**APIARIES ACT AMENDMENT BILL 1987**

**House of Assembly, 5 November 1987, page 1737**

Second reading

 **The Hon. Lynn Arnold, for the Hon. M.K. MAYES (Minister of Agriculture**), 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 of the Bill inserted in Hansard without my reading it. Leave granted.

Explanation of Bill

The purpose of this Bill is to amend the Apiaries Act 1931. The amendments sought stem from advice received from the Ombudsman, Crown Solicitor, a magistrate in a court case and from consultation with the beekeeping industry. Amendments are sought to remedy shortcomings in the sections dealing with reporting of disease and provision of water by the beekeeper.

To protect the Beekeepers Compensation Fund an amendment is sought to limit the amount of compensation payable to any one beekeeper, and give the Minister power to refuse compensation when the owner has failed to report obvious disease for a long period of time. Provision is also sought for interest to be paid on amounts standing to the credit of the fund. Provision is sought for the right of appeal by a person who has been refused compensation.

Industry has asked for, and I am seeking, amendments to enable the Chief Inspector to order sterilisation as well as burning infected material; to prohibit the exposure of beekeeping materials to places where bees have access; to transfer the schedule of diseases to the regulations; to update the list of diseases to which the Act applies and distinguish between prescribed diseases and declared notifiable diseases; and for an increase in penalties for offences against the Act. An amendment is sought to delete that part of the Act which provides that the Minister gives queen bees to the owners of bees on Kangaroo Island. This was only possible when the Department of Agriculture was running the Ligurian bee farm on the Island.

Clauses 1 and 2 are formal. Clause 3 amends section 3 of the principal Act which is the interpretation provisions. The definition of ‘disease’ is struck out and a new definition is substituted. ‘Notifiable disease’ is also defined for the purposes of the Act. Clause 4 amends section 5 of the principal Act which requires a beekeeper to be registered by increasing the maximum penalty in subsection (1) to $5 000.

Clause 5 repeals section 6 of the principal Act and substitutes a new provision. The new section provides that a beekeeper must give notice to an inspector of a notifiable disease in his or her apiary with 24 hours after evidence of the disease appears. The maximum penalty fixed is $5 000. Clause 6 amends section 7 of the principal Act which deals with the duties of beekeepers by striking out paragraph (c) of subsection (1) and substituting a new paragraph which requires a beekeeper to comply with any directions or instructions lawfully given by an inspector under the Act.

Clause 7 amends section 8a of the principal Act to provide for payment into the Beekeepers Compensation Fund of interest. Clause 8 amends section 8c of the Act which is the section dealing with compensation. A new subsection provides that the maximum amount of compensation payable under the section will be calculated in accordance with the regulations. Clause 9 amends section 8d of the principal Act which is the section limiting compensation. The amendment provides that the Minister may refuse an application for compensation where disease has been present in the property for at least two months before notification was given by the beekeeper.

Clause 10 inserts section 8e into the principal Act to give a person who is refused compensation by the Minister a right of appeal to the District Court. Clause 11 amends section 9 of the principal Act which creates a number of offences. The maximum penalty under this section is increased to $5 000. Clause 12 amends section 10 of the principal Act by increasing the maximum penalty in subsection (3) to $5 000.

Clause 13 amends section 11 of the principal Act by increasing the maximum penalty in subsection (3) to $5 000. Clause 14 amends section 12 of the principal Act which is the provision prohibiting the bringing of bees into Kangaroo Island and the keeping of bees other than pure Ligurian bees on the Island. Maximum penalties have been increased to $5 000. Clauses 15, 16 and 17 increase the maximum penalties in sections 13, l3aa and l3a of the principal Act respectively to $5 000.

Clause 18 repeals section l3b of the principal Act and substitutes a new provision requiring beekeepers to maintain sufficient clean water for bees. The maximum penalty fixed is $5 000. Clause 19 amends section 19 of the principal Act which is the regulation making power. Subsection (2) is amended by providing that regulations may impose a maximum penalty of $5 000 for breach of any regulation. Clause 20 repeals the schedule to the principal Act which listed the diseases and pests affecting bees to which the Act applies. Provision has been made in the definitions of ‘disease’ and ‘notifiable disease’ to allow prescription of diseases by regulation.

Mr GUNN secured the adjournment of the debate.