



Apiaries Act 1982

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Queensland

Apiaries Act 1982

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Apiaries Act 1982

An Act to provide for the regulation and control of the keeping of bees, the control, prevention and restriction of diseases and pests affecting bees and for related purposes

Part 1 Preliminary

1 Short title

This Act may be cited as the *Apiaries Act 1982*.

2 Definitions

In this Act—

apiary means a hive standing singly or any 2 or more hives standing in a group.

apiary site means the site where any apiary is situated in or upon any place or premises.

appliances means any fittings, utensils, apparatus, or implements that are or have been used or that in the opinion of an inspector are being or have been used in beekeeping or in handling, housing, or storing bees or bee products.

approved form see section 43.r

bee means a honey bee *Apis mellifera* L. or any other genus or species declared under a regulation to be a bee.

bee comb means bee comb whether in frames or not.

beekeeper means any person who keeps bees or the person in charge of bees, or, where reasonable inquiry fails to establish the beekeeper as aforesaid, then the person who is the occupier or owner of the premises or place where the bees in

question are kept or who has in the person's possession any hives or appliances which have been used in connection with beekeeping or which are kept in or upon any premises or place owned or occupied by the person.

bee products means beeswax, honey, bee combs, bee venom, drone semen, honeydew, bee collected pollen, propolis and royal jelly, and any other substance declared by order in council to be a bee product for the purposes of this Act.

beeswax means raw beeswax, produced by a beekeeper from bee comb without heat treatment or purification, or refined beeswax, produced by a beekeeper from bee comb with heat treatment to melting point and straining out of extraneous matter, or commercial beeswax, produced by a manufacturer of beeswax products.

brand means the marking or impression of letters and numbers or letters or numbers made upon a hive.

commercial queen bee producer means a registered beekeeper who produces queen bees or queen cells for sale.

disease means any disease, parasite or pest affecting bees or bee products declared under a regulation to be a disease under and for the purposes of this Act, and without limiting the generality of this definition, includes the presence of suspicious symptoms which, although not ascertainable as a certain specific disease, in the opinion of the chief executive, should be declared a disease for the purpose of this Act.

frame hive means a hive containing moveable frames in which the combs are built, and which may be separately and readily removed from the hive for examination.

hive means a receptacle housing living bees or which in the opinion of an inspector, has housed living bees.

honey means the saccharine secretions from the nectaries of flowers that are gathered, modified and stored in the comb by honey bees and are laevorotatory.

honeydew means the saccharine exudations of living parts of plants, and the sweet liquid excreted by hemipterous insects

feeding on plants, that are gathered, modified, and stored in the comb by honey bees and are dextrorotatory.

honey-super means upper parts of a hive in which the bees store honey.

honorary inspector means a person appointed by the Minister to carry out the functions of an honorary inspector under this Act.

inspector means a person who is appointed as an inspector under this Act, and includes an honorary inspector.

nucleus means a frame hive containing not more than 6 frames.

owner, of land leased from the State, does not include the State.

place means—

- (a) land, whether improved or unimproved, and whether enclosed or unenclosed; or
- (b) a building or structure on or in any land, and whether completely or partly erected or constructed, or in the course of being erected or constructed; or
- (c) a room in any building or structure.

premises means any place, vehicle, ship, vessel or aircraft.

registered beekeeper means any person registered under this Act as a beekeeper.

sale means sale by wholesale or retail and includes auction, barter, exchange or supply for profit or cause, suffer or allow or attempt any of those acts, offer for sale or attempt to sell, supply or receive for sale, have in possession for sale, expose for sale, send, forward or deliver for or on sale.

State includes Territory.

Part 2 Administration

3 Inspectors

The chief executive may appoint officers of the public service as inspectors for this Act.

4 Appointment of honorary inspector

The Minister may from time to time appoint such and so many persons as the Minister deems necessary to be honorary inspectors and may from time to time cancel any such appointment and any person so appointed shall have and exercise only such powers, and functions as stated in the letter of appointment.

5 Powers of inspector

- (1) An inspector may enter and inspect any premises or place on or in which bees, hives, bee products and appliances are or are suspected by the inspector of being kept, and may inspect any bees, hives, bee products and appliances or any articles used in connection therewith.
- (2) An inspector may for the purposes of this Act remove for examination or analysis any bees, hives, bee products and appliances, or portions or samples of or from any bee products found by the inspector.
- (3) An inspector may—
 - (a) make with respect to any place such investigations and enquiries as are necessary to ascertain whether the provisions of this Act are being complied with;
 - (b) question a person found by the inspector in any place to ascertain whether this Act is being complied with and require a person so found to answer the questions put;
 - (c) stop, detain and search any vehicle or vessel used or that the inspector believes on reasonable grounds is being or

is likely to be used for the carriage of bees, hives, bee products and appliances;

- (d) by order in writing, require a person who has failed to comply with this Act to take within such time as is specified such steps as are specified and to remedy those matters in respect of which noncompliance has occurred;
 - (e) exercise such other powers and functions as are prescribed.
- (4) An answer made by any person in response to an inspector's requisition that the person must answer the questions of the inspector, if it tends to incriminate that person in an offence against this Act, shall not be admissible in evidence against that person in any proceeding relating to that contravention or failure to comply.
- (5) An order pursuant to subsection (3)(d)—
- (a) shall be in the approved form;
 - (b) shall not prejudice or affect in any way proceedings or action that has or have been or may be taken for the failure to comply that resulted in the order, save that the person to whom the order is given is not liable for a continuance of the failure to comply during the time specified therein.
- (6) Before an inspector enters a part of any place which part is used exclusively as a dwelling house the inspector shall, save where the inspector has the permission of the occupier of that part to the entry, obtain from a justice a warrant to enter.
- (7) A justice who is satisfied upon the complaint of an inspector that there is reasonable cause for suspecting that—
- (a) in any place an offence against this Act has been, is being or is likely to be committed; or
 - (b) there is in any place anything in respect of which an offence against this Act has been, is being or is likely to be committed;

may issue a warrant directed to the inspector to enter the place named in the warrant for the purpose of exercising therein the powers conferred upon an inspector under this Act.

