



## Consideration of Respondent Views from the Second Round of Consultation

### Introduction

This document describes the Management Agency’s consideration of the AFB PMP consultation survey conducted in November - December 2021. Management Agency consideration of submissions is presented by key topic areas as described in the “Review of AFB Pest Management, Round Two Consultation Findings” report.

### Consideration of Respondent Views

The Management Agency consideration of respondent views is presented in the table below:

Submitter themes and issues	Management Agency considerations
<b>A. Views about proposed changes to strengthen education and training</b>	
<p><b>Theme 1. Training courses could be targeted to meet the needs to different groups of beekeepers.</b></p> <p>Commercial and experienced beekeepers have different training needs, compared with hobbyists and less experienced beekeepers. Those completely new to beekeeping may need training before owning hives.</p> <ul style="list-style-type: none"> <li>• Early AFB detection is essential to successful commercial beekeepers, so for this group, refresher courses are an unnecessary compliance cost. If courses are required, content should be relevant, and trainers should have commercial experience.</li> <li>• New and inexperienced beekeepers need training and refresher courses, and many will have never seen AFB except during training.</li> </ul>	<p><b>Agreed: The training needs of different groups of beekeepers are different.</b></p> <p>The Management Agency agrees that different training courses are required to meet the training needs of different beekeeper groups. Both Hobbyist and Commercial Beekeepers require training to recognise AFB. Commercial beekeepers require additional training to manage AFB in a production system.</p> <p>The existing AFB Recognition and Refresher courses are predominately designed to meet the training needs of Hobbyist Beekeepers. The Management Agency proposes to develop additional AFB Management and Management Refresher courses that focus on the elimination of AFB from commercial beekeeping operations.</p>

<ul style="list-style-type: none"> <li>• New beekeepers need access to expert advice, inspectors, and support (including closer engagement with beekeeping clubs). People need training before becoming beekeepers.</li> <li>• Refresher training isn't needed. AFB is easily recognisable and doesn't change. Courses may be a way of generating revenue.</li> <li>• Refresher training is unlikely to improve compliance. Non-compliance is the biggest problem, including unregistered beekeepers and abandoned hives. Some won't attend courses or take the time to inspect hives.</li> <li>• Refresher courses may be justified if there is new information or to prevent complacency. On-going training is a normal expectation in most industries.</li> <li>• Employee beekeepers should be trained but it's up to their employer, not the Agency. An alternative view was that employee beekeepers should hold a DECA.</li> </ul>	<p>The Management Agency is satisfied that there is a requirement for ongoing refresher training as the Management Agency's monitoring and inspection programme identifies too many cases of DECA holders that are failing to implement the training they received when they attended an AFB Recognition course. The Management Agency is considering making online refresher training available free of charge to maximise the accessibility of training and minimise the cost of compliance.</p> <p>The Management Agency is satisfied that there is a requirement to ensure that commercial beekeeper employees receive both AFB Recognition and Refresher training as the Management Agency's monitoring and inspection programme has identified too many instances of commercial beekeeper employees failing to complete AFB inspections, not knowing how to recognise AFB, or knowing what to do when they find a case.</p>
<p><b>Theme 2: Content, value, and accessibility of training could improve, including by providing on-line training.</b></p> <p>Training courses could be improved through updated content and more user-friendly exams. Courses should also be free or low cost, and on-line (with options for those who don't use the internet).</p> <ul style="list-style-type: none"> <li>• Content can improve by updating information on prevention and detection (including use of dogs, smartphone apps, contact tracing, record keeping, ways of preventing AFB, and bee health). The video, photographs, and manual need updating.</li> <li>• Field-based training works best. Beekeepers need to see AFB in a real beehive, photos aren't the same.</li> </ul>	<p><b>Agreed: The Management Agency is currently revising its training courses to improve learning outcomes and make training more accessible by providing an online training option.</b></p> <p>The Management Agency is currently revising its AFB Recognition and Refresher course to ensure that the delivery and content is consistent with 'Adult Learning Principles' to maximise the learning and retention of key AFB recognition and elimination information by learners. This project will also provide beekeepers with the ability to take both the AFB Recognition and Refresher course online.</p> <p>The Management Agency agrees that field based practical training is best. However, the Management Agency is concerned that the logistics of running field-based training courses to over 1,000 beekeepers each year</p>

