**APIARIES ACT AMENDMENT BILL 1984**

**House of Assembly, 4 April 1984, pages 3203-4**

Second reading

**The Hon. LYNN ARNOLD (Minister of Education)** obtained leave and introduced a Bill for an Act to amend the Apiaries Act, 1931. Read a first time.

The Hon. LYNN ARNOLD: I move: That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in Hansard without my reading it. Leave granted.

Explanation of Bill

The prime purpose of this Bill is to provide a compensation scheme for registered apiarists who, pursuant to the Apiaries Act, are obliged to destroy their disease affected bees and/ or hives.

Currently, section 16 (2) of the principal Act precludes the payment of compensation to any beekeeper whose apiary is subject to a lawful destruction order. However, a large majority of beekeepers (including amateur beekeepers) have indicated by ballot that their industry was prepared to fund a compensation scheme. Accordingly it is proposed to establish a Beekeeper’s Compensation Fund financed by a triennial levy against all registered beekeepers. A four person committee appointed by the Minister will have the responsibility of recommending an appropriate amount per frame hive of bees to be paid by a registered beekeeper each triennium. One member of the committee, who will be the Chairman, will be an officer of the Department of Agriculture. The remaining members will be appointed from each of the three groups representing the honeybee industry in South Australia. The mechanics of the general scheme will be specified by regulation.

Where a registered beekeeper destroys any of his bees, hives, combs or appliances at the direction of an inspector, he will be entitled to compensation for the damage he suffers. Similarly, a registered beekeeper whose bees, hives, combs or appliances are destroyed by an inspector pursuant to the provisions of the principal Act, will be entitled to compensation for his damage. The value of any claim is limited to 75 per cent of the value of the property destroyed. That value is to be determined by agreement between the claimant and the Minister and, in default of agreement, by a person nominated by the Minister. The Minister may refuse an application for compensation by a beekeeper who has breached the Act or failed to comply with an inspector’s direction. Similarly, compensation may be refused if the property destroyed was brought into the State after having been affected by the disease by reason of which it was destroyed.

The Bill also makes provision for the notification by a beekeeper of the sale or disposal of any bees. This will assist inspectors in the performance of their duties under the Act. The opportunity has also been taken to increase penalties provided for offences against the Act.

Clauses 1 and 2 are formal. Clause 3 amends section 3 of the principal Act by inserting the definition o f ‘the Fund’, being the Beekeepers Compensation Fund. Clause 4 amends section 5 of the principal Act. The penalty for keeping bees without being registered is increased from $200 to $500. Clause 5 amends section 5 of the principal Act, which deals with duties of beekeepers. The amendment requires a beekeeper to give written notice to an inspector within seven days of the disposal or sale of any bees. Clause 6 inserts new sections 8a, 8b, 8c and 8d into the principal Act. New section 8a establishes the Beekeepers Compensation Fund. There shall be paid into the Fund the contributions of beekeepers and, where the amount of the Fund is not sufficient to meet claims upon the Fund, the insufficiency is paid from the General Revenue upon terms and conditions determined by the Treasurer. There shall be paid out of the Fund amounts payable as compensation, amounts certified by the Treasurer as having been incurred in administering the Fund, and, such amounts as are necessary to reimburse General Revenue. New section 8b requires that beekeepers must make a triennial payment of the prescribed amount to be credited to the Fund. If a beekeeper fails to pay that amount his registration is suspended until he does so. A committee appointed by the Minister consisting of an officer of the Department of Agriculture and three representatives of beekeepers has the function of recommending to the Minister the rate that should be fixed as the prescribed rate. The Minister upon the recommendation of the committee fixes an amount per frame-hive as the prescribed rate and notice of that amount is published in the Gazette. The ‘prescribed amount’ is defined in relation to a beekeeper as the amount obtained by multiplying the number of frame-hives kept by him at the time at which he is required to make a contribution, by the amount last published in the Gazette as the prescribed rate.

New section 8c provides that compensation must be paid to a registered beekeeper who destroys any bees, hives, combs or appliances in accordance with the direction of an inspector or whose bees, hives, combs or appliances are destroyed by an inspector. An application for compensation is to be in writing and accompanied by the prescribed information verified by statutory declaration. The amount of compensation is 75 per cent of the value of the property destroyed (on the assumption that it had not become infected or affected by disease). The value of the property is to be determined by agreement between the beekeeper and the Minister and, in default, by a competent person nominated by the Minister. Such a determination is final. New section 8d provides that the Minister may refuse compensation where the beekeeper has contravened or failed to comply with the Act or an inspector’s direction or where the property concerned was brought into the State after being infected or affected by disease.

Clause 7 amends section 9 of the principal Act which deals with offences. The penalty is increased to $500. Clause 8 amends section 10 of the principal Act. The penalty for contravening a proclamation under the section is increased to $500. Clause 9 amends section 11 of the principal Act. The penalty for contravening a proclamation under the section is increased to $500. Clause 10 amends section 12 of the principal Act which provides that the keeping of bees other than Ligurian bees is prohibited on Kangaroo Island. The penalties are increased to $500.

Clause 11 amends section 13. The penalty for contravention of a proclamation of the Governor under that section reserving a part of the State for breeding purposes is increased to five hundred dollars. Clause 12 amends section 13a of the principal Act. That section requires bees to be kept in a frame-hive and the penalty for failing to do so is increased to five hundred dollars. Clause 13 amends section 13a of the principal Act which deals with the requirement to brand hives. Penalty is increased to five hundred dollars. Clause 14 amends section 16 of the principal Act by striking out subsection (2). Clause 15 amends section 19 of the principal Act which deals with regulations. The maximum penalty for contravening regulations is raised to five hundred dollars.

The Hon. B.C. EASTICK secured the adjournment of the debate.