

CONFIRMED MINUTES

BOARD MEETING

At the **February 2023 Board Meeting** on **17 Feb 2023** these minutes were **confirmed as presented**.

Name:	The Management Agency National American Foulbrood Pest Management Plan
Date:	Tuesday, 15 November 2022
Time:	9:00 am to 4:00 pm (NZDT)
Location:	Board Room, Level 6 Harbour Tower, 2 Hunter Street, Wellington
Board Members:	Mark Dingle (Chair), Dennis Crowley, Gabriel Torres, Jane Rollin, Jason Ward, Murray Lewis, Mr Russell Marsh, Val Graham
Attendees:	Clifton King, Dwayne Hill, Jan MacKay, John Sanson, Marco Gonzalez, Mike Harre
Apologies:	Hayley Praghert

1. Board Only Session

1.1 Board Only Session

2. Minutes and Actions

2.1 Confirm Minutes of 19 August 2022 Board meeting

Board meeting 19 Aug 2022, the minutes were confirmed as presented.



The Minutes of the August 2022 Board meeting were confirmed.

The Minutes of the August 2022 Board meeting were confirmed.

Decision Date: 15 Nov 2022
Mover: Dennis Crowley
Seconder: Jason Ward
Outcome: Approved

2.2 Matters arising from minutes

No matters arising.

2.3 Action List

Due Date	Action Title	Owner
31 Jan 2022	Clifton to ask Payroll to check that leave entitlements for all e... Status: Completed on 30 Nov 2022	Clifton King

Due Date	Action Title	Owner
15 Apr 2022	Apiary Inspection Capacity Status: On Hold	Clifton King
15 Apr 2022	Communication to large commercial beekeepers Status: Completed on 16 Sep 2022	Dwayne Hill
29 Jul 2022	Operations Managers to prioritise DECA's for review based on insp... Status: In Progress	Clifton King
31 Aug 2022	Investigation of the relative costs of fulltime versus part-time AP2s Status: On Hold	Clifton King
30 Sep 2022	IT Security Quote Status: Completed on 13 Jan 2023	Val Graham
30 Nov 2022	HiveHub AFB Reports Status: On Hold	Clifton King

Discussion about the action list is described below:

- The action for Mike to advise on the applicability of s53 was completed several months ago. This action should be closed and a new action item for the s53 permit should be raised.
- The apiary inspection capacity and investigation of fulltime verse part time AP2s has not progressed due to focus on higher priority actions. e.g. round 3 consultation on the plan order. These items will be placed on hold until after the actions required to progress the strategy have been clarified.
- The action for the Operations Managers to review and identify DECA's that may not be fit for purpose, as the originally intended task is too large relative to the benefits. Reviewing 5,000 DECA's is a large task, and DECAs can only be amended following consultation with the beekeepers concerned. The Operations Managers have started to review DECA's when they have reasons to be concerned that the beekeeper will not achieve elimination unless their DECA is amended.
- Investigation of the additional reporting functionality required to track %AFB on a regional basis is being investigated. Additional programming and licence fees are likely to be required. Evaluation of the AFB data for the 2021/22 Annual Report highlighted that "region" is unlikely to be a significant risk factor after the influence of the "beekeeper" and "apiary" risk factors had been accounted for. It was agreed that additional board reporting is required, but that the use of "regions" may not be the most appropriate mechanism for this report. This action item is placed on hold until after the actions required to progress the strategy have been clarified.



s53 Honey Permission

MPI to notify permit allowing honey with AFB spores to be sold

Due Date: 17 Feb 2023

Owner: Mike Harre

2.4 Interests Register

3. Management Papers

3.1 Consideration of submissions on proposed 2023/24 Budget

The Board reviewed the analysis of submissions, noting that 18 of 19 submitters supported the proposal for the 2023/24 levy to remain the same.



2023/24 rate of levy

The Board agreed to set the rate of levy for 2023/24 at:

- \$40 per beekeeper, and
- \$1.70 per colony.

Decision Date: 15 Nov 2022

Outcome: Approved

3.2 Consideration of submissions for AFB PMP proposal (Round 3)

The Board reviewed the draft Submissions Analysis Report and considered the proposed responses to submissions.