- (8) A warrant shall be, for the period of 1 month from and including the date of issue, sufficient authority for the inspector and all persons acting in aid of the inspector—
 - (a) to enter the place specified in the warrant; and
 - (b) to exercise therein the powers conferred upon an inspector by or under this Act.
- (9) In subsections (6) to (8) premises that are used as a dwelling house do not include the curtilage of those premises.

Part 3 Regulation and control of the keeping of bees

6 Exclusion of parts of the State from part

A regulation may declare that this part, or a stated provision of this part, does not apply to a stated part of the State.

7 Registration of beekeepers

- (1) A person shall not keep bees or act as or carry on the business of a beekeeper except when the person is a registered beekeeper or is the holder of a permit pursuant to this Act.
- (2) Every registered beekeeper shall on or before 31 March of every year apply for renewal of registration as a registered beekeeper.
- (3) An application for registration or renewal of registration as a registered beekeeper pursuant to the provisions of this section shall—
 - (a) be made to the chief executive; and

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- (b) be in the approved form; and
 - (c) be accompanied by the prescribed fee (if any).
- (4) Registration and renewal of registration as a registered beekeeper shall, subject to this Act, remain in force to and including 31 March of the calendar year next succeeding the calendar year during which it is granted.
- (5) The chief executive shall consider each application for registration and for renewal of registration and may grant or refuse it.
- (6) In the case of a beekeeper who resides outside Queensland but who maintains 1 or more apiaries in Queensland for periods longer than 4 months each year then, at the discretion of the chief executive, the beekeeper may be registered as a beekeeper under this Act.
- (7) Where an application for registration, or renewal of registration is granted, the chief executive shall issue a certificate which—
- (a) shall be in the approved form; and
 - (b) shall be subject to such terms, conditions or restrictions as the chief executive in a particular case thinks fit endorsed thereon or attached thereto; and
 - (c) may be renewed; and
 - (d) may be amended, altered, varied or otherwise modified by the chief executive during the currency thereof.

8 Permit pending determination of application for registration etc.

- (1) Where an application for registration or renewal of registration as a registered beekeeper is made to the chief executive, the chief executive may permit the applicant to do such of the acts and things that the applicant would be authorised to do if the registration in respect of which the application is made were granted as the chief executive sees fit pending the determination of that application.

- (2) A permit granted pursuant to this section—
 - (a) shall be in the approved form;
 - (b) shall be in force for such period as the chief executive determines not exceeding in any case 3 months;
 - (c) shall be subject to such terms and conditions as the chief executive determines, endorsed on the permit.

9 Permit required for bringing bees etc. into Queensland

- (1) Save where the person has received a permit in the approved form pursuant to this section, a person who is not a registered beekeeper shall not bring any bees or hives into Queensland.
- (2) An application for a permit pursuant to this section shall—
 - (a) be made to the chief executive;
 - (b) be in the approved form;
 - (c) be accompanied by the prescribed fee (if any).
- (3) The chief executive shall consider each application for a permit and may grant or refuse it.
- (4) Where an application for a permit is granted, the chief executive shall issue a permit which—
 - (a) shall be in the approved form;
 - (b) shall be subject to such terms, conditions or restrictions as the chief executive in a particular case thinks fit endorsed or attached thereto;
 - (c) shall be for a period not exceeding 4 months;
 - (d) may not be renewed;
 - (e) may be amended, altered, varied or otherwise modified by the chief executive during the currency thereof.

10 Registration etc. may be cancelled

Upon contravention of the terms, conditions or restrictions, to which a registration or renewal of registration of a permit

pursuant to this Act is subject, the chief executive may cancel that registration or permit.

11 Classification of apiaries

- (1) Apiaries shall be classified by the chief executive as follows, that is to say—
 - (a) apiary class A—an apiary comprising less than 40 hives;
 - (b) apiary class B—an apiary comprising not less than 40 hives;
 - (c) apiary class C—an apiary in which queen bees are bred for sale;
 - (d) apiary class D—an apiary comprising nucleus and drone mother hives used exclusively for the mating of queen bees;
 - (e) such other classes as may be prescribed under a regulation.
- (2) For the purpose of classifying an apiary, nucleus hives shall be regarded as a single hive.
- (3) The chief executive shall not classify an apiary as an apiary class C unless an inspector certifies in writing that the apiary consists of not less than 100 hives of bees and that the apiary is suitable both as regards site and such other matters as are considered necessary or desirable for breeding queen bees for sale.
- (4) The chief executive shall not classify an apiary as an apiary class D unless—
 - (a) an inspector certifies in writing—
 - (i) that the total number of hives, including the nucleus hives, maintained by the beekeeper concerned is not less than 500; and
 - (ii) that the apiary for which the application has been made comprises not less than 100 hives; and

- (iii) that the apiary is suitable both as regards site and such other matters as are considered necessary or desirable for a queen bee mating program; and
 - (b) the beekeeper concerned, prior to applying for classification of an apiary as an apiary class D, declares in writing to the chief executive that the area described in the application does not contain hives of bees which will interfere with the proposed queen bee mating program.
- (5) The chief executive may issue a certificate in the approved form for an apiary class D for a maximum period of use of 6 months from the date of issue.
- (6) The chief executive may revoke any certificate issued under subsection (5) or may cause an apiary classified under this section to be reclassified at any time when the conditions existing differ from those which existed at the time when the certificate was issued or the apiary was previously classified.

