

# Nuisance bee complaint guidelines

Mick Rankmore, Regulatory Specialist Apiaries, Gunnedah

The *Apiaries Act 1985* allows for action to be taken if bees that are hived (i.e. kept in a bee box), and under some form of management by a person, are found to be:

- a danger to public health or safety, or
- a public nuisance, or
- kept on premises that for a specific reason are considered unsuitable for beekeeping.

NSW Department of Primary Industries (DPI) does not have a responsibility to manage any threat or nuisance caused by feral colonies, such as bees in a tree or bee swarms.

## Threat to Public Health and Safety

Beehives are likely to constitute a threat to public health and safety if:

- a person with a serious allergy to bee venom (which has been verified by an allergy specialist and is supported by medical documentation) is likely to be exposed to the bees; or
- hives are located in close proximity to premises identified as high risk, especially schools, childcare centres, public swimming pools and hospitals.

## Public Nuisance

Beehives are considered a potential public nuisance if a number of individuals at different addresses make complaints about the bees' presence and/or behaviour.

Where only one individual or a single address is the source of a complaint and there is no threat to public health and safety as described above, it may be considered a private nuisance. There are no powers available in the *Apiaries Act* to prohibit or reduce the keeping of bees on account of a private nuisance.

## Evidence to support a complaint

To support claims of the bees causing a nuisance it is recommended that detailed records of incidents involving bees that are affecting you or others at your premises are kept in diary format noting date, time and person recording the information. Photographs with date and time stamp are useful. Record the key points of any discussions with the

beekeeper about the bees that are creating a nuisance.

Medical verification is required for complaints relating to allergies.

## The Investigation Process

An inspector will attend the site to make an assessment of the situation. That assessment is limited to what is happening on that particular day.

The outcome of the investigation depends upon the number and nature of the complaints.

## Appealing an Order

A person who is the occupier of, or otherwise has an interest in, premises in respect of which the Director-General has made an order under the *Apiaries Act 1985 No. 16* section 18 (a Reduction or Prohibition Order) who is aggrieved by that order may apply to the Administrative Decisions Tribunal for a review of that order.

## Confidentiality & Privacy

A complainant's details are normally kept confidential. However the complainant needs to understand that in the event of an appeal by the beekeeper against a decision made by the Director-General of NSW DPI, the complainant may be required to appear at the Administrative Decisions Tribunal as a witness and to be cross-examined about their complaint.

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Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (October 2011). However, because of advances in knowledge, users are reminded of the need to ensure that information upon which they rely is up to date and to check currency of the information with the appropriate officer of the Department of Primary Industries or the user's independent adviser.

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