



Australian Capital Territory

Animal Diseases (Beekeeping) Amendment Act 2015

A2015-53

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Australian Capital Territory

Animal Diseases (Beekeeping) Amendment Act 2015

A2015-53

An Act to amend the *Animal Diseases Act 2005*, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Animal Diseases (Beekeeping) Amendment Act 2015*.

2 Commencement

This Act commences on a day fixed by the Minister by written notice.

Note 1 The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

Note 2 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see [Legislation Act](#), s 77 (1)).

Note 3 If a provision has not commenced within 6 months beginning on the notification day, it automatically commences on the first day after that period (see [Legislation Act](#), s 79).

3 Legislation amended

This Act amends the *Animal Diseases Act 2005*.

Note 1 This Act also amends the following legislation:

- *Animal Diseases Regulation 2006* (see s 7)
- *Domestic Animals Act 2000* (see s 8).

Note 2 This Act also repeals the *Domestic Animals (Beekeeping) Code of Practice 2014 (No 1)* (see s 9).

4 New part 5A

insert

Part 5A Beekeepers

62A Definitions—pt 5A

In this part:

beekeeper means a person who owns beehives in which bees are kept.

corresponding law, of a State, means a law of the state about the registration of beekeepers.

Note *State* includes the Northern Territory (see [Legislation Act](#), dict, pt 1).

hive records—see section 62F (1).

62B Beekeepers to be registered

- (1) A person commits an offence if—
 - (a) the person is a beekeeper; and
 - (b) the person's beehives are always located in the ACT; and
 - (c) the person is not registered as a beekeeper under this part.Maximum penalty: 5 penalty units.
- (2) It is a defence to a prosecution for an offence against subsection (1) if the person proves—
 - (a) the person is registered as a beekeeper under the [Apiaries Act 1985](#) (NSW); and
 - (b) the person's registration number under that Act is displayed on any beehive brought into the ACT by the person.

Note The defendant has an evidential burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 58).

62C Application for registration

- (1) A beekeeper may apply to the director-general—
 - (a) to be registered as a beekeeper; or
 - (b) for a registered beekeeper—to renew the beekeeper’s registration.
- (2) The application must—
 - (a) be in writing; and
 - (b) include—
 - (i) the applicant’s name, address, email address and phone number; and
 - (ii) the number of beehives owned by the beekeeper; and
 - (iii) any other information prescribed by regulation.

Note 1 Giving false or misleading information is an offence against the [Criminal Code](#), s 338.

Note 2 If a form is approved under s 89 for an application, the form must be used.

Note 3 A fee may be determined under s 88 for an application.

- (3) Within 30 days from the day the application is received, the director-general must decide whether to—
 - (a) register, or renew the registration of, the applicant; or
 - (b) refuse to register the applicant.

Note Failure to register the applicant within the required time is taken to be a decision not to register the applicant (see [ACT Civil and Administrative Tribunal Act 2008](#), s 12).

- (4) The director-general must, as soon as practicable after deciding whether to register the applicant, tell the applicant in writing—
 - (a) if the application is approved or refused; and

(b) if the application is refused—the reason for the refusal.

Note For how documents may be served, see the [Legislation Act](#), pt 19.5.

(5) A beekeeper's registration—

(a) starts—

(i) for a first registration—on the day the registration is approved; or

(ii) for a renewed registration—from the day the previous registration ends; and

(b) ends on the later of—

(i) 3 years from the day the registration started; and

(ii) if the beekeeper applies for renewed registration—the day on which the application is decided.

62D Grounds for deciding an application

(1) This section applies to a decision made by the director-general about registering, including renewing the registration of, a beekeeper.

(2) The director-general may only register the applicant if the director-general is satisfied that the applicant complies, and is likely to continue to comply, with the requirements of this Act.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).

(3) The director-general may refuse to register the applicant if—

(a) the application is materially false or misleading; or

(b) the applicant has, within 2 years before the application was made, committed an offence under this Act or a corresponding law of a State.

Note *State* includes the Northern Territory (see [Legislation Act](#), dict, pt 1).

62E Beekeeper must update details

- (1) This section applies if any of the following details change:
 - (a) a registered beekeeper's name;
 - (b) a registered beekeeper's address;
 - (c) a registered beekeeper's phone number;
 - (d) a registered beekeeper's email address.
- (2) The beekeeper must tell the director-general, in writing, the beekeeper's new details.

62F Beekeeper must keep records

- (1) A registered beekeeper must keep the following written records about the beekeeper's beehives (*hive records*):
 - (a) if the beekeeper's beehives are moved—
 - (i) each date when the beehives were moved; and
 - (ii) the number of beehives moved; and
 - (iii) the site from which the beehives were moved; and
 - (iv) the site to which the beehives were moved; and
 - (v) the name of the person who moved the beehives;
 - (b) if any of the beekeeper's beehives are lost or stolen—the date of the loss or theft and the number of beehives lost or stolen (to the extent that this information is known to the beekeeper);
 - (c) if any of the beekeeper's beehives are destroyed—the date of destruction and the number of beehives destroyed;
 - (d) if the beekeeper disposes of a beehive to another person, whether by sale or otherwise—within 28 days from the disposal—
 - (i) the name of the person receiving the beehive; and

- (ii) the postal address of the person receiving the beehive.
- (2) The registered beekeeper must—
 - (a) keep the hive records for at least 3 years; and
 - (b) at the request of an authorised person, give the authorised person the beekeeper's hive records.

