

LOCAL GOVERNMENT ACT 1995

TOWN OF KWINANA

BEE KEEPING LOCAL LAW 2002

Under the powers conferred by the *Local Government Act 1995* and under all other powers, the Council of the *Town of Kwinana* resolved on 24 April 2002 to make the following local law.

Citation and application

1. This local law may be cited as the Town of Kwinana Bee Keeping Local Law 2002 and shall apply throughout the district.

Repeal

2. The local law Relating to the Keeping of Bees published in the *Government Gazette* of 25 January 1985 is repealed.

Interpretation

3. In this local law, unless the context requires otherwise -

“Act” means the *Local Government Act 1995*;

“bees” means an insect belonging to any of the various hymenopterous insects of the super family *Apoidea* and commonly known as a bee;

“bee hive” means a hive standing alone or any 2 or more hives standing in a group;

“district” means the district of the local government;

“good and sufficient water supply” - access to an adequate supply of water to prevent bees seeking an alternative supply

“hive” means a moveable or fixed structure, container or object in which a colony of bees is kept;

“local government” means the Town of Kwinana;

“nuisance” – causing or inflicting injury or harm on persons or animals;

“permit” means a permit issued under this local law; and

“permit holder” means a person who holds a valid permit.

Permit required to keep bees

4. A person shall not keep bees or allow bees to be kept on land except in accordance with a valid permit issued in relation to the land.

Application for a permit

5. An applicant for a permit shall -
 - (a) be a person registered as a beekeeper under section 8 of the *Beekeepers Act 1963*;
 - (b) provide such details as may be required by the local government;
 - (c) apply in the form determined by the local government;
 - (d) pay any application fee imposed and determined by the local government under sections 6.16 – 6.19 of the Act; and
 - (e) where the applicant is not the owner of the property, provide written consent of the owner of property.

Determination of application

6. (1) The local government may -
 - (a) refuse to determine an application for a permit which does not comply with clause 5;
 - (b) approve an application for a permit subject to the conditions referred to in clause 7 and to such other conditions as it considers appropriate; or
 - (c) refuse to approve an application for a permit.
- (2) Where an application for a permit is approved subject to conditions, the permit holder is to comply with those conditions or is to cause those conditions to be complied with.
- (3) Where the local government approves an application under subclause (1)(b), it is to issue to the applicant a permit in the form determined by the local government.
- (4) A permit is valid from the date of issue unless and until it is cancelled under this local law.

Conditions of approval

7. (1) Without limiting the generality of clause 6(1)(b), an application for a permit may be approved by the local government subject to the following conditions -
 - (a) the provision of a good and sufficient water supply on the land which is readily accessible by the bees on the land;
 - (b) each bee hive shall be -
 - (i) kept at a distance specified by the local government from any thoroughfare, public place or boundary of the land; or
 - (ii) located near a screen or other barrier so as to prevent the bees flying low over a thoroughfare, public place or adjoining land;

- (c) no more than 2 bee hives are to be kept on land of less than 2,000 square metres in area; and
 - (d) no more than 15 bee hives are to be kept on land between 2,000 and 20,000 square metres in area.
 - (e) the local government shall specify how many bees hives are to be allowed to be kept on land in excess of 20,000 square metres in area
- (2) In respect of a particular application for a permit, the local government may vary any of the conditions referred to in subclause (1).

Variation or cancellation of permit and conditions

8. (1) The local government may vary the conditions of a permit after it has been issued.
- (2) The local government may cancel a permit on the request of a permit holder to do so.
- (3) Notwithstanding clause 12, a permit shall be cancelled on –
- (a) the permit holder ceasing to be registered as a beekeeper under section 8 of the *Beekeepers Act 1963*; or
 - (b) the expiration of a continuous period of 12 months during which the permit holder has not kept any bees on the land to which the permit relates,
- without any action required on the part of the local government.

Permit holder to notify of cessation of registration or keeping of bees

9. (1) In this clause a ‘permit holder’ includes the holder of a permit cancelled by clause 8(3).
- (2) A permit holder is to notify the local government in writing as soon as practicable after -
- (a) the permit holder ceases to be registered as a beekeeper under section 8 of the *Beekeepers Act 1963*; or
 - (b) a continuous period of 12 months passes during which the permit holder has not kept any bees on the land described in her or his permit.
- (3) A permit holder shall, within 7 days of the local government giving the permit holder a written notice to do so, provide to the local government –
- (a) written proof of her or his registration as a beekeeper under section 8 of the *Beekeepers Act 1963*;
 - (b) in respect of land identified by the local government in its notice, a signed statement as to whether or not he or she has kept bees on the land within the 12 months preceding the date of the notice; or
 - (c) both.

Permit not transferable

10. A permit is personal to the permit holder and applies only to the land described in the permit.

Nuisance

11. (1) A person shall not keep or allow to be kept bees, or beehives, or both, on land so as to create a nuisance.
(2) A person shall not allow feral bees to occupy land so as to create a nuisance.

Notice to remove bees

12. (1) Whenever in the opinion of the local government a person has contravened any provision of the *Beekeepers Act 1963* or of this local law which relates to the keeping of bees or bee hives, the local government may give the permit holder in relation to that land, or if there is no valid permit in relation to that land an owner or occupier of the land a written notice requiring her or him to remove any bees or bee hives, or both, from the land within the time specified in the notice.
(2) Subject to Division 1 of Part 9 of the Act, on the giving of a notice referred to in subclause (1), any valid permit given by the local government relating to the keeping of bees or bee hives on that land is cancelled from the time specified in the notice, being not less than 7 days from the date it is given.
(3) Where a person fails to comply with a notice given under subclause (1), the local government may dispose of the bees or the bee hives or both in such manner as it sees fit and recover the costs of so doing from the permit holder or an owner or occupier, as the case may be, as a debt due to it.

Offences and penalties

13. (1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing commits an offence.
(2) A person who commits an offence under this local law is liable to a penalty of \$5,000 and a daily penalty of \$500 in respect of each day or part of a day during which the offence has continued.
(3) An offence against a clause specified in the Schedule is a prescribed offence for the purposes of section 9.16(1) of the Act.
(4) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in the Schedule.

Forms

14. For the purposes of this local law -
- (a) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and
 - (b) the form of the notice sent under section 9.20 of the Act withdrawing an infringement notice is that of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

Objections and appeals

15. When the local government makes a decision under this local law as to whether it will -
- (a) grant a person a permit;
 - (b) vary or cancel a permit; or
 - (c) give a person a notice under clause 12(1),
- the provisions of Division 1 of Part 9 of the Act and regulations 33 and 34 of the *Local Government (Functions and General) Regulations 1996* shall apply to that decision.

SCHEDULE

PRESCRIBED OFFENCES

CLAUSE	DESCRIPTION	MODIFIED PENALTY \$
4	Failure to obtain permit to keep bees	100
6(2)	Failure to comply with a condition of a permit to keep bees	100
9(3)	Failure to comply with notice of local government	100
11	Creation of nuisance from keeping of bees or beehives	100
12(1)	Failure to comply with notice to remove bees or bee hives for contravention of local law	100

Dated this twenty-fourth day of April 2002.

The Common Seal of the Town of Kwinana was affixed by authority of a resolution of the Council in the presence of:

J H D Slinger, JP, Mayor

R G Searle, Chief Executive Officer