The Board considered submissions on proposed offenses and penalties. They:

- Concluded that the imposition of infringement fines is an effective deterrent to non-compliance.
- Sought clarification of the legal definition of a corporation before agreeing to propose different fines for individuals and corporations.
- Noted an opportunity to improve the messaging regarding infringement offenses to highlight that "those beekeepers that are not abiding by the plan rules are affecting those that are doing the right thing."
- Highlighted the importance of communicating that infringement fines would be implemented according to Ministry of Justice Policy Framework for New Infringement Schemes.
- Agreed that AP2s would not be issuing infringement fines - and this should be made clear in the response to submissions.
- Noted that authorised persons already have the power to enter private property under s109 of the Biosecurity Act 1993.

The Board agreed that the following plan rules should be changed to infringement fines, and that the proposed size of the fines were appropriate for individuals. A decision on whether the corporations should be subject to greater fines was deferred subject to receiving advice on the legal definition of a 'corporation':

- 11. Obligation to keep bees in moveable frame hives
- 15. Prohibition on keeping bees in a place other than and apiary
- 27 Annual Disease Return
- 32. Certificate of Inspection

The Board considered submissions on proposed training requirements. They:

- Highlighted the importance of communicating that online refresher training would be free of charge.
- Requested a change to the response to submissions to make it clear that if the recognition course was provided 'free of charge' the rate of levy would need to increase to fund the delivery of training.
- Requested that the importance of training beekeepers to recognise AFB be more clearly communicated. A separate statement that the Management Agency inspects apiaries to ensure compliance should be added.

The Board considered submissions on proposed changes to plan rules and the scale of the proposed impacts on those affected by the change. The Board agreed that the proposal submitted to the Minister should include amendments to the following rules as proposed in the 3rd round of consultation:

- 19. Allocation of identification code
- 20. Marking of apiaries
- 28. Obligation of beekeeper to destroy honey bees and materials

- The Board noted that some submitters may not have realised that this rule already exists, and that the only change the Management Agency is proposing to make it an offense to breach this rule.
- New. Training of employee beekeepers
 - The Board requested that the wording of the response to submissions be make it clearer that employers are required to ensure that their employees are trained.
- 39. Review of Certificate of Inspection
 - The Board requested that the response to submissions highlight that the refresher training is free online and only takes 2 hours to complete.
 - The Board requested that the wording of the response to submissions make it clearer that employers are responsible to ensuring their employees are trained.
- New. Transitional provisions for Review of Certificate of Inspection
- New. Notification of beehive transfer
- 27. Annual Disease Return (requirement to supply beekeeper registration numbers when notifying beehive transfers)

The Board considered that the benefits of the planned new rule requiring laboratories to provide AFB test results significantly exceeded the potential impacts on beekeepers. The proposed new rule would enable the Management Agency to significantly increase the intensity and effectiveness of surveillance without large increases in the levy. Achieving similar improvements in surveillance by increasing apiary inspections only would require substantial levy increases. The impacts on beekeepers were assessed as being minimal as the Management Agency would hold their information securely and beekeepers would continue to be free to decide whether to submit samples to the laboratory for testing.

However, the Board considered that the impact of the planned new rule, as proposed for the third round of consultation on laboratories was too great, as it would require laboratories to modify their Laboratory Information Management Systems and apply additional resources and processes to manage the quality of beekeeper information provided. The Board agreed that these issues could be mitigated by removing the requirement for laboratories to supply the beekeeper details from the proposed plan rule and drafting an additional plan rule requiring sample submitters to identify samples submitted to the laboratory. The Board noted that commercial laboratories had already been consulted on these two proposed plan rules, and they had advised that new rules satisfactorily addressed their concerns.

The Board noted that modifications to HiveHub will be required to automate the transfer of AFB test results from diagnostic laboratories to the Management Agency.

The Board questioned whether the proposed laboratory rules apply to in house laboratories as well as commercial accredited laboratories. Clifton advised that the proposed rules as drafted applied to all laboratories, whether commercial or in-house. The Board requested that follow-up meetings with known inhouse laboratories should also be undertaken.

The Board considered submissions on proposed additional powers and the scale of the proposed impacts on those affected by the change. They noted that the proposed additional powers have no impact on beekeepers that comply with plan rules and would improve enforcement (s114) and potentially monitoring (s115). The Board agreed that the proposal submitted to the Minister should include amendments to add the following powers:

- s114 General powers
- s115 Use of dogs and devices
 - The Board noted that the future use of this power would be dependent upon the scientific community confirming that the use of detector dogs is effective during the term of the plan order.