12 Distances between apiary sites

- (1) If an inspector certifies in writing to the chief executive that the establishment of an apiary class A, in or upon any premises or place within a radius of less than 0.8km of the apiary site of an established apiary class A or apiary class B, would unduly encroach upon the apiary site of that apiary class A or apiary class B, then the chief executive may by a notice in writing prohibit the establishment of that apiary class A in or upon the premises or place.
- (2) Subject to this Act, a person shall not at any time establish an apiary class B in or upon any premises or place within a radius of less than 0.8km from an apiary site of an established apiary class B.
- (3) Subject to this Act, a person shall not at any time establish an apiary class B in or upon any premises or place within a radius of less than 1.6km from an apiary site of an established apiary class C.

- (4) A person shall not at any time establish an apiary in or upon any premises or place within a radius of less than 20km from an apiary site of an established apiary class D.
- (5) A regulation may prescribe conditions about isolation distances, and other matters, for new apiary classes.
- (6) A person shall not at any time maintain upon an apiary site an apiary established thereon in contravention of this section.

13 Powers of the chief executive

- (1) If an inspector certifies in writing that the establishment of an apiary class A in or upon any premises or place would unduly encroach upon another apiary, the chief executive may by a notice in writing prohibit the establishment of that apiary class A in or upon those premises or that place.
- (2) If—
 - (a) a registered beekeeper maintaining an established apiary class B or apiary class C notifies the chief executive in writing that he or she has no objection to the establishment of another apiary class B or class C upon a site at a distance from that established apiary that is less than the distance provided by or prescribed under section 12; or
 - (b) an inspector certifies in writing to the chief executive that the establishment of another apiary class B or class C upon a site at a distance from an established apiary class B or class C that is less than the distance provided by or prescribed under section 12 will not prejudice the keeping of such lastmentioned apiary;

then the chief executive may in writing permit the apiary referred to in the notification or certificate to be established upon a site at such distance from the apiary site of the established apiary in question, that is less than the distance provided by or prescribed under section 12 as the chief executive shall determine and specify in that permit.

- (3) Where the chief executive issues a permit pursuant to subsection (2), the chief executive may, in the permit, limit the period during which the permission is to remain in force, and if the apiary thereby permitted is not removed from the apiary site forthwith upon the expiration of that period, it shall be deemed to be established on that apiary site in contravention of section 12.

14 Notice to be given of the establishment or removal of an apiary

- (1) A registered beekeeper or a person who is the holder of a permit pursuant to the provisions of this Act who—
- (a) establishes a new apiary; or
 - (b) removes an apiary or part of an apiary from its apiary site to another site;

shall, within 14 days after that establishment or removal, notify the chief executive that he or she has established that new apiary or, as the case may be, removed that apiary or part of an apiary to another apiary site.

- (2) A notification pursuant to subsection (1) shall be in the approved form or to the like effect and shall contain the prescribed particulars.
- (3) A registered beekeeper or a person who is the holder of a permit pursuant to the provisions of this Act shall not, upon any apiary site—
- (a) establish a new apiary; or
 - (b) maintain an apiary which has been removed to that apiary site from another apiary site;

except where he or she has notified the chief executive pursuant to subsection (1) of the establishment or removal of that apiary.

- (4) A regulation may exempt a person from the operation of this section.

15 Prohibited apiary sites

- (1) If an inspector certifies in writing to the chief executive that in the inspector's opinion—
 - (a) a provision of this Act is being contravened or not complied with in respect of an apiary situated on an apiary site; or
 - (b) an apiary site is or has become unsuitable for beekeeping; or
 - (c) the keeping of bees on an apiary site is detrimental to the public interest;or for any other reason whatsoever, the chief executive may prohibit the keeping of bees upon that apiary site (*a prohibited apiary site*).
- (2) That prohibition shall continue in force until it is cancelled by the chief executive.
- (3) A person shall not establish or maintain an apiary on a prohibited apiary site.
- (4) If an inspector certifies in writing to the chief executive that any person has established or is maintaining an apiary on a prohibited apiary site, the chief executive may (whether such person is or is not prosecuted for the offence) order that person to remove the apiary from the prohibited site, within the time specified in the order.
- (5) That person shall comply with the directions contained in the order.
- (6) If an inspector certifies in writing to the chief executive that any person has failed to comply with an order by the chief executive to remove an apiary from a prohibited apiary site, or that a person has removed the apiary concerned from the prohibited apiary site to another prohibited apiary site in purported compliance with an order by the chief executive, the chief executive may authorise the inspector to remove the apiary from the prohibited apiary site, on which it is found by the inspector, to an apiary site selected by the inspector

whereon it is lawful to establish and maintain the apiary, and thereupon the inspector shall remove the apiary accordingly.

- (7) The amount of any costs, charges and expenses incurred by an inspector in so removing an apiary together with interest at the rate prescribed under a regulation shall be recoverable from that person in a summary way under the *Justices Act 1886* or by action as for a debt due to the Crown.

16 Notice to be given of sale of apiary

- (1) A person shall, within 14 days after selling an apiary or part of an apiary owned by the person, give to the chief executive notice in writing in the approved form or to the like effect of the sale.
- (2) Notice under this section shall be given either where the apiary or part thereof is sold for removal to another apiary site or where the apiary or part thereof sold is to be retained by the purchaser on its existing apiary site.

17 Marking of hives

- (1) Subject to subsection (2), a person shall not establish or maintain an apiary unless the person marks or brands as prescribed under a regulation not less than 1 hive in each 50 hives or part thereof comprising such apiary with the registered mark or number issued to the person by the chief executive.
- (2) A person who has received a permit pursuant to section 9, shall not establish or maintain an apiary unless the person marks or brands not less than 1 hive in each 50 hives or part thereof comprising such apiary with the registered mark or number issued to the person under this Act.
- (3) Where a beekeeper maintains an apiary at a site other than the beekeeper's usual place of residence the beekeeper shall mark on a hive or erect in a conspicuous position within the apiary a notice containing the particulars prescribed under a regulation.

