



PROPOSAL TO INCREASE THE AMERICAN FOULBROOD APIARY AND BEEKEEPER LEVY

Compliance and enforcement frequently asked questions

With consultation on the proposal to increase the apiary and beekeeper levy underway, we've been getting some good questions and feedback from beekeepers about the proposed increase.

Many questions have been raised about the Management Agency's current and proposed approach to the compliance and enforcement of National American Foulbrood Pest Management Plan rules.

The Management Agency believes that it is currently too easy for non-compliant beekeepers to break plan rules and avoid the consequences. A substantial increase in the levy is required to provide the resources to identify these beekeepers and hold them to account.

*Please note that consultation is running until **10 August 2018**.*

1. How will increasing the levy improve compliance with National American Foulbrood Pest Management Plan rules?

Increasing the levy will enable the Management Agency to inspect 10% of apiaries and 2,000 honey samples each year for American foulbrood. This will provide the Management Agency with comprehensive information about which beekeepers are failing to eliminate AFB - and to initiate education and enforcement actions as appropriate.

Currently it is too easy for non-compliant beekeepers to avoid detection. A substantial increase in the levy is required to provide the resources to identify these beekeepers and hold them to account.

2. Why doesn't the Management Agency issue fines to non-compliant beekeepers?

The National American Foulbrood Pest Management Plan does not provide the Management Agency with the authority to issue fines.

3. Why doesn't the Management Agency prosecute beekeepers for not following National American Foulbrood Pest Management Plan rules?

The Management Agency does not have the financial resources required to mount successful prosecutions. Under an operating protocol agreed with the Ministry for Primary Industries (MPI), MPI will lead the investigation and prosecution of non-compliant beekeepers.

An MPI audit of the American Foulbrood Pest Management Plan found that 30% – 40% of beekeepers are non-compliant with plan rules. It is not practical or desirable for MPI to attempt to prosecute 2,600 to 3,500 beekeepers.



4. What penalties does the National American Foulbrood Pest Management Plan specify for beekeepers whom don't follow plan rules?

The National American Foulbrood Pest Management Plan specifies two types of penalty for not following plan rules:

- Every person who breaks plan rules is liable on conviction (in court):
 - in the case of an individual person, to imprisonment for a term not exceeding 12 months, a fine not exceeding \$50,000 or both:
 - in the case of a corporation, to a fine not exceeding \$200,000.
- The Management Agency can serve notices requiring beekeepers to comply with plan rules. When a beekeeper fails to comply with the actions specified in the notice the Management Agency has the authority under to act on default and recover the costs and expenses reasonably incurred.

5. Why doesn't the Management Agency act on default when beekeepers fail to comply with plan rules?

In 2018 the Management Agency initiated default inspections for 192 beekeepers that were in default of both their 2016 and 2017 Certificates of Inspection and Annual Disease Returns and has issued invoices to these beekeepers for the costs and expenses incurred.

Under the proposed levy the Management Agency will have the resources to conduct default inspections whenever beekeepers fail to meet their inspection obligations.