The Board considered submissions proposing amendments to the following plan rules. The Board considered that the benefits of the proposed changes were not significantly greater than the

impacts, and therefore the Board considered that no further amendments to these rules (other than those already described above) should be proposed:

- 11 Obligation to keep honey bees in moveable frame hives
- 15 Prohibition on keeping bees in place other than apiary
- 32 Certificate of Inspection
- 42 Compensation.

The Board considered submissions on issues that were not specifically related to proposed changes to the plan order, or the current plan order rules. A summary of their considerations is presented below. The Board:

- Did not consider that the plan order should be amended to require beekeepers to test their beehives for AFB using qPCR, as while the test is effective, its cost effectiveness has yet to be demonstrated. The Board noted that beekeepers are currently able to choose to use qPCR under current plan rules.
- Considered that the proposed amendments represented a balanced mix of changes to strengthen education, monitoring and enforcement.
- Did not consider that the cost of the proposed changes fell most heavily on commercial beekeepers. The Board has sought to both strengthen the pest management while minimising the impacts of the proposed changes on compliant beekeepers. The main cost increase for commercial beekeepers will be the costs of ensuring that their staff are trained to recognise and eliminate AFB. Training of employee beekeepers is critical to the elimination of AFB from commercial beekeeping operations. The Board noted that the parties most affected by the proposed changes would be 'non-compliant' beekeepers, as the Management Agency would have greater ability to enforce the plan order to hold non-compliant beekeepers to account.
- Considered that it had overseen multiple improvements to the Management Agency's capacity and systems to implement the plan order since 2016 (when ApiNZ became the Management Agency), and that it intends to continue to oversee improvements to ensure that the plans objectives are achieved.
- Considered that the approach the Management Agency had undertaken to review the plan order is consistent with the best practice approaches adopted by other management agencies.



Biosecurity Act 1993 definition of 'corporation'

Mike to advise the definition of a 'corporation' as it applies to the Biosecurity Act 1993.

Due Date: 16 Dec 2022

Owner: Mike Harre



Meeting with 'in-house' laboratories

Clifton to arrange meetings with known in-house laboratories to discuss proposed plan rule requiring laboratories to provide AFB test results.

Due Date: 16 Dec 2022

Owner: Clifton King



Approval of proposed amendments to plan order

The Board agreed the proposed amendments to the plan order (as described above) for inclusion in the final proposal to be submitted to the Minister subject to the following items:

- Clarification of the legal definition of a 'corporation'

- Amending the proposed rule requiring diagnostic laboratories to provide results to:
 - remove the requirement for laboratories to provide beekeeper details, and
 - add a new rule specifying the requirement for sample submitters to identify samples.

The Board noted the actions required to finalise the proposal for the Minister, including the best practice of communicating the Boards consideration of submissions and decisions to beekeepers at the same time as the proposal is submitted to the Minister. The Board agreed that it will not be possible to complete this work before Christmas, and a new target date of early February 2023 was agreed.

Decision Date: 15 Nov 2022

Outcome: Approved

3.3 2021/22 Annual Report

Mark advised the board that he had yet to draft changes to the Welcome section from Clifton and himself.

The Board considered the draft 2021/2022 Annual Report, and requested the following changes:

- HotSpot Map 2021/2022: Add a grey hexagon to the key to describe 'The annual incidence of AFB is consistent with the national average'
- Figure 3: Change font colours to better differentiate #Hives from %Hives
- Figure 5: Change font colours to better differentiate AP2 from Beekeeper
- Page 13: Replace brood image
- Notification of AFB cases (page 20): The Board highlighted that this section, including figure 6, does not clearly communicate the significance of the finding that only 43% of beekeepers notified more than 99% of AFB cases, and 22% of beekeepers notified less than 1% of their cases of AFB. This section including figure 6 needs to be reworked to better communicate the importance of this finding.
- Table 5: The total cases of AFB don't add up due to table footnote references being presented in regular font instead of superscript.



2021/2022 Annual Report Approval

The Board approved the release of the 2021/22 Annual Report subject to:

- Making the changes noted above, and
- Approval of the final copy by Mark and Val.

Decision Date: 15 Nov 2022

Outcome: Approved

3.4 National Compliance Manager Report

Clifton presented his National Compliance Manager Report to the Board. Significant items of discussion are described below.