18 Power to restrict entry of races or strains of bees into any part of the State

- (1) A regulation may declare—
- (a) that a race or strain of bees is not suitable for introduction into Queensland for beekeeping; or
 - (b) that only a stated race or strain of bees may be kept in, or brought into, Queensland.
- (2) A person who keeps, or brings into Queensland, a strain or race of bees in contravention of a regulation under subsection (1) commits an offence against this Act.

Maximum penalty—20 penalty units.

- (3) If an inspector certifies in writing to the chief executive that any bees or bee combs containing brood of a race or strain of bee are in the inspector's opinion unsuitable for beekeeping and ought to be destroyed, the chief executive may cause an order to be made directing the beekeeper concerned to destroy within such time and in such a manner as may be specified therein the bees and bee comb containing brood.
- (4) A beekeeper to whom that order is directed shall within the period and in the manner specified therein, destroy the bees and bee comb containing brood.

Maximum penalty—20 penalty units.

- (5) If at the expiration of that period as is so directed after the service of the order upon the beekeeper the bees and bee comb containing brood concerned are not destroyed in the manner required, the chief executive may direct an inspector to destroy or cause to be so destroyed the bees and bee comb containing brood.
- (6) Any expense incurred by an inspector in pursuance of a direction under subsection (5) together with interest at the rate prescribed under a regulation may be recovered from the owner of the bees, hives and bee products in question in a summary way under the *Justices Act 1886* or by action as for a debt due to the Crown.

19 Bees to be kept in frame hive

- (1) A person shall not keep bees or allow bees to be kept in an apiary or in or on any premises or place except in a frame hive provided that honey supers containing fixed comb used exclusively for the storage of nectar and honey may be used in hives where the queen bee is excluded from entry to that super of fixed combs.
- (2) When bees are kept by a person in or on any premises or place contrary to this section, the occupier or owner of the premises or place shall be deemed to allow such bees to be so kept.
- (3) This section shall not extend or apply to feral bees in their natural habitat.

20 Inspector may order replacement of hive

- (1) In the event of a hive being or becoming in such a condition that it cannot readily be handled for inspection, or is otherwise unsuitable for the keeping of bees, an inspector may order the beekeeper to repair or replace the hive in the manner specified in that order and within the time specified in the order.
- (2) The person to whom the order is directed shall within the time specified therein carry out the directions contained in that order.

21 Power of inspector upon failure to comply with order

- (1) If at the expiration of the specified time an inspector finds that the directions contained in an order made pursuant to section 20(1) have not been complied with to the inspector's satisfaction, the inspector may cause the bees to be transferred to another hive, and, if the inspector thinks fit, may cause the hive in question to be destroyed.
- (2) All costs, charges and expenses associated with the transfer of bees, the destruction of hives, or the supply of alternate hives under this section shall be recoverable by the chief executive from the person to whom the order under section 20 was directed and any such costs, charges and expenses together

with interest at the rate prescribed under a regulation shall be recoverable from that person in a summary way under the *Justices Act 1886* or by action as for a debt due to the Crown.

22 Abandoned bees

- (1) Where an inspector is satisfied on reasonable grounds that any bees, hives, bee products and appliances on or in any place or premises are abandoned or are neglected the inspector may, where the owner of the apiary is able to be contacted, order the beekeeper in question to take within a specified time such measures as in the opinion of the inspector are necessary to put into order or to dispose of those bees, hives, bee products and appliances.
- (2) If the beekeeper fails to comply with that order within the time specified in that order or if after reasonable investigation the inspector is unable to locate the owner of the bees the inspector may, with the prior approval of the chief executive, seize or otherwise dispose of the bees, hives, bee products and appliances in accordance with any such approval.
- (3) Where any bees, hives, bee products and appliances are seized under this section the property therein shall pass direct to the Minister who may dispose of them in any manner the Minister sees fit.

Part 4 Prevention, control and restriction of diseases affecting bees

23 Beekeeper shall notify disease

- (1) Subject to subsection (2), when a beekeeper is aware of or suspects the existence of a disease in bees, hives or bee products, the beekeeper shall within 48 hours after the time when the beekeeper first becomes aware of or suspects the

existence of the disease, give notice thereof to the nearest inspector or honorary inspector.

- (2) A regulation may declare that—
- (a) notification pursuant to subsection (1) is not required in respect of a certain disease or of certain diseases of bees, hives or bee products; or
 - (b) in certain specified circumstances it is lawful for a particular disease or diseases not to be notified.

24 Provision as to disease

A beekeeper shall not—

- (a) keep, or allow to be kept, in or upon any premises or place any bees, hives, bee products and appliances which are affected by a disease without giving notice in accordance with section 23; or
- (b) remove, sell, give away, or otherwise deal with any bees, hives, bee products and appliances from an apiary affected by or liable to spread a disease except to dispose of such bees, hives, bee products and appliances in a manner approved by an inspector; or
- (c) fail to comply with an order issued by an inspector.

25 Power of inspector to order hives etc. to be treated

- (1) If an inspector upon inspection finds that any bees, hives, bee products and appliances are in the inspector's opinion affected by a disease or liable to spread disease, the inspector may order the beekeeper concerned to cleanse, disinfect, isolate or otherwise treat the bees, hives, bee products and appliances in such manner and within such period as the inspector directs in the order, and the beekeeper shall cause such bees, hives, bee products and appliances to be treated accordingly.
- (2) If at the expiration of the period directed in the order issued pursuant to subsection (1), the bees, hives, bee products and appliances are not treated in the manner directed, an inspector

may cause the same to be treated at the expense of the beekeeper concerned, and any costs, charges and expenses associated with that treatment together with interest at the rate prescribed under a regulation shall be recoverable from the beekeeper concerned in a summary way under the *Justices Act 1886* or by action as for a debt due to the Crown.

