

Queensland



Subordinate Legislation 1998 No. 226

Apiaries Act 1982

APIARIES AMENDMENT REGULATION (No. 1) 1998

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Short title

1. This regulation may be cited as the *Apiaries Amendment Regulation (No. 1) 1998*.

Regulation amended

2. This regulation amends the *Apiaries Regulation 1998*.

Amendment of s 2 (Definitions)

3. Section 2—

insert—

‘ “**Asian honeybee**” means the Asian honeybee (*Apis cerana*).’.

Insertion of new s 2A

4. After section 2—

insert—

‘Declaration of bees

‘**2A.** The Asian honeybee is declared to be a bee for section 2 of the Act, definition “bee”.’.

Insertion of new s 8A

5. Part 2, division 2, after section 8—

insert—

‘Notice of decisions under div 2

‘**8A.(1)** 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 written notice within 14 days after making the decision.

‘**(2)** The notice must state the following—

- (a) the decision;
- (b) the reasons for the decision;

- (c) that the owner or beekeeper may appeal against the decision to a Magistrates Court within 28 days after the applicant receives the notice;
- (d) how to start an appeal.¹

Amendment of s 14 (General conditions)

6. Section 14, ‘A person’—

omit, insert—

‘For section 28(2)² of the Act, a person’.

Amendment of s 15 (Additional conditions for introducing from Tasmania)

7. Section 15(1), words before paragraph (a)—

omit, insert—

‘**15.(1)** For section 28(2)³ of the Act, a person must not introduce queen bees and escorts or queen cells from Tasmania unless—’.

Renumbering of pt 3, div 3, hdg

8. Part 3, division 3, heading—

renumber as part 3, division 4.

Insertion of new pt 3, div 3

9. After part 3, division 2—

insert—

¹ For how to start an appeal, see section 19 (How to start appeal).

² Section 28 (Prohibition of the importation of bees) of the Act

³ Section 28 (Prohibition of the importation of bees) of the Act

Division 3—Other introduction provisions**‘Prohibition on introducing Asian honeybees**

‘15A. For section 28(1)⁴ of the Act, the introduction of the Asian honeybee (*Apis cerana*) is prohibited.

‘Prohibition on introducing certain things from Northern Territory

‘15B. For section 28(2) of the Act, the introduction of bees (other than Asian honeybees), hives, bee combs, appliances or anything else from the Northern Territory that is likely to introduce or spread a disease is allowed only with a certificate of approval issued by the chief executive.

‘Application for certificate of approval

‘15C.(1) A person may apply to the chief executive for a certificate of approval.

‘(2) An application must be made in the approved form.

‘Issue of certificate

‘15D.(1) The chief executive must consider the application and may grant or refuse it.

‘(2) If the chief executive grants the application, the chief executive must issue a certificate of approval in the approved form.

‘(3) The certificate may be subject to reasonable conditions.

‘Notice of refusal or conditions

‘15E.(1) This section applies if the chief executive decides to refuse the application or to grant the application, but to issue the certificate subject to a condition.

⁴ Section 28 (Prohibition of the importation of bees) of the Act

‘(2) The chief executive must give written notice of the decision within 14 days after making the decision to—

- (a) the applicant; and
- (b) if the applicant is not the owner of the bee, hive, bee comb, appliance or other thing to which the decision relates—the owner.

‘(3) The notice must state the following—

- (a) the decision;
- (b) the reasons for the decision;
- (c) that the applicant or owner may appeal against the decision to a Magistrates Court within 28 days after the applicant receives the notice;
- (d) how to start an appeal.⁵’.

Insertion of new s 17A

10. Part 3, after section 17—

insert—

‘Notice of refusal of permission

‘**17A.(1)** If an inspector decides to refuse a person permission under section 17(2), the inspector must give the person written notice within 14 days after making the decision.

‘(2) The notice must state the following—

- (a) the decision;
- (b) the reasons for the decision;
- (c) that the person may appeal against the decision to a Magistrates Court within 28 days after the person receives the notice;
- (d) how to start an appeal.⁶’.

⁵ For how to start an appeal, see section 19 (How to start appeal).

⁶ For how to start an appeal, see section 19 (How to start appeal).

Amendment of s 18 (Appeals against certain decisions)

11.(1) Section 18(b) and (c)—

renumber as section 18(c) and (d).

(2) Section 18—

insert—

‘(b) for a decision by the chief executive under section 15D⁷ to refuse an application for a certificate of approval or to issue a certificate subject to a condition—

(i) the applicant; or

(ii) the owner of the bee, hive, bee comb, appliance or other thing to which the decision relates;’.

ENDNOTES

1. Made by the Governor in Council on 6 August 1998.
2. Notified in the gazette on 7 August 1998.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Primary Industries.

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⁷ Section 15D (Issue of certificate)