (*Varroa destructor*)

varroa mite (*Varroa jacobsonii*)

Part 4

Pests

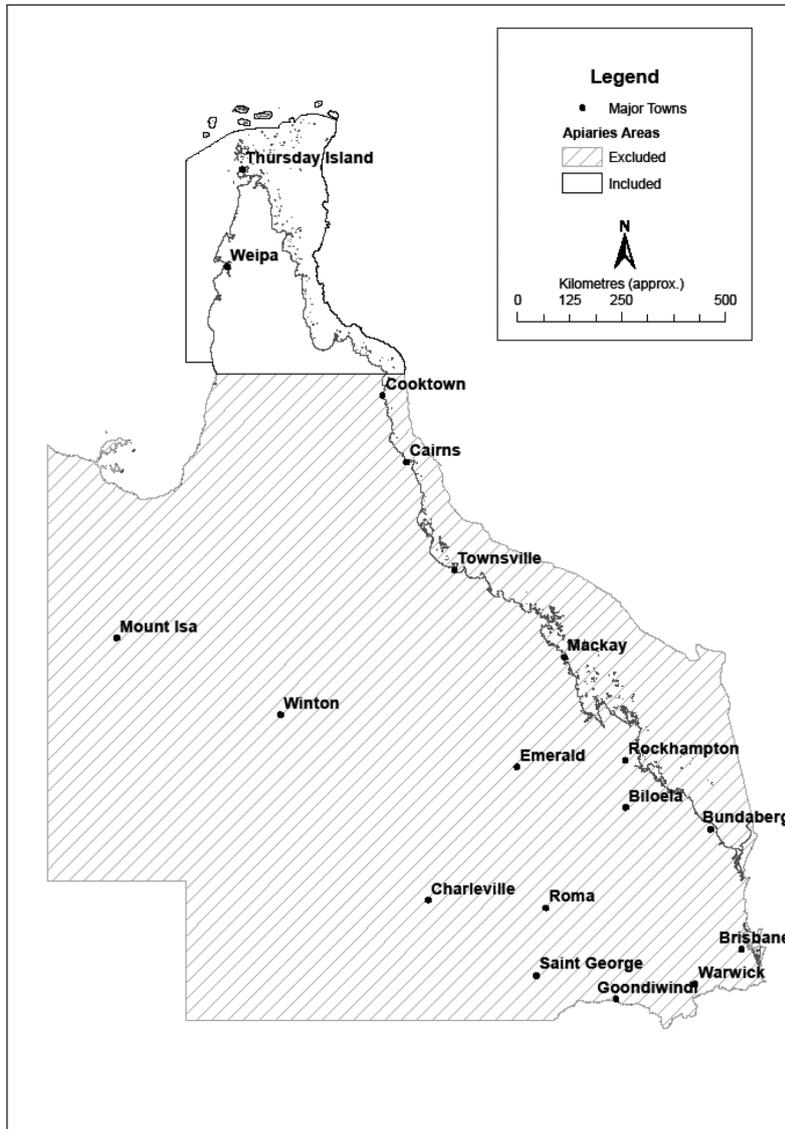
larger wax moth (*Galleria mellonella*)

lesser wax moth (*Achroia grisella*)

small hive beetle (*Aethina tumida*)

Schedule 2 Excluded part of the State

section 4



Schedule 3 Diseases for which notice not required

sections 12 and 14(c)

acute bee paralysis virus (no scientific name)

chalk brood (*Ascosphaera apis*)

chronic bee paralysis virus (no scientific name)

European foulbrood (*Melissococcus pluton*)

Kashmir bee virus (no scientific name)

larger wax moth (*Galleria mellonella*)

lesser wax moth (*Achroia grisella*)

nosema (*Nosema apis*)

sacbrood virus (no scientific name)

slow bee paralysis virus (no scientific name)

1 Index to endnotes

- 2 Key
- 3 Table of reprints
- 4 List of legislation
- 5 List of annotations

2 Key

Key to abbreviations in list of legislation and annotations

| Key | Explanation | Key | Explanation |
|-------------|---------------------------------------|---------------|----------------------------|
| AIA | = Acts Interpretation Act 1954 | (prev) | = previously |
| amd | = amended | proc | = proclamation |
| amd | = amendment | prov | = provision |
| t | | | |
| ch | = chapter | pt | = part |
| def | = definition | pubd | = published |
| div | = division | R[X] | = Reprint No. [X] |
| exp | = expires/expired | RA | = Reprints Act 1992 |
| gaz | = gazette | reloc | = relocated |
| hdg | = heading | renu | = renumbered |
| | | m | |
| ins | = inserted | rep | = repealed |
| lap | = lapsed | (retro | = retrospectively |
| | |) | |
| notf | = notified | rv | = revised version |
| d | | | |
| num | = numbered | s | = section |

| Key | Explanation | Key | Explanation |
|---------------|---------------------------|----------------|--|
| o in c | = order in council | sch | = schedule |
| om | = omitted | sdiv | = subdivision |
| orig | = original | SIA | = Statutory Instruments Act 1992 |
| p | = page | SIR | = Statutory Instruments Regulation 2012 |
| para | = paragraph | SL | = subordinate legislation |
| prec | = preceding | sub | = substituted |
| pres | = present | unnum m | = unnumbered |
| prev | = previous | | |