26 Power of chief executive to order destruction of bees

- (1) If at any time an inspector certifies in writing to the chief executive that any bees, hives, bee products or appliances are affected by a disease and in the inspector's opinion are a source of danger to other bees and ought to be destroyed, the chief executive may make or cause to be made an order directing the beekeeper concerned to destroy within such time and in such a manner as may be specified therein the bees, hives, bee products or appliances.
- (2) A beekeeper to whom an order pursuant to subsection (1) is directed shall, within the period and in the manner specified therein, destroy the bees, hives, bee products or appliances.
- (3) If at the expiration of the period as is so directed after the service of the order upon the beekeeper, the bees, hives, bee products or appliances concerned are not destroyed in the manner required, an inspector so directed by the chief executive may so destroy or cause to be so destroyed the bees, hives, bee products or appliances.
- (4) Any costs, charges and expenses associated with such destruction shall be an expense against the beekeeper to whom the order was directed and any such costs, charges and expenses together with interest at the rate prescribed under a regulation shall be recoverable from the beekeeper concerned in a summary way under the *Justices Act 1886* or by action as for a debt due to the Crown.

27 Restriction of introduction into Queensland of bees etc.

- (1) Except as otherwise expressly provided, a person shall not introduce or cause to be introduced into Queensland from any

other State or from any other place any bees, hives, bee products or appliances unless the same shall be accompanied by a certificate in the approved form from an appropriate official of the State or other place from which those bees, hives, bee products or appliances were introduced.

- (2) Notwithstanding the existence of any certificate pursuant to subsection (1), the chief executive may prohibit the introduction into the State of any bees, hives, bee products or appliances in respect of which an inspector certifies in writing that the same are affected by disease.
- (3) An inspector may detain and open any package containing or which is suspected of containing bees, hives, bee products or appliances, or may detain bees, hives, bee products or appliances, being or suspected of being introduced into the State in contravention of this section, and may inspect or cause to have examined or analysed any such package, bees, hives, bee products or appliances and may otherwise take any action in connection therewith in accordance with this Act.
- (4) Notwithstanding the provisions of section 34, a person shall not be entitled to sue for or recover any compensation, damages, or other moneys whatsoever in consequence of any expenses, loss, damage or destruction incurred in consequence of any measures so taken with respect to the introduction or attempted introduction of any bees, hives, bee products or appliances, whether such bees, hives, bee products or appliances were accompanied by a certificate or not.
- (5) A regulation may declare that subsection (1) does not apply to the introduction into Queensland of stated bees, hives, bee products or appliances, or does not apply if stated conditions are complied with.
- (6) A person who introduces or causes to be introduced queen bees and escorts or queen-cells into the State from another State or from any other place shall, within 7 days after the end of each month, lodge with the chief executive a return containing the prescribed particulars, which return shall be in lieu of a certificate pursuant to subsection (1).

- (7) The chief executive may by writing, request any beekeeper to furnish the chief executive, within a time to be specified in the request, with a list showing the names and addresses in full of all persons to whom the beekeeper has supplied queen bees during the period specified in the request.
- (8) A beekeeper who fails to lodge a return or furnish a list within the required time, or who lodges a return or furnishes a list which is false in a material particular, shall be guilty of an offence.
- (9) Where the owner or person in charge of any bees, hives, bee products or appliances introduced into the State from another State or from any other place has contravened the provisions of this Act, by failing to deliver to an inspector the prescribed certificates, or in any other way, in relation to their introduction into this State, that owner or the person in charge shall, within 7 days or such further time as the chief executive in special circumstances allows, after service upon the owner or the person in charge of a notice in writing under the hand of an inspector requiring him or her so to do—
 - (a) deliver to the inspector all such certificates in relation to the bees, hives, bee products or appliances as were required by this Act to be delivered upon their introduction into the State and were not so delivered, or such other certificates in substitution therefor as the chief executive may require, and in addition to any such certificates such further certificates as the chief executive may require; or
 - (b) give an undertaking in writing to the satisfaction of the chief executive for the removal of the bees, hives, bee products or appliances out of the State or for their disposal otherwise.
- (10) If the owner or person in charge—
 - (a) being so required fails to comply with the provisions of subsection (9) by failing either to deliver the specified certificates or to give an undertaking; or

- (b) having given an undertaking as specified in subsection (9)(b), fails to comply in every respect with the terms of that undertaking;

the chief executive may by order in writing direct the seizure or destruction of the bees, hives, bee products or appliances in question.

- (11) An order made or given under subsection (10) directing the destruction of any bees, hives, bee products or appliances may state the manner in which, the time within which, and the person by whom they shall be destroyed, and for that purpose may direct either that they be destroyed by or under the supervision of the person named in the order, on the site upon which they were found or that destruction occur at the time and place specified in the order by a person named in the order for destruction.
- (12) An order made or given under subsection (10) directing the seizure of any bees, hives, bee products or appliances may state the manner in which, the time within which, and the person by whom the bees, hives, bee products or appliances shall be seized and for that purpose may direct the place to which the seized bees, hives, bee products or appliances are to be moved.
- (13) A notice given under subsection (9) and an order made or given under subsection (10) shall be served on the owner of the bees, hives, bee products or appliances in question.
- (14) If the owner is not present then the notice shall be served on the occupier of the place or premises in or upon which the bees, hives, bee products or appliances are found.
- (15) If neither the owner nor the occupier is present at the place or premises, the notice shall be served on the person apparently in charge thereof.
- (16) Service of the notice or order pursuant to subsections (9) to (15) upon the occupier or person apparently in charge of the place or premises shall be deemed to be sufficient service upon the owner.