The Board sought clarification of the online AFB recognition course status. Clifton advised that the course content for both the online and classroom-based training was completed in September, and that 'going live' had been delayed by the requirement to program changes to host online platform to provide the required administration and reporting functionality. These changes had been made and were currently being tested. Communications collateral to announce the new online AFB Recognition course had been prepared and online training is expected to 'go-live' next week.

The online AFB refresher course is currently being finalised and is expected to be available in December.

The Board sought clarification of the status of audit of the 2021/22 financial accounts. Clifton advised that the Management Agency's accountant had finalised the accounts and provided these to the auditors in July. Janette and himself had complied with all auditor requests. However, the auditors did not start the audit until 12 September, and consequently had left insufficient time to complete the audit by the end of October. The auditors advised that they had almost completed the audit but had submitted a late request for further information. This request was currently being complied with.



Send online training links to board

Janette to provide Board members with access to the online AFB Recognition course.

Due Date: 25 Nov 2022

Owner: Janette Gwilliam

4. Strategy

4.1 Strategy Workshop

The Board held a strategy workshop facilitated by Geoff Henley. The purpose of the workshop was to decide and prioritise focus areas that will enable the Management Agency to build upon the capability and improvements developed in recent years (bringing operations in house, HiveHub, and the review of the plan order) to best achieve the AFB elimination goal.

5. Other Matters

5.1 Abandoned Apiaries

Marco presented a discussion paper to the Board describing an AFB risk analysis for abandoned/neglected apiaries. The paper was presenting in response to increasing reports of abandoned or neglected apiaries observed this spring.

Management Agency authorised persons (AP1s) have power to destroy abandoned beehives:

1. On unregistered apiary sites subject to making reasonable attempts to identify the owner of the beehives (clause 25 of plan order) by:
 - a. Making inquiries, including the occupier of the place where the beehives are situated, and
 - b. Fixing a notice to register the apiary within 30 day of the notice to, and
 - c. Waiting 30 days
2. On unregistered or registered apiary sites subject to (s119 Biosecurity Act 119):
 - a. Reasonable suspicion the beehives harbour AFB, and
 - b. Making inquiries as are reasonable in the circumstances to determine whether the beehives have been abandoned or have no apparent or readily identifiable owner.

The paper discussed when it may be reasonable to suspect that beehives harbour AFB in the absence of clinical signs.

The Board expressed some reservations about the use of s119 on a registered apiary and sought clarity about when it would be more appropriate to use s122(2) to direct the beekeeper to destroy the beehives instead of destroying them under s119.

The Board requested the development of a decision tree to better understand the proposed decision-making process.

5.2 Operations Manager Report

Marco and Dwayne presented their Operations Manager report.

The Board requested that subsequent Operations Manager reports should enable trends in the number of abandoned apiaries to be observed, including the use of c25 of the plan order and s188 of the Biosecurity Act 1993.



Abandoned apiary reporting

Future Operations Manager reports to describe trends in abandoned apiaries over time and the use of c25 and s119.

Due Date: 24 Feb 2023

Owner: Dwayne Hill

5.3 Finance Report

Clifton presented the Finance report to the Board.

The Board noted that timeframe slippage on the project to upgrade the website may result in an underspend of the website budget for 2022/23 and discussed the requirement to identify a suitable vendor for this project.



Vendor for website project

Val to contact a potential vendor to assess their availability and suitability for the website project.

Due Date: 16 Dec 2022

Owner: Val Graham

5.4 Health and Safety Report

The Board noted the Safety and Wellbeing report November 2022.

5.5 Training Report

The Board noted the Training Report November 2022.

5.6 Complaints Report

The Board noted the Complaints report November 2022

6. Other Business

6.1 Email from Stu Fergusson

The Board noted the email from Stu Fergusson.

6.2 Confirm Board meeting dates for next 12 months

The Board agreed that the Board meeting dates should be confirmed for the next 12 months and requested Clifton to send out a Doodle Poll to confirm the dates.



Doodle Poll for 2023 Board meetings

Clifton to send out a Doodle Poll to confirm 2023 Board meeting dates.

Due Date: 2 Dec 2022

Owner: Clifton King

7. Close Meeting

7.1 Close the meeting

Next meeting: No date for the next meeting has been set.

Signature: _____

Date: _____