3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

| Reprint No. | Amendments to | Effective | Reprint date |
|--------------------|----------------------|------------------|---------------------|
| 1 | 1998 SL No. 226 | 7 August 1998 | 25 August 1998 |
| 1A | 1999 SL No. 184 | 6 August 1999 | 6 September 1999 |

| Reprint No. | Amendments to | Effective | Reprint date |
|--------------------|----------------------|-------------------|---------------------|
| 1B | 2000 SL No. 227 | 1 September 2000 | 19 May 2001 |
| 1C | 2001 SL No. 177 | 28 September 2001 | 12 October 2001 |

| Reprint No. | Amendments included | Effective | Notes |
|--------------------|----------------------------|-------------------|-----------------------|
| 1D | 2002 SL No. 292 | 1 November 2002 | |
| 1E | 2004 SL No. 231 | 29 November 2004 | |
| 1F | 2005 SL No. 268 | 11 December 2005 | R1F withdrawn, see R2 |
| 2 | — | 11 December 2005 | |
| 2A | 2006 SL No. 267 | 4 December 2006 | |
| 2B | 2007 SL No. 232 | 29 October 2007 | |
| 2C | 2008 SL No. 38 | 15 March 2008 | |
| 2D | 2008 SL No. 314 | 19 September 2008 | R2D withdrawn, see R3 |
| 3 | — | 19 September 2008 | |
| 3A | 2009 SL No. 176 | 28 August 2009 | |
| 3B | 2009 Act No. 24 | 1 December 2009 | |
| 3C | 2010 SL No. 146 | 1 July 2010 | |
| 3D | 2011 SL No. 110 | 1 July 2011 | |
| 3E rv | 2012 SL No. 92 | 1 July 2012 | |

| Current as at | Amendments included | Notes |
|----------------------|----------------------------|--------------|
| 1 July 2013 | 2013 SL No. 102 | |
| 1 July 2014 | 2014 SL No. 113 | |
| 1 July 2015 | 2015 SL No. 57 | |

4 List of legislation

Regulatory impact statements

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

Explanatory notes

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

Apiaries Regulation 1998 SL No. 136

made by the Governor in Council on 14 May 1998
notfd gaz 15 May 1998 pp 311–16
commenced on date of notification
amending legislation—

Apiaries Amendment Regulation (No. 1) 1998 SL No. 226

notfd gaz 7 August 1998 pp 1717–20
commenced on date of notification

Primary Industries Legislation Amendment Regulation (No. 2) 1999 SL No. 184 ss 1, 15 sch

notfd gaz 6 August 1999 pp 1983–4
commenced on date of notification

Apiaries Amendment Regulation (No. 1) 2000 SL No. 227

notfd gaz 1 September 2000 pp 58–60
commenced on date of notification

Primary Industries Legislation Amendment Regulation (No. 1) 2001 SL No. 177 pts 1, 3

notfd gaz 28 September 2001 pp 328–30
commenced on date of notification

Primary Industries Legislation Amendment Regulation (No. 1) 2002 SL No. 292 pts 1–2

notfd gaz 1 November 2002 pp 759–62
commenced on date of notification

Primary Industries Legislation Amendment Regulation (No. 1) 2004 SL No. 231 pts 1, 4

notfd gaz 29 October 2004 pp 734–7
ss 1–2 commenced on date of notification
remaining provisions commenced 29 November 2004 (see s 2)

Primary Industries Legislation Amendment Regulation (No. 1) 2005 SL No. 268 pts 1, 4

notfd gaz 11 November 2005 pp 955–7
ss 1–2 commenced on date of notification
remaining provisions commenced 11 December 2005 (see s 2)

Primary Industries Legislation Amendment Regulation (No. 1) 2006 SL No. 267 pts 1, 4

notfd gaz 3 November 2006 pp 1103–4
ss 1–2 commenced on date of notification
remaining provisions commenced 4 December 2006 (see s 2)

Primary Industries Legislation Amendment Regulation (No. 2) 2007 SL No. 232 ss 1–2(1), pt 4

notfd gaz 21 September 2007 pp 447–9
ss 1–2 commenced on date of notification
remaining provisions commenced 29 October 2007 (see s 2(1))

Primary Industries and Other Legislation Amendment Regulation (No. 1) 2008 SL No. 38 pts 1, 3

notfd gaz 29 February 2008 pp 1012–14
ss 1–2 commenced on date of notification
remaining provisions commenced 15 March 2008 (see s 2)

Primary Industries and Fisheries Legislation Amendment Regulation (No. 1) 2008 SL No. 314 s 1, pt 4

notfd gaz 19 September 2008 pp 407–9
commenced on date of notification

Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Act 2009 No. 24 ss 1–2, ch 5 pt 5

date of assent 26 June 2009
ss 1–2 commenced on date of assent
remaining provisions commenced 1 December 2009 (2009 SL No. 252)