- (17) An owner or person apparently in charge of bees, hives, bee products or appliances or any occupier or person apparently in charge of any premises or place, who contravenes or fails to comply in any respect with the requirements of an order of the chief executive under subsection (10) commits an offence.

Maximum penalty—40 penalty units.

- (18) Upon a failure in any respect to comply with the requirements of an order made or given under subsection (10), and without prejudice to any proceedings which may be taken upon that failure, the chief executive may, after the expiration of 7 days from the date of the failure, direct in writing an inspector to enter upon the premises or place to which the order relates and destroy or cause to be destroyed the bees, hives, bee products or appliances specified in the order, and for the purposes of such destruction the inspector may, if the inspector thinks fit, remove or cause them to be removed to any other place.
- (19) Any expenses incurred by the chief executive in pursuance of an order under subsection (10), or by an inspector in pursuance of a direction under subsection (18), shall be recoverable together with interest at the rate prescribed under a regulation from the owner of the bees, hives, bee products or appliances in question in a summary way under the *Justices Act 1886* or by action as for a debt due to the Crown.
- (20) A person introducing or attempting to introduce, or aiding or being concerned in the introduction of bees, hives, bee products or appliances contrary to this section commits an offence.

Maximum penalty—40 penalty units.

28 Prohibition of the importation of bees

- (1) A regulation may prohibit the importation, introduction or bringing into the State or into any specified part thereof, either generally or from any other State, Territory or place, or the bringing into one part of the State from any other part of the State, of any bees, hives, bee products or appliances or other things of any kind whatsoever which are likely to introduce

any disease of bees into the State or into any specified part thereof, as the case may be, or are likely to spread such disease.

- (2) The prohibition pursuant to subsection (1) may be absolute or conditional.
- (3) A person who contravenes a regulation under subsection (1) commits an offence.

Maximum penalty—40 penalty units.

- (4) An inspector may seize and detain any bees, hives, bee products or appliances in respect of which a contravention of a regulation under subsection (1) occurs and those bees, hives, bee products or appliances, may be destroyed or otherwise disposed of as the Minister may direct.

29 Quarantine

- (1) An inspector, on being satisfied on reasonable grounds that a disease of bees is or is suspected of being present in an area of the State, may define the boundaries of the area in question and declare the area a quarantine area by—
 - (a) issuing a signed notification stating that the area is a quarantine area; and
 - (b) either—
 - (i) serving a copy of the notification on the owner of each apiary that is, within the knowledge of the inspector, within that area; or
 - (ii) publishing a copy of the notification in the gazette; or
 - (iii) publishing a copy of the notification in a newspaper circulating not less than once a week in the quarantine area.
- (2) A quarantine declared by an inspector pursuant to subsection (1) shall continue—
 - (a) for a period not exceeding 28 days; or

-
- (b) until the quarantine has been released by the chief executive by notification published in the gazette;
whichever is the first to occur.
- (3) The chief executive, on being satisfied on reasonable grounds that a disease of bees is or is suspected of being present in an area, may define the boundaries of the area in question and declare the area a quarantine area by—
- (a) issuing a signed notification stating that area is a quarantine area; and
 - (b) either—
 - (i) serving a copy of the notification on the owner of each apiary that is, within the knowledge of the chief executive, within that area; or
 - (ii) publishing a copy of the notification in the gazette; or
 - (iii) publishing a copy of the notification in a newspaper circulating not less than once a week in the quarantine area.
- (4) A quarantine declared by the chief executive pursuant to subsection (3) shall continue until it has been released by the chief executive by notification published in the gazette.
- (5) The chief executive or, in the case of a quarantine declared by an inspector, the inspector, at his or her discretion—
- (a) may determine the nature of the quarantine to be imposed in the quarantine area; and
 - (b) may by notification, either in the notification declaring the quarantine or in a subsequent signed notification, given to the owner of each apiary, within the knowledge of the chief executive or the inspector as the case may be, within the area, order—
 - (i) that no bees, hives, bee products and appliances, or any combination of them or other thing be removed from or introduced into the quarantine

area during such period as he or she shall specify;
and

- (ii) that such other terms and conditions as he or she shall specify be complied with to his or her satisfaction.

- (6) The duties and obligations and any course of action to be taken by a beekeeper in any such quarantine shall be as is prescribed or, so far as not prescribed, as may be directed by the chief executive, or in the case of a quarantine area declared by an inspector, as may be directed by the inspector.

- (7) A person who—

- (a) removes or causes to be removed or assists or in any way is concerned in removing bees, hives, bee products or appliances into or beyond a quarantine area unless authorised by the chief executive or by an inspector; or
- (b) contravenes an order issued by the chief executive or by an inspector pursuant to subsection (5); or
- (c) fails to carry out, fulfil or comply with any duty, obligation, or direction pursuant to the provisions of subsection (6);

commits an offence.

Maximum penalty—40 penalty units.

- (8) If the chief executive is of the opinion that it is necessary for the purpose of providing bee forage for a quarantine area, the chief executive may alter the boundaries of the quarantine area subject to such conditions as the chief executive sees fit.
- (9) A quarantine area may be so declared in an area associated with or contiguous to an area affected by disease or suspected of being affected by disease, notwithstanding that in such area there is an absence of any disease.
- (10) The chief executive may, by gazette notice, declare that stated places occupied by the department are quarantine areas.
- (11) Within those quarantine areas bees, hives, bee products and appliances affected by or liable to be affected by a disease

may be kept, stored, isolated, treated, examined and investigated at the discretion of the chief executive.

- (12) The chief executive may, by gazette notice, also declare that stated other places are quarantine areas.

Part 5 General

30 Obstruction

A person shall not—

- (a) assault, threaten, intimidate, obstruct or impede an inspector or honorary inspector or other person in the execution of any of the powers conferred by this Act; or
- (b) disobey or neglect or fail to comply with an order, direction, declaration, notification or prohibition made or given pursuant to this Act.

