



Review of National American Foulbrood Pest Management Plan Consultation Summary Report, March 2023

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Introduction

The AFB Management Agency (the Agency) undertook a consultation process to develop a proposal to amend, and extend the term of, the Biosecurity (National American Foulbrood Pest Management Plan) Order 1998 (the AFB Plan).

We received valuable and constructive feedback from beekeepers, interested individuals, groups, and organisations, through meetings, webinars, and submissions. The consultation process has helped the Agency gain a greater understanding of beekeeper and other stakeholder issues and expectations. This input has informed the development of the proposal and will guide implementation of the AFB Plan. This report summarises the consultation process, activities, and outcomes.

1. Overall Consultation Process

The consultation process was designed to encourage beekeepers and other stakeholders to express their views about the AFB Plan. The consultation comprised three rounds of consultation conducted between June 2021 to September 2022.

Three national consultation rounds

Round One (24 June - 16 July 2021)

Beekeepers were invited to tell the Agency what was missing when it comes to eliminating AFB, and what needed to change about the current AFB Plan. This feedback informed the development of draft recommended changes to the AFB Plan.

This first round was initiated at the Apiculture Conference in Rotorua, June 2021. At the same time, consultation information was communicated to all beekeepers and stakeholders. Consultation activities included a series of three webinars and a formal submission process (see Table 1).

Round Two (10 November - 14 December 2021)

Beekeepers were invited to indicate their preferences on the draft recommended changes and provide feedback. This feedback provided support for the Agency to move forward with the recommended changes and develop a draft detailed proposal to amend the AFB Plan. Consultation activities included a series of eight regional meetings, five webinars, and a formal submission process (see Table 1). The Agency also conducted a series of consultation meetings with diagnostic laboratories seeking their views about a proposed new rule to require diagnostic laboratories to provide AFB test results to the Agency.

Round Three (15 August – 23 September 2022)

Beekeepers were invited to indicate their preferences on the draft detailed proposal and provide feedback. Consultation activities included a series of nine regional meetings, three webinars, and a formal submission process (see Table 1). The Agency also conducted a second series of consultation meetings with diagnostic laboratories (September-November 2022) on the proposed new rule to require diagnostic laboratories to provide AFB test results to the Agency.

2. Consultation Activities

Communication materials

For each round of consultation, the Agency released consultation materials on its website including consultation booklets, PowerPoint presentations, recorded webinars, and ‘Frequently Asked Questions’. After each round, the Agency also posted the submission analysis report and the Agency response to submission findings on its website.

Consultation materials for the third round of consultation also included a full copy of the draft proposal and the cost benefit analysis. These consultation documents are available on the Agency’s website: <https://afb.org.nz/review-of-plan-order/>.

Key activities

A summary of consultation activities with beekeepers is shown in Table 1 below.

Table 1. Key beekeeper consultation activities and participant numbers, for the review of the AFB Plan

	Round One, June-July 2021	Round Two, November-December 2021	Round Three, August-September 2022
Consultation Meetings with Beekeepers	Presentation at ApiNZ Conference on the upcoming review of the AFB Plan and invitation to make submissions.	Series of eight regional meetings attended by approximately 192 people. *	Series of nine regional meetings attended by approximately 136 people. *
Webinar presentations	Series of three weekly webinars attended by approximately 42 people. *	Series of five weekly webinars attended by approximately 44 people. *	Series of three weekly webinars attended by approximately 59 people. *
Submissions received	434 submissions	342 submissions	289 submissions

*Note participant numbers are approximate only

Stakeholder communications

The Agency undertook a tailored approach to engaging with four major stakeholder groups: beekeepers, tāngata whenua, diagnostic laboratories, and landowners. The engagement approach for each of these groups is described below.

All Beekeepers

At the commencement of each round of consultation, the Agency informed all registered beekeepers (over 10,000 beekeepers) via email or post. Beekeepers were sent multiple email updates during each consultation round and encouraged to read the consultation materials on the Agency website and make a submission.