<ul style="list-style-type: none"> <li>• Courses could be free or low cost, and on-line. Some noted they'd supported the proposals based on training being free and/or online. At the same time, not everyone uses computers, so online training isn't possible for everyone.</li> <li>• Exams can improve. They should be user-friendly and on-line. Recognise that people learn in different ways (and may find tests challenging). Multiple attempts should be allowed (without extra cost). Follow-up to support retention of information.</li> <li>• On-going support could be provided, including webinars and videos, and access to expert advice.</li> </ul>	<p>may be impractical, and that the course fees required to recover the cost of running courses may be a barrier to beekeepers enrolling for training.</p> <p>The Management Agency will re-examine how it uses video and photo resources as part of its training programmes and website content to maximise the practical learning utility of the information provided.</p>
<p><b>B. Views about proposed changes to enhance surveillance and prevention</b></p>	
<p><b>Theme 3: Loss of privacy, costs, and misinterpretation of test results are potential risks</b></p> <p>There are some potential risks associated with this requirement, and more clarification about costs, accuracy, and definitions is needed.</p> <ul style="list-style-type: none"> <li>• Test results are private information unless the Agency covers or subsidises the cost of testing. A requirement for laboratories to provide test results to the Agency may strain relationships.</li> <li>• Requirement to provide test results may discourage testing and participation in AFB research.</li> <li>• Test results may be inaccurate or imprecise or difficult to collect and potentially open to abuse.</li> </ul> <p>For instance honey extraction is often contracted to a third-party provider who may be reluctant to disclose client beekeepers. Testing may be on blended honey batches from more than one beekeeper. There could be a bias towards those undertaking surveillance above the required standard and those who detect non-clinical AFB. Results may be skewed as beekeepers may be</p>	<p><b>Not agreed: Privacy, costs and interpretation of test result risks are negligible and easily mitigated.</b></p> <p>Beekeepers are already required to notify AFB cases to the Management Agency under clause 26 of the plan order. The Management Agency implements privacy controls to protect the privacy of AFB notification information, and laboratory test results will be subject to the same privacy controls.</p> <p>There will be no additional costs to beekeepers associated with the new proposed rule requiring diagnostic laboratories to supply AFB test results to the Management Agency. Beekeepers will continue to be free to make decisions either to test or not test their honeybees and honeybee products for AFB.</p> <p>There is no risk of misinterpretation of laboratory test results. The Management Agency manages the selection and collection of samples. In most instances the laboratory test results will provide strong evidence that the beekeeper concerned has an effective AFB elimination programme. This information will enable the Management Agency to exclude these beekeepers from honey surveillance and apiary inspections and focus</p>

