

Powers conferred by the Biosecurity (National American Foulbrood Pest Management Plan) Order 1998

Power	When to use	How to use
10 Obligation to supply information	To request information that will enable trace back of a positive / suspicious AFB finding (beekeepers, honey extractors, packers and exporters)	<p>Authorised person can make verbal request.</p> <p>Alternatively, Authorised Person to serve notice requesting information (required for laboratories)</p>
	To request information that will enable the owner of an apiary site to be identified (landowners)	
	To request historic and future results of laboratory tests for AFB (laboratories)	
12 Exemption from obligation to keep honey bees in moveable frame hives	<p>When a person requests an exemption for one of the following purposes:</p> <ul style="list-style-type: none"> • scientific research • rearing queen honey bees • packages of honey bee for stocking beehives • public 	<p>Authorised person to be satisfied that the risk of failing to detect and/or spreading AFB is negligible prior to providing written exemption.</p> <p>Exemption must specify period of time for which the exemption applies and may specify conditions</p>
25 Destruction of beehives posing risk	Beehives situated more than 30 consecutive days in a place that has not been notified as an apiary	<p>Authorised person may destroy the beehives, products and appliances provided that the authorised person has made reasonable attempts to find the owner of the beehives by:</p> <ul style="list-style-type: none"> • making inquiries including inquiries of the land owner • fixing a weather proof notice <p>and the beekeeper has not registered the apiary within 30 days of the notice.</p> <p>Authorised person must maintain records of:</p> <ul style="list-style-type: none"> • all beehives and associated matter destroyed • the actions taken to identify the owner of the beehives and associated matter before destruction

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30 Exemptions for research, education, and training	When a person requests an exemption from the obligations in clause 28, Obligation of beekeeper to destroy honey bees and materials, and clause 29, Prohibition on dealings with materials associated with American foulbrood	Management Agency to be satisfied that the risk of exposure or spread of AFB is negligible prior providing written exemption. Exemption must specify period of time for which the exemption applies and will specify conditions
31 Dealing with products from honey bee colony with American foulbrood	When a person requests consent to transfer ownership or possession to any other person or remove from the place where they are situated any honey bees, bee products or appliances associated with any honey bee colony where that person knows or suspects the colony is displaying clinical symptoms of American foulbrood. Persons are exempt this prohibition if they are acting in accordance with their: <ul style="list-style-type: none"> • Disease Elimination Conformity Agreement • Biosecurity Act section 52 or 53 permission 	Authorised person to be satisfied that the risk of exposure or spread spread AFB is negligible prior to providing consent.
38 Amendment of Disease Elimination Conformity Agreement by Management Agency	The Management Agency is satisfied on reasonable grounds that the overall annual rate of American foulbrood cases in beehives owned by the beekeeper is: <ul style="list-style-type: none"> • not zero and is not decreasing; or • not zero and is not likely to decrease unless the amendment is made. 	Management Agency must consult with beekeeper prior to deciding to amend DECA Management Agency must give written notice to the beekeeper specifying the decision and reasons for the decision.
39 Review of Certificate of Inspection Exemption (revocation)	The Management Agency is satisfied on reasonable grounds that: <ul style="list-style-type: none"> • the beekeeper has breached his DECA; or • the annual rate of AFB cases is increasing in the beehives owned by that beekeeper 	Management Agency must consult with beekeeper prior to deciding to revoke the Certificate of Inspection Exemption Management Agency must give written notice to the beekeeper specifying the decision and reasons for the decision.