31 Offence by owner or occupier of premises etc.

An owner or occupier of any premises or place shall not permit or allow any bees, hives, bee products or appliances to be kept in or upon such premises or place at any time when he or she knows that any provision of this Act is being contravened or not complied with in respect of such keeping.

32 No inspector shall be liable for damage in carrying out the provisions of this Act

An inspector, or a person acting under the direction or order of an inspector or honorary inspector, or of the Minister or chief executive shall be deemed not to be a trespasser by reason of any entry or removal or destruction pursuant to this Act, and shall not be liable for any damage occasioned in carrying out the provisions of this Act, unless the damage was occasioned wilfully and maliciously and without reasonable cause.

33 Protection of Crown, Minister and officers

Liability at law shall not attach to the Crown, the Minister, chief executive, an inspector, an honorary inspector or any person acting in aid of an inspector on account of anything done for the purposes of this Act or done in good faith and purporting to be done for the purposes of this Act.

34 Limit of right to compensation

- (1) A person shall not be entitled to sue for or recover any damages or compensation whatsoever in consequence of any measures taken—

- (a) for the removal of any bees, hives, bee products or appliances, or portions or samples of bee products removed or ordered or caused to be removed or seized under this Act; or
- (b) for the purpose of eradicating any disease or the destruction of any bees, hives, bee products or appliances ordered to be destroyed under this Act;

in respect of any damage that may result to the person therefrom either directly or indirectly unless the same was occasioned wilfully and maliciously and without reasonable cause.

- (2) Proof that any such damage was occasioned wilfully and maliciously and without reasonable cause by an inspector, an honorary inspector or a person acting under the direction or order of an inspector or honorary inspector, or of the Minister or chief executive shall lie on the person making any claim in respect of any such damage.

35 Recovery of costs, charges and expenses

- (1) The amount of any costs, charges and expenses, together with interest at the rate prescribed under a regulation, incurred by an inspector in the course of taking such measures as are provided by this Act in respect of any bees, hives, bee products and appliances shall, whether or not proceedings

have been instituted for the recovery of a penalty, be recoverable from the beekeeper, owner, agent, or person in charge thereof.

- (2) Any such amount may be recovered in a summary way under the *Justices Act 1886* or by action as for a debt due to the Crown.

36 Offences

- (1) A person who contravenes any provision of this Act or any order or requisition made pursuant to the Act shall be guilty of an offence against this Act.
- (2) Any person guilty of an offence against this Act shall be liable, if no specific penalty is provided for the offence, to a penalty not exceeding 10 penalty units.

37 Service of notice

A document required to be given to or served on the owner or occupier of any land may, if the name of the owner or occupier is not known, be addressed to him or her by the description of the 'owner' or 'occupier', together with the number (if any) and address or other description of the land in question, without further name or description.

38 Court may proceed ex parte

The justices or court of competent jurisdiction may, if satisfied that there is no occupier of any land and that the owner thereof is absent from Queensland or is unknown, proceed to hear and adjudicate upon any complaint or proceedings for the recovery of moneys pursuant to this Act in respect thereof ex parte, and in such case the costs, charges and expenses of any such proceedings ordered to be paid by the defendant shall until paid be and remain a charge on such land and payable by the owner thereof for the time being.

39 Evidence

In any proceedings for an alleged offence against this Act it shall not be necessary to prove the appointment of any inspector or other authorised person, or the authority of any inspector or other authorised person, to do any act or to give any direction or issue or serve any notice or to take any proceedings in the absence of evidence to the contrary.

40 Proof of order

- (1) The production of any order, certificate, declaration, direction, notification, authority or permission purporting to be signed by the Minister, chief executive or by an inspector shall be evidence of the due making or granting of such order, certificate, declaration, direction, notification, authority, or permission, as the case may be, and that it was duly signed by the person by whom it purports to be signed.
- (2) A writing certified by any such person to be a true copy of or true extract from any such document shall be receivable in evidence to the same extent as the original and shall for the purposes be prima-facie evidence of the original of which it purports to be a copy or extract.
- (3) The production of a certificate purporting to be signed by an inspector or of any certified copy thereof that any costs, charges, or expenses of an amount stated have been incurred by such inspector under or for the purposes of this Act shall be evidence, that those costs, charges or expenses were duly incurred and that the amount thereof so stated is the correct amount.

41 Certificates by chief executive

- (1) In any proceedings under this Act a certificate signed by the chief executive that any premises, place, apiary or apiary site is situated within the State shall be evidence that such premises or place, apiary or apiary site is situated within the State.

- (2) A certificate by the chief executive that a particular notice has or has not been received by the chief executive, that a person is or is not a registered beekeeper, that a person is or is not the holder of a permit pursuant to the provisions of this Act, that the keeping of bees or the establishment of an apiary upon an apiary site has been prohibited, that an apiary is situated on an apiary site specified in such certificate or that an area has been declared a quarantine area shall be evidence of the facts so certified.

42 Delegations by Minister and chief executive

- (1) The Minister may delegate the Minister's powers under this Act to an officer or employee of the public service.
- (2) The chief executive may delegate the chief executive's powers under this Act to an officer or employee of the public service.

43 Approval of forms

The chief executive may approve forms for use under this Act.

44 Regulation making power

- (1) The Governor in Council may make regulations under this Act.
- (2) A regulation may be made about the following matters—
 - (a) disease control;
 - (b) fees, charges and other amounts payable under this Act;
 - (c) quarantine in a quarantine area under this Act;
 - (d) seizure, detention and disposal of bees, hives, bee products and appliances dealt with in contravention of this Act.