<p>more likely to sample hives with suspect AFB. There is potential for false or tampered samples.</p>	<p>these resources on beekeepers where there is insufficient evidence that the beekeeper is eliminating AFB as required.</p> <p>Enforcement actions by the Management Agency will continue to be based upon clinical inspection findings.</p>
<p><b>Theme 4: Notifying transfers of beehive ownership within seven days is a tight time frame</b></p> <p>Seven days may not be enough time to notify transfers. The timeframe needs to align with related registration and sales processes, and It may take longer than seven days to complete the paperwork.</p> <ul style="list-style-type: none"> <li>• Proposed requirement doesn't align with the allowance of 30 days to register an apiary</li> <li>• There can be clauses in sales agreements that provide periods of up to 30 days for hive inspection prior to finalising sale</li> <li>• Ability to register may be slowed by lack of internet access or slow paper mail</li> </ul>	<p><b>Agreed: The proposed timeframe to notify transfers of beehive ownership should be increased to 14 days.</b></p> <p>The Management Agency agrees that the proposed timeframe for notifying transfers of beehives ownership should be increased to 14 days. This will provide adequate time for new beekeepers purchasing a beehive to register their apiary, receive a beekeeper registration number from the Management Agency that they can provide to the vendor.</p>
<p><b>Theme 5: Requirement to provide registration numbers could be extended to other situations, and clarity is needed about requirements for new unregistered beekeepers.</b></p> <p>Registration numbers should be provided at the time of transfer or purchase of hives. This requirement could be applied to the sale of hives and hive-ware, retail and private sales, and hive splits and swaps. Clarification is needed in relation to new unregistered beekeepers seeking to purchase hives.</p> <ul style="list-style-type: none"> <li>• Registration numbers should be required before transfer</li> </ul>	<p><b>Partially agreed: The proposed requirement to provide beekeeper registration numbers strikes the right balance between improving the traceability of beehives and increasing beekeeper and third-party compliance costs. However, further amendments are required to accommodate purchase of beehives by new beekeepers</b></p> <p>The proposal to require beekeeper registration numbers includes all transfers of beehive ownership from one party to another irrespective of whether payment is part of the transaction.</p> <p>The intent of the proposal to require beekeeper registration numbers is to improve the traceability of beehives. Requiring hive-ware vendors to obtain beekeeper registration numbers will increase vendors compliance costs without improving beehive traceability.</p>

<ul style="list-style-type: none"> <li>• Registration numbers will need to be issued to intending beekeepers</li> <li>• Hive swapping should not be allowed or should be notified</li> <li>• There can be clauses in sales agreements that provide periods of up to 30 days for hive inspection prior to finalising sale.</li> </ul>	<p>The Management Agency proposes to amend clause 19 of the plan order to enable the Management Agency to supply beekeeper registration numbers to new unregistered beekeepers seeking to purchase beehives.</p>
<p><b>Theme 6: Dog use will need to be subject to clear guidelines and safeguards. They may be costly and unreliable, and a risk to livestock and pets.</b></p> <p>Specification of when and how dogs would be used, and by whom, will be needed. This should include permissions and safeguards for entering properties, and actions on the findings of dog inspections.</p> <ul style="list-style-type: none"> <li>• Dogs will not be welcomed on some properties and may be a risk to livestock and pets</li> </ul> <p>A clear operating model for dog use needs to be developed before it is acceptable, including right of entry to properties, and considering their impact on farms (e.g., impact on lambing ewes and other animals; verification of dog vaccinations).</p> <ul style="list-style-type: none"> <li>• Dogs and their handlers would need to be properly trained.</li> </ul> <p>Dogs need to be certified as effective at detecting disease, and the dog handlers also need to be certified. AP2's are not certified dog handlers. The use of dogs was criticised by some as being expensive to train. They were seen as having a limited effective lifespan, being inconsistent, and subject to distraction.</p> <ul style="list-style-type: none"> <li>• Identification of AFB by dogs needs verification by another method.</li> </ul> <p>Detection by dogs may give false positives, so results should be verified by another method. Dogs could also be used to verify positive AFB infections detected through other methods.</p>	<p><b>Agreed: Further research and implementation of appropriate protocols are required before detector dogs are deployed by the Management Agency</b></p> <p>The Management Agency agrees that further research is required to quantify the sensitivity and specificity of dogs as a diagnostic technique prior to the use of dogs by the Management Agency.</p> <p>The Management Agency agrees that appropriate training and protocols also need to be implemented to ensure that dogs perform effectively.</p> <p>The Management Agency agrees that the cost effectiveness of the Management Agency using detector dogs should be assessed prior to any decision to implement the use of dogs.</p> <p>The Management Agency is proposing to add a new power enabling authorised persons to use detector dogs to future proof the plan order so that there is not a legislative barrier to their use when the matters described above are resolved.</p>

**Theme 7: Additional prevention and surveillance measures are needed, including independent inspections, hive movement control, focus on high-risk sites and non-compliance, and cost-effective testing tools.**

A range of additional prevention and surveillance activities were raised by submitters, outside the scope of the consultation questions. These included removing reliance on self-inspections and requiring independent inspections, implementing hive movement controls, and cost-effective testing tools.