Powers conferred by the Biosecurity Act 1993

Power	When to use	How to use
106 Power to require assistance (AP1)	To enable a person assisting an authorised person to have the same powers as authorised person that is directing them	Direction of the person concerned by an authorised person
109 Power of inspection (AP1 & 2)	To enter a place for the purposes of inspecting, eradicating or managing AFB	<p>Authorised person to have warrant and warrant card to be available for presentation</p> <p>Authorised persons are not able to enter dwellinghouses or marae without a warrant</p>
119 Power to seize abandoned goods (AP1)	To treat or destroy abandoned hives, products and equipment that are reasonably suspected of harbouring AFB	<p>Authorised person reasonably suspects that hives, products or equipment contain or harbour AFB</p> <p>Hives etc must appear to be abandoned.</p> <p>Authorised person to make such enquiries as are reasonable in the circumstances to determine that the hives have been abandoned or have no apparent or readily identifiable owner</p>
121 Power to examine organisms (AP1 & 2)	To inspect hives, products and appliances	Authorised person to have warrant and warrant card to be available for presentation
	To require the beekeeper to assist the inspections	<p>Request to assist inspections must be in writing.</p> <p>Costs and expenses incurred as a result of failure to provide assistance requested can be recovered.</p>
122(1)(a) Power to give directions to treat (AP1)	To require beekeeper to treat risk good.	<p>Authorised person considers organisms or risk goods may be contaminated with AFB.</p> <p>Must be written notice to enable subsequent 128 Power to act on default</p>

Power	When to use	How to use
122(1)(b) Power to give directions to destroy (AP1)	To direct beekeeper to destroy beehives, products or equipment	<p>Authorised person to have reasonable grounds for believing that the beehive product or appliance harbours AFB</p> <p>Must be written notice to enable subsequent 128 Power to act on default</p>
122 (1)(c) Power to give directions to take steps to prevent the spread (AP1)	To direct beekeeper to take steps to prevent the spread of AFB from hives, products or appliances at a specific location or locations	Must be written notice to enable subsequent 128 Power to act on default
	<p>To direct beekeeper to take steps to prevent the spread of AFB from <u>any of</u> his beehives including (but not limited to):</p> <ul style="list-style-type: none"> • methods for inspection • timing of inspections • name of person(s) to conduct inspections • systems to record time of inspections, the results of inspection and actions taken in respect of AFB cases • systems to record movements in and out of an apiary • methods to destroy AFB cases and associated products and appliances 	<p>122(1)(c) directions to prevent the spread of AFB from <u>any of</u> a beekeeper's hives are intended for non-DECA holders only. When it is appropriate for an authorised person to direct a beekeeper to take steps to prevent the spread of AFB from <u>any of</u> the beekeepers hives and that beekeeper is a DECA holder the authorised person should either:</p> <ul style="list-style-type: none"> • Amend the DECA according to clause 38 of the NPMP, or • Revoke the Certificate of Inspection Exemption and cancel the DECA according to clause 39 of the NPMP prior to issuing the 122(1)(c) direction. <p>Must be written notice to enable subsequent 128 Power to act on default</p>
122(2) Power to give directions to comply with plan rules (AP1)	To direct any person that has failed to comply with NPMP rules to comply with NPMP rules.	<p>Person must have failed to comply with NPMP rule.</p> <p>Must be written notice.</p>

Power	When to use	How to use
128 Power to act on default (Management Agency)	<p>To bring about the implementation of the following documents in a way that is reasonably necessary and appropriate to achieve the documents purpose:</p> <ul style="list-style-type: none"> • 122(1)(a) Direction to treat • 122(1)(b) Direction to destroy • 122(1)(c) Direction to take steps to prevent the spread • 122(2) Direction to comply with plan rules • Notification of Certificate of Inspection • Disease Elimination Conformity Agreement 	<p>Management Agency can act without providing written notice.</p> <p>Management Agency may bring about implementation of the document in a way that is reasonably necessary and appropriate to achieve the documents purpose.</p>
130 Declaration of restricted place (AP1)	<p>To either:</p> <ul style="list-style-type: none"> • Prevent the movement of organisms, risk goods or other goods until an assessment of their AFB status can be made, or • Impose apiary quarantine, or • Direct that specified organisms, risk good or other goods in the restricted place must be: <ul style="list-style-type: none"> ○ isolated, confined or stored, and/or ○ identified in a specified manner 	<p>Authorised person believes or suspects on reasonable grounds that AFB is or has been in a place.</p> <p>Restricted Place Notice to be served.</p> <p>Restricted Place Notice remains in force until revoked.</p>
131 Declaration of controlled area (Management Agency)	Not currently used by Management Agency.	