62G Beekeeper must display registration number

- (1) For each registered beekeeper the director-general must—
 - (a) allocate a unique registration number for the beekeeper's beehives (a *registration number*); and
 - (b) tell the beekeeper, in writing, what the beekeeper's registration number is.
- (2) Within 60 days after being told the beekeeper's registration number, the beekeeper must—
 - (a) display the number clearly and permanently on any outside wall of the broodbox of each beehive that is kept by the beekeeper; and
 - (b) strike out any previous registration number displayed on the broodbox but so that the previous number remains legible.

- (3) In this section:

broodbox means the bottom box of an active beehive.

62H Beekeeping code of practice

- (1) The Minister may approve a code of practice setting out the duties of owners, carers and keepers of bees.

- (2) An approved code of practice may apply, adopt or incorporate an instrument, as in force from time to time.

Note 1 The text of an applied, adopted or incorporated instrument, whether applied as in force from time to time or at a particular time, is taken to be a notifiable instrument if the operation of the [Legislation Act](#), s 47 (5) or (6) is not disapplied (see s 47 (7)).

Note 2 A notifiable instrument must be notified under the [Legislation Act](#).

Note 3 A reference to an instrument includes a reference to a provision of an instrument (see [Legislation Act](#), s 14 (2)).

- (3) An approved code of practice is a disallowable instrument.

Note A disallowable instrument must be notified and presented to the Legislative Assembly, under the [Legislation Act](#).

62I Suspension of registration

The director-general may suspend a registered beekeeper's registration if the beekeeper—

- (a) breaches the code of practice approved under section 62H; or
- (b) fails to keep hive records; or
- (c) fails to update the beekeeper's details under section 62E; or
- (d) fails to comply with an order made or a direction given by the director-general, or a direction given by an authorised person under this Act; or
- (e) becomes registered as a beekeeper under the [Apiaries Act 1985](#) (NSW).

62J Cancellation of registration

The director-general may cancel a registered beekeeper's registration if the beekeeper—

- (a) fails to keep hive records; or

- (b) fails to comply with an order made or a direction given by the director-general, or a direction given by an authorised person under this Act; or
- (c) dies; or
- (d) is a corporation and is under external administration under the *Corporations Act 2001* (Cwlth), chapter 5; or
- (e) commits an offence under this Act or a corresponding law.

62K Register of beekeepers

- (1) The director-general must keep a register of registered beekeepers (the *register*).
- (2) The register must include the following information:
 - (a) each beekeeper's name, registration number, address, phone number and email address;
 - (b) any other information prescribed by regulation.
- (3) The register may be kept in any form, including electronically, that the director-general decides.
- (4) The director-general—
 - (a) must make the register available at no cost to the following people:
 - (i) an authorised person;
 - (ii) for a biosecurity risk involving bees—a person who the director-general is satisfied on reasonable grounds requires access to the register to respond to the risk; and

(b) may make the register available to any other person.

Note 1 The Territory privacy principles (the *TPPs*) apply to the director-general (see *Information Privacy Act 2014*, sch 1). The TPPs deal with the collection, storage and exchange of personal information.

Note 2 A fee may be determined under s 88 for par (b).

(5) In this section:

registration number—see section 62G (1) (a).

5 Additional powers for honeybees Section 73 (1)

substitute

(1) If an authorised person believes on reasonable grounds that a person keeping bees is engaging in conduct in contravention of this Act, the authorised person may direct the person, in writing, to comply with this Act.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see *Legislation Act*, s 104).

6 Dictionary, new definitions

insert

beekeeper, for part 5A (Beekeepers)—see section 62A.

corresponding law, of a State, for part 5A (Beekeepers)—see section 62A.

hive records, for part 5A (Beekeepers)—see section 62F (1).

**7 Animal Diseases Regulation 2006
Schedule 1, new items 12A to 12C**

insert

12A	Act, 62C (3)	refusal to register beekeeper	applicant for approval
12B	Act, 62I	suspension of registration	registered beekeeper
12C	Act, 62J	cancellation of registration	registered beekeeper

**8 Domestic Animals Act 2000
Section 143 (1), examples**

omit

- bees

**9 Repeal of Domestic Animals (Beekeeping) Code of
Practice 2014 (No 1)**

The *Domestic Animals (Beekeeping) Code of Practice 2014 (No 1)* (DI2014-291) is repealed.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 29 October 2015.

2 Notification

Notified under the [Legislation Act](#) on 26 November 2015.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Animal Diseases (Beekeeping) Amendment Bill 2015, which was passed by the Legislative Assembly on 19 November 2015.

Acting Clerk of the Legislative Assembly

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