- Relying on self-inspections isn't working and independent inspections are needed. These could be every five years to validate prior findings and check management practices.
- Inspectors and trainers need to be experienced and senior beekeepers and use best practices.
- Hive movement controls needed, and all hives should be verified AFB free before moving.
- More action needed to address recurrent AFB, including unregistered hives, rogue hives, and swarms. There were many suggestions for additional actions.
- Beekeepers who report incidence of non-compliance need feedback about action taken, otherwise it appears none was taken.
- Investigate and provide cost-effective testing tools, and destruction methods.

**Partially agreed: See details below.**

- The Management Agency agrees that independent verification that beekeepers are effectively inspecting their beehives is required. This is why the Management Agency is increasing beehive inspections, has implemented honey surveillance and is proposing that diagnostic laboratories are required to provide AFB test results to the Management Agency.
- The Management Agency's recruitment processes are designed to ensure that appropriate persons are appointed as AP2s or AFB Trainers.
- Regular inspection and the destruction of beehives and materials associated with AFB is the key to eliminating AFB. The imposition of movement controls, while helpful, would result in high compliance costs for both the affected beekeepers and levy payers. The Management Agency considers that it is not cost effective to implement movement controls on a national scale, and that levy payers will receive greater value for money from the Management Agency focusing its resources on ensuring that beekeepers are effectively inspecting their beehives for AFB and destroying beehives and materials associated with AFB.
- The Management Agency understands the desire of beekeepers reporting cases of non-compliance to receive more feedback about the follow-up actions taken. However, the Management Agency has an obligation to protect the privacy of all beekeepers, including beekeepers that may be non-compliant with plan rules. This obligation limits how much follow-up information can be shared with the reporter.

	<ul style="list-style-type: none"> <li>The Management Agency is proposing to take a more active role to align the interests of researchers and funding agencies to investigate and develop new tools and techniques.</li> </ul>
<b>C. Views about proposed changes to enhance enforcement powers and penalties</b>	
<p><b>Theme 8: Powers to destroy infected hives need to be subject to clear and fair decision-making process, with safeguards in place that prevent abuse and support beekeepers to destroy infected hives.</b></p> <p>There was concern that the decision-making process should be fair and properly authorised. Services and support should be available to help beekeepers destroy infected hives, including an environmentally friendly option for destroying plastic hives.</p> <ul style="list-style-type: none"> <li>General powers, and powers to issue fines, are open to abuse and misinterpretation. These powers need to be used carefully, and only when beekeepers are refusing to comply with rules.</li> <li>Verification that hives are infected should be based on visual and laboratory tests, and destruction should be issued by court order. Alternative views were for immediate destruction following confirmation of AFB if near other hives and that hive burning had failed as a strategy to eliminate AFB.</li> <li>Needs to be easy to destroy infected hives. Some beekeepers may be inhibited from destroying hives due to the cost and challenges of finding an effective and easy way to do so.</li> <li>Concern about how to destroy plastic hives safely.</li> </ul>	<p><b>Partially agreed: The Management Agency’s processes and criteria for the use of enforcement powers are described in its Operational Plan. The Operational Plan is reviewed by the Minister for Biosecurity (and MPI) to ensure that it is legally correct and consistent with the plan order prior to implementation.</b></p> <p>The Management Agency proposes to use General Powers on a limited basis when dealing with beekeepers that have previously failed to comply with directions to destroy AFB infected beehives.</p> <p>The Management Agency approach to the use of infringement fines will be consistent with good enforcement practices used by other agencies including the use of reminders and warnings. In 2021 the Management Agency issued seven ADR reminders and two warning notices before it cancelled beekeepers DECA’s for failure to complete an ADR.</p> <p>The Management Agency understands the challenges of destroying plastic hive ware in conformance with local environmental regulations. The Management Agency is planning to approach Regional Councils on beekeeper’s behalf and advocate that beekeepers’ should be provided with an exemption to burn plastic. Most Regional Councils already provide this exemption to farmers.</p>
<p><b>Theme 9: Offences are not all equally serious and need to be well defined. Fines are a last resort against beekeepers who keep breaking the rules.</b></p>	<p><b>Partially agreed: The Management Agency proposes to provide greater clarity about the proposed use of infringement fines as part of the third round of consultation.</b></p>

