

2015

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Territory and Municipal Services)

Animal Diseases (Beekeeping) Amendment Bill 2015

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Animal Diseases (Beekeeping) Amendment Bill 2015

A Bill for

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 **1 Name of Act**

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

3 **2 Commencement**

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

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

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

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

14 **3 Legislation amended**

15 This Act amends the *Animal Diseases Act 2005*.

16 *Note 1* This Act also amends the following legislation:

- 17
- 18 • *Animal Diseases Regulation 2006* (see s 7)
 - 19 • *Domestic Animals Act 2000* (see s 8).

20 *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).

1 **62C Application for registration**

- 2 (1) A beekeeper may apply to the director-general—
3 (a) to be registered as a beekeeper; or
4 (b) for a registered beekeeper—to renew the beekeeper’s
5 registration.

- 6 (2) The application must—
7 (a) be in writing; and
8 (b) include—
9 (i) the applicant’s name, address, email address and
10 phone number; and
11 (ii) the number of beehives owned by the beekeeper; and
12 (iii) any other information prescribed by regulation.

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

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

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

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

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

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

- 1 (b) if the application is refused—the reason for the refusal.
- 2 *Note* For how documents may be served, see the [Legislation Act](#), pt 19.5.
- 3 (5) A beekeeper's registration—
- 4 (a) starts—
- 5 (i) for a first registration—on the day the registration is
- 6 approved; or
- 7 (ii) for a renewed registration—from the day the previous
- 8 registration ends; and
- 9 (b) ends on the later of—
- 10 (i) 3 years from the day the registration started; and
- 11 (ii) if the beekeeper applies for renewed registration—the
- 12 day on which the application is decided.

13 **62D Grounds for deciding an application**

- 14 (1) This section applies to a decision made by the director-general about
- 15 registering, including renewing the registration of, a beekeeper.
- 16 (2) The director-general may only register the applicant if the
- 17 director-general is satisfied that the applicant complies, and is likely
- 18 to continue to comply, with the requirements of this Act.

19 *Note* A reference to an Act includes a reference to the statutory instruments

20 made or in force under the Act, including any regulation (see

21 [Legislation Act](#), s 104).

- 22 (3) The director-general may refuse to register the applicant if—
- 23 (a) the application is materially false or misleading; or
- 24 (b) the applicant has, within 2 years before the application was
- 25 made, committed an offence under this Act or a corresponding
- 26 law of a State.

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

28 pt 1).

1 **62E Beekeeper must update details**

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

9 **62F Beekeeper must keep records**

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

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

6 **62G Beekeeper must display registration number**

- 7 (1) For each registered beekeeper the director-general must—
- 8 (a) allocate a unique registration number for the beekeeper's
- 9 beehives (a *registration number*); and
- 10 (b) tell the beekeeper, in writing, what the beekeeper's registration
- 11 number is.
- 12 (2) Within 60 days after being told the beekeeper's registration number,
- 13 the beekeeper must—
- 14 (a) display the number clearly and permanently on any outside
- 15 wall of the broodbox of each beehive that is kept by the
- 16 beekeeper; and
- 17 (b) strike out any previous registration number displayed on the
- 18 broodbox but so that the previous number remains legible.
- 19 (3) In this section:
- 20 ***broodbox*** means the bottom box of an active beehive.

1 **62H Beekeeping code of practice**

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

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

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

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

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

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

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

16 **62I Suspension of registration**

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

19 (a) breaches the code of practice approved under section 62H; or

20 (b) fails to keep hive records; or

21 (c) fails to update the beekeeper's details under section 62E; or

22 (d) fails to comply with an order made or a direction given by the
23 director-general, or a direction given by an authorised person
24 under this Act; or

25 (e) becomes registered as a beekeeper under the [Apiaries Act 1985](#)
26 (NSW).

1 **62J Cancellation of registration**

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

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

12 **62K Register of beekeepers**

13 (1) The director-general must keep a register of registered beekeepers
14 (the *register*).

15 (2) The register must include the following information:

- 16 (a) each beekeeper's name, registration number, address, phone
17 number and email address;
- 18 (b) any other information prescribed by regulation.

19 (3) The register may be kept in any form, including electronically, that
20 the director-general decides.

21 (4) The director-general—

- 22 (a) must make the register available at no cost to the following
23 people:
- 24 (i) an authorised person;
- 25 (ii) for a biosecurity risk involving bees—a person who the
26 director-general is satisfied on reasonable grounds
27 requires access to the register to respond to the risk; and

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

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

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

6 (5) In this section:

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

8 **5 Additional powers for honeybees** 9 **Section 73 (1)**

10 *substitute*

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

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

18 **6 Dictionary, new definitions**

19 *insert*

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

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

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

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

3 *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

4 **8 Domestic Animals Act 2000**
 5 **Section 143 (1), examples**

6 *omit*

- 7 • bees

8 **9 Repeal of Domestic Animals (Beekeeping) Code of**
 9 **Practice 2014 (No 1)**

10 The *Domestic Animals (Beekeeping) Code of Practice 2014 (No 1)*
 11 (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 2015.

3 Republications of amended laws

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

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