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2 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amd	= amendment	prov	= provision
t			
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renu	= renumbered
		m	
ins	= inserted	rep	= repealed
lap	= lapsed	(retro	= retrospectively
)	
notf	= notified	rv	= revised edition
d			
num	= numbered	s	= section

Key	Explanation	Key	Explanation
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnu m	= unnumbered
prev	= previous		

3 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	1995 Act No. 58	28 November 1995	21 December 1995
1A	1995 Act No. 58	29 February 1996	14 August 2001

4 List of legislation

Apiaries Act 1982 No. 29

date of assent 5 May 1982

ss 1–2 commenced on date of assent

remaining provisions commenced 19 February 1983 (proc pubd gaz 19 February 1983 p 640)

amending legislation—

Statute Law Revision Act 1995 No. 57 ss 1–2, 4 sch 1 (this Act is amended, see amending legislation below)

date of assent 28 November 1995

commenced on date of assent

amending legislation—

Statute Law Revision Act (No. 2) 1995 No. 58 ss 1–2, 4 sch 1 (amends 1995 No. 57 above)

date of assent 28 November 1995

commenced on date of assent

Statute Law Revision Act (No. 2) 1995 No. 58 ss 1–2, 4 sch 1

date of assent 28 November 1995

commenced on date of assent

5 List of annotations

Definitions

s 2 amd 1995 No. 57 s 4 sch 1

def *approved form* ins 1995 No. 57 s 4 sch 1

def *bee* amd 1995 No. 57 s 4 sch 1

def *bee products* amd 1995 No. 57 s 4 sch 1

def *Director, Division of Plant Industry* om 1995 No. 57 s 4 sch 1

def *Director-General* om 1995 No. 57 s 4 sch 1

def *disease* amd 1995 No. 57 s 4 sch 1

def *honorary inspector* amd 1995 No. 58 s 4 sch 1

def *inspector* sub 1995 No. 57 s 4 sch 1

def *land* om 1995 No. 58 s 4 sch 1

def *Minister* om 1995 No. 57 s 4 sch 1

def *owner* ins 1995 No. 58 s 4 sch 1

def *person* om 1995 No. 57 s 4 sch 1

def *State* ins 1995 No. 58 s 4 sch 1

Inspectors

s 3 prev s 3 om R1 (see RA s 36)

pres s 3 sub 1995 No. 57 s 4 sch 1

Appointment of honorary inspector

s 4 prev s 4 om 1995 No. 57 s 4 sch 1

pres s 4 amd 1995 No. 58 s 4 sch 1

Powers of inspector

s 5 amd 1995 No. 57 s 4 sch 1; 1995 No. 58 s 4 sch 1

Exclusion of parts of the State from part

s 6 prev s 6 om 1995 No. 57 s 4 sch 1

pres s 6 sub 1995 No. 57 s 4 sch 1

Registration of beekeepers

s 7 amd 1995 No. 57 s 4 sch 1

Permit pending determination of application for registration etc.

s 8 amd 1995 No. 57 s 4 sch 1

Permit required for bringing bees etc. into Queensland

s 9 amd 1995 No. 57 s 4 sch 1

Registration etc. may be cancelled

s 10 amd 1995 No. 57 s 4 sch 1

Classification of apiaries

s 11 amd 1995 No. 57 s 4 sch 1; 1995 No. 58 s 4 sch 1

Distances between apiary sites

s 12 amd 1995 No. 57 s 4 sch 1

Notice to be given of the establishment or removal of an apiary

s 14 amd 1995 No. 57 s 4 sch 1

Prohibited apiary sites

s 15 amd 1995 No. 57 s 4 sch 1

Notice to be given of sale of apiary

s 16 amd 1995 No. 57 s 4 sch 1

Marking of hives

s 17 amd 1995 No. 57 s 4 sch 1

Power to restrict entry of races or strains of bees into any part of the State

s 18 amd 1995 No. 57 s 4 sch 1

Power of inspector upon failure to comply with order

s 21 amd 1995 No. 57 s 4 sch 1

Beekeeper shall notify disease

s 23 amd 1995 No. 57 s 4 sch 1

Power of inspector to order hives etc. to be treated

s 25 amd 1995 No. 57 s 4 sch 1

Power of chief executive to order destruction of bees

s 26 amd 1995 No. 57 s 4 sch 1

Restriction of introduction into Queensland of bees etc.

s 27 amd 1995 No. 57 s 4 sch 1; 1995 No. 58 s 4 sch 1

Prohibition of the importation of bees

s 28 amd 1995 No. 57 s 4 sch 1; 1995 No. 58 s 4 sch 1

Quarantine

s 29 amd 1995 No. 57 s 4 sch 1

Protection of Crown, Minister and officers

s 33 amd 1995 No. 57 s 4 sch 1

Recovery of costs, charges and expenses

s 35 amd 1995 No. 57 s 4 sch 1

Offences

s 36 amd 1995 No. 57 s 4 sch 1

Service of notice

s 37 amd 1995 No. 57 s 4 sch 1

Proof of order

s 40 amd 1995 No. 57 s 4 sch 1

Certificates by chief executive

s 41 amd 1995 No. 57 s 4 sch 1

Delegations by Minister and chief executive

s 42 sub 1995 No. 57 s 4 sch 1

Approval of forms

s 43 sub 1995 No. 57 s 4 sch 1

Regulation making power

s 44 ins 1995 No. 57 s 4 sch 1

Approved forms

s 45 ins 1995 No. 57 s 4 sch 1 (as amd by 1995 No. 58 ss 1–2, 4 sch 1);
amd 1995 No. 58 s 4 sch 1
exp 28 February 1996 (see s 45(3))

Numbering and renumbering of Act

s 50 ins 1995 No. 57 s 4 sch 1

SCHEDULE 1—SUBJECT MATTER FOR REGULATIONS

om 1995 No. 57 s 4 sch 1

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