Offences, and the size of the fine, need to be clearly defined, and fair and proportionate. Fines are a last resort that are used after warnings have failed. Education and communication are most important.

- Offences, and the size of the fine, need to be clearly defined, and communicated to beekeepers. Definitions are needed for 'colonies' and 'wild and feral hives'. Fines not to be used against anyone who has a wild hive pop up in their backyard.
- Some offences are less serious than others (e.g., failure to use movable frames). Issuing fines for not meeting reporting requirement is unhelpful and it can be relatively easy to forget to file a return during busy periods, and timely reminders would be more helpful. Also, there is a difference between providing a fraudulent return and providing a late return.
- User-friendly system, understanding approach, and good communication needed to help beekeepers comply. This includes making allowance for lack of internet and busy times and improving the COI process. Make it easy to comply.
- Fines won't work or are a last resort that should be reserved for serious issues after warnings have been issued. It is more effective to work co-operatively with beekeepers, provide support, and incentivise people to comply.
- The success of this approach will depend on how it is implemented. Issuing fines and enforcing payments, and fines may be difficult to enforce on the non-compliant and when beekeepers are struggling.
- Fines are just a way of generating revenues.

The Management Agency used the second round of consultation to assess beekeepers support in principle for the use of infringement fines. Now that beekeepers have communicated their support in principle the Management Agency will develop the detail required and present this to beekeepers for the third round of consultation.

The Management Agency's approach to the use of infringement fines will be consistent with good enforcement practices used by other agencies including the use of reminders and warnings. In 2021 the Management Agency issued seven ADR reminders and two warning notices before it cancelled beekeepers DECA's for failure to complete an ADR.



**D. Overarching concerns about proposed changes**

**Theme 10: Increased regulation was seen as heavy-handed by some, while it was welcomed by others. It is important that any new requirements are well communicated, and are fairly and carefully applied.**

- Amongst those who did not support increased regulation, concerns included:  
  
current regulations are already sufficient; some of the proposed new powers already exist; the industry can regulate itself; beekeepers need support not more regulation; beekeepers may be discouraged from reporting AFB; and changes are a waste of money.
- Regulations should be carefully applied:  
  
making sure it is easy and simple to comply; there is good communication and education about the new requirements; and powers are exercised with an even, fair, and supportive hand.
- Rather than regulation, some considered the focus should be on, training, support, and monitoring. Some considered a wider approach to bee health should be taken.

**Partially agreed: Proposed new requirements are designed to address compliance issues of concern to beekeepers. The Management Agency will continue to use good enforcement practices including communications**

The Management Agency agrees with the 83% of submitters from the 1<sup>st</sup> round of consultation that the pest management plan is largely fit for purpose. The proposed new plan rules and powers are in response to consideration of issues raised in beekeeper submissions.

The Management Agency is committed to good regulatory practice that enables beekeepers to understand and comply with regulations that benefits the beekeeping industry as a whole.

