



primefacts

FOR PROFITABLE, ADAPTIVE AND SUSTAINABLE PRIMARY INDUSTRIES

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Forfeiture of beehives

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Why do beehives have to be identified?

Good identification allows departmental Regulatory Officers (apiary inspectors) to locate owners of beehive material and to trace disease outbreaks.

In cases of emergencies such as fire or when aerial spraying may occur, good identification of beehive material will help the authorities to contact the owner without delay.

In cases where bees are creating a public nuisance or a danger to the general public, the removal of unidentified hives by inspectors will ensure the safety of the general public.

Unidentified beehives on public land

An apiary inspector may seize and remove any beehive that is on public land and is not identified with the owner's registered beekeeper number.

A hive that has been seized is immediately forfeited to the Crown and may be disposed of.

Identified beehives on public land

If an apiary inspector is satisfied that an identified beehive is on public land without the permission of the controller of the land, the inspector may serve a notice on the owner of the hive requiring the owner, at the owner's option, either:

1. to provide the inspector with evidence satisfactory to the inspector that the owner has obtained the permission of the controller of the land; or
2. to arrange for the hive to be removed within 14 days after service of the notice.

If the owner does not provide evidence that the owner had obtained the permission of the controller of the land, or does not remove the hive within 14 days, the hive is forfeited to the Crown and an inspector may seize and remove it.

Unidentified beehives on private land

Any beehive that is on land other than public land and is not identified is forfeited to the Crown. It may be seized and removed by an inspector if for a period of 28 consecutive days there has been displayed in the immediate vicinity of the hive a notice stating that the hive must be identified by the date specified in the notice. The notice must state that the beehive will be forfeited to the Crown unless, by the date specified in the notice (being a date that is least 28 days after the notice is first displayed in the immediate vicinity of the hive), the owner of the hive identifies the hive..

Expenses

Any reasonable expenses incurred by an inspector in respect of a hive forfeited are payable by the owner of the hive and recoverable from the owner in a court as a debt due to the Crown.

No compensation is payable in respect of any beehive that is forfeited under this section.

Definitions

'Controller', in relation to public land, means the following:

- if the land is reserved or dedicated for any public use or purpose – the trustee or trustees of the land;
- if the land consists of a public road – the roads authority for that road within the meaning of the *Roads Act 1993*;
- if the land consists of a travelling stock reserve – the responsible authority within the meaning of Part 8 of the *Rural Lands Protection Act 1998*;

- in any other case – the person having the care, control and management of the land.

'Identified', in relation to a beehive, means identified as required by section 15 of the *NSW Apiaries Act 1985*.

Public land means:

- Crown land within the meaning of the *Crown Lands Act 1989*; or
- state forest; or
- land under the control and management of a public or local authority.

But does not include:

- any land (other than state forest) that is occupied under any lease or other arrangements for private purposes that confers a right to exclusive possession of the land; or
- any land leased under the *Western Lands Act 1901*.

Further information

- [Identifying beehives](#)

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