Primary Industries and Fisheries Legislation Amendment Regulation (No. 2) 2009 SL No. 176 pts 1, 4

notfd gaz 28 August 2009 pp 1491–6
commenced on date of notification

Primary Industries Legislation Amendment Regulation (No. 1) 2010 SL No. 146 pts 1, 3

notfd gaz 25 June 2010 pp 823–30
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2010 (see s 2)

Employment, Economic Development and Innovation Legislation Amendment Regulation (No. 1) 2011 SL No. 110 pts 1, 4

notfd gaz 24 June 2011 pp 534–8
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2011 (see s 2)

Agriculture and Fisheries Legislation Amendment Regulation (No. 1) 2012 SL No. 92 pts 1, 5

notfd gaz 29 June 2012 pp 704–10
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2012 (see s 2)

Agriculture and Fisheries Legislation Amendment Regulation (No. 1) 2013 SL No. 102 pts 1, 5

notfd gaz 21 June 2012 pp 503–7

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2013 (see s 2)

Agriculture and Fisheries Legislation Amendment Regulation (No. 1) 2014 SL No. 113 pts 1, 5

notfd <www.legislation.qld.gov.au> 20 June 2014

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2014 (see s 2(1))

Agriculture and Fisheries Legislation Amendment Regulation (No. 1) 2015 SL No. 57 ss 1, 2(2), pt 5

notfd <www.legislation.qld.gov.au> 26 June 2015

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2015 (see s 2(2))

5 List of annotations

Definitions

s 2 def *Asian honeybee* ins 1998 SL No. 226 s 3

def *information notice* ins 2009 Act No. 24 s 337

Declaration of bees

s 2A ins 1998 SL No. 226 s 4

Exclusion of part of State

s 4 amd 2008 SL No. 38 s 8

Apiary class A, B or C certificates

s 6 amd 2009 SL No. 176 s 8

Cancelling certificates

s 7 amd 2009 SL No. 176 s 9

Notice of decisions under div 2

s 8A ins 1998 SL No. 226 s 5

amd 2009 Act No. 24 s 338

PART 3—DISEASE PREVENTION, CONTROL AND RESTRICTION

Division 2—Introducing queen bees and escorts or queen cells

General conditions

s 14 amd 1998 SL No. 226 s 6

Additional conditions for introducing from Tasmania

s 15 amd 1998 SL No. 226 s 7

Division 3—Prohibition on introduction

div hdg ins 1998 SL No. 226 s 9

sub 2000 SL No. 227 s 3

Prohibition on introducing Asian honeybees

s 15A ins 1998 SL No. 226 s 9

sub 2000 SL No. 227 s 3

Prohibition on introducing Africanised strains of honeybees

s 15B prev s 15B ins 1998 SL No. 226 s 9

om 2000 SL No. 227 s 3

pres ins 2002 SL No. 292 s 3

Application for certificate of approval

s 15C ins 1998 SL No. 226 s 9

om 2000 SL No. 227 s 3

Issue of certificate

s 15D ins 1998 SL No. 226 s 9

om 2000 SL No. 227 s 3

Notice of refusal or conditions

s 15E ins 1998 SL No. 226 s 9

om 2000 SL No. 227 s 3

Division 4—Infected matter

div hdg (prev div 3 hdg) renum 1998 SL No. 226 s 8

Direction to move to quarantine

s 16 amd 2009 Act No. 24 s 339

Notice of refusal of permission

s 17A ins 1998 SL No. 226 s 10

amd 2009 Act No. 24 s 340

PART 4—REVIEWS

pt hdg sub 2009 Act No. 24 s 341

Review of particular decisions

s 18 amd 1998 SL No. 226 s 11; 2000 SL No. 227 s 4; 2009 Act No. 24 s 342

How to start appeal

s 19 om 2009 Act No. 24 s 343

Stay of operation of decisions

s 20 om 2009 Act No. 24 s 343

Hearing procedures

s 21 om 2009 Act No. 24 s 343

Powers of court on appeal

s 22 om 2009 Act No. 24 s 343

Appeal to District Court on questions of law only

s 23 amd 1999 SL No. 184 s 15 sch

om 2009 Act No. 24 s 343

Registration fee

s 25 amd 2001 SL No. 177 s 5; 2002 SL No. 292 s 4; 2004 SL No. 231 s 8; 2005 SL No. 268 s 8; 2006 SL No. 267 s 8; 2007 SL No. 232 s 8; 2008 SL No. 314 s 8; 2009 SL No. 176 s 10; 2010 SL No. 146 s 6; 2011 SL No. 110 s 8; 2012 SL No. 92 s 12; 2013 SL No. 102 s 10; 2014 SL No. 113 s 10; 2015 SL No. 57 s 10

PART 6—TRANSITIONAL AND REPEAL

pt 6 (ss 26–28) exp 16 May 1998 (see s 28)

SCHEDULE 1—DISEASES

sch 1 amd 2002 SL No. 292 s 5

SCHEDULE 2—EXCLUDED PART OF THE STATE

sch 2 sub 2008 SL No. 38 s 9

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