Encouraging all beekeepers to eliminate AFB from their beehives requires a balanced portfolio of interventions including training, monitoring and enforcement.

**Theme 11: Clarity about the benefits, costs, and risks is needed.**

There were concerns about the costs of the changes, how these would be paid for, and whether any benefits were worth the costs. Clarity is needed about the impact on levies, and the impact on beekeepers who may struggle with increased costs.

**Partially agreed: The cost benefit analysis for the National Pest Management Plan will be presented as part of the 3rd round of consultation. There are no plans to amend the existing levy order.**

The Management Agency will complete a cost benefit analysis for the National American Foulbrood Pest Management Plan in preparation for the 3<sup>rd</sup> round of consultation.

<ul style="list-style-type: none"> <li>• Benefits and costs of increased regulation need to be clarified, justified and evidence based. Evidence and overseas experience could be reviewed for learnings.</li> <li>• The cost of the changes, and how these would be paid for were key questions. Matters raised included that:</li> <li>• cost recovery would be necessary, but on the other hand, shouldn't be exorbitant; beekeepers may find it hard to continue beekeeping if their costs increased; some beekeepers would experience losses; and the Agency would need more resources and staff to implement the changes.</li> <li>• More regulation is a means of generating revenue for Agency, and lack of confidence that the Agency spends money wisely.</li> </ul>	
<p><b>Theme 12: Non-compliance is a key concern and there is a risk non-compliant beekeepers won't be affected by the proposed changes.</b></p> <p>Non-compliance is the big problem. There is concern that non-compliant beekeepers will ignore regulations, and that only already compliant beekeepers will be affected</p> <ul style="list-style-type: none"> <li>• Non-compliant beekeepers will not be affected by the changes, only the already compliant beekeepers.</li> <li>• Increased regulation may reduce AFB reporting due to fear of negative consequences and some may be discouraged away from beekeeping.</li> </ul>	<p><b>Disagree: The proposed changes provide new powers and penalties specifically targeting non-compliant beekeepers.</b></p> <ul style="list-style-type: none"> <li>• The proposed new enforcement powers and penalties will only affect non-compliant beekeepers.</li> <li>• The Management Agency only undertakes enforcement actions for failure to comply with plan rules. Beekeepers that are compliant with plan rules, including notification of AFB cases are not subject to compliance and enforcement.</li> </ul>
<p><b>Theme 13: The Pest Management Plan, its management, and the review process can improve.</b></p> <p>There was a view that the PMP wasn't needed and/or that AFB elimination wasn't achievable. The management of the PMP was seen as poor and levies should be based on hive numbers not apiaries. The PMP review consultation process was seen as flawed.</p>	<p><b>Disagree: See comments below:</b></p> <ul style="list-style-type: none"> <li>• Elimination is defined as the absence of clinical AFB in managed beehives in New Zealand. A large number of beekeepers have already eliminated AFB from their beehives. The challenge is to ensure that all beekeepers eliminate AFB from their beehives.</li> </ul>

<ul style="list-style-type: none"><li>• Elimination is not achievable and is not a realistic strategic objective. The definition of elimination is unclear.</li><li>• This consultation process has been inadequate, and the Review should be led by the Minister or a whole of industry group. Submissions should be weighted on the number of hives owned.</li><li>• Levy structure should be based on number of sites not the number of hives.</li></ul>	<ul style="list-style-type: none"><li>• The consultation process led by the Management Agency is fully compliant with the requirements of the Biosecurity Act 1993 and consistent with best practices undertaken by other Management Agencies for their respective pest management plans.</li><li>• The Management Agency conducted two rounds of consultation with beekeepers in 2018 and 2019 prior to making a recommendation to the Minister to amend the levy order. The Management Agency proposed changing from an apiary levy to colony (hive) levy after consideration of submissions from beekeepers that a hive levy was more equitable than an apiary levy.</li></ul>
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