The Agency held eleven webinars over the course of the consultation, three in Round One, five in Round Two, and three in Round Three. It also undertook a series of 17 face-to-face regional meetings with beekeepers - eight in Round Two and nine in Round Three. The number of meetings was limited by feasibility and resource constraints, and the location of regional meetings was determined by the:

- interest of beekeeper clubs in hosting consultation meetings and date compatibility
- need to achieve a reasonable geographical spread of meetings throughout the country
- need to meet commercial beekeeper groups and hubs, and
- need to maximise likelihood of Māori beekeeper attendance by choosing appropriate locations.

Commercial beekeeping businesses

The Agency was committed to encourage participation of commercial beekeepers in the consultation process, and to hear their views about any potential impacts of the proposed changes for their businesses. It was recognised that commercial beekeepers may have different concerns to hobby beekeepers. For this reason, five of the regional face-to-face meetings were held in locations that targeted commercial beekeepers (two in Round Two and three in Round Three), although for the most part, these meetings were also open for hobby beekeepers to attend.

Māori beekeeping businesses

While the consultation process was open to all beekeepers to participate, specific efforts were undertaken to encourage Māori participation. The Agency was also committed to identify any potential negative effects of the proposed AFB Plan for Māori. These targeted consultation activities are described below.

- Extending invitations to five Māori beekeeping businesses to seek their views about any effects the proposed AFB Plan may have on Māori culture, traditions, lands, waters, sites, wāhi tapu, and taonga. These potential key informants were identified through the Agency's informal channels and approached to help the Agency identify any potential negative effects, benefits, or issues for Māori.¹ An invitation email, including discussion questions, were sent to the five beekeepers. This led to meetings with two of the invitees. From this process, no negative effects of the proposed Plan for Māori were identified.
- For the regional consultation meetings scheduled in Round Three, one was scheduled in Ruatoria, and one in Kaitaia. These locations were chosen to increase the opportunity for local Māori beekeepers to participate in the consultation process. In addition, the Agency

¹ Note there is no database of Māori beekeepers or beekeeping businesses.

was able to mobilise informal networks in these areas to help organise and promote the hui. These meetings were open to Māori and non-Māori beekeepers to attend.

- For the Consultation Round Three submission process, submitters were able to self-identify as a Māori beekeeping business. This category was added to the submission form to provide for a separate analysis of Māori perspectives on the proposed AFB Plan.

Māori landowners

Information about the AFB Plan and consultation process, and formal invitation letters to meet with the AFB Agency Board Chair, were extended to the following national organisations.

- Federation of Māori Authorities (FOMA), leaders in Māori economic development and the largest network of Māori Freehold landowners in Aotearoa New Zealand.
- Te Tumu Paeroa, support to the Māori Trustee, administrator of approximately one third of all Māori Land Trusts.
- Iwi Chairs Forum.

Diagnostic laboratories

Information about the AFB Plan and consultation process, and invitation letters to meet with the Agency, were sent to diagnostic laboratories. Letters were sent as part of the second and third consultation rounds and included advice about of the proposed requirement for laboratories to provide AFB test results to the Agency. The following diagnostic laboratories were sent letters:

- Analytica Laboratories
- dNature Diagnostic & Research Limited
- Gribbles Scientific
- Hill Laboratories
- MPI Wallaceville
- Plant and Food Research.

Peak bodies and national land-owning bodies

Information about the AFB Plan, and the consultation process, was provided to national peak industry bodies, regional councils, and government departments with significant land holdings. The organisations listed in Table 2 below were sent letters as part of the second and third consultation rounds and invited to make a submission.

Table 2. Organisations invited to make a submission

National peak industry bodies	Government departments	Regional Councils
Beef and Lamb New Zealand DairyNZ Ltd Deer Industry New Zealand Horticulture New Zealand NZ Apple & Pear Board Foundation for Arable Research Federated Farmers Forest Owners Association Kiwifruit Vine Health New Zealand Plant Producers Zespri International Limited	Department of Consultation Land Information New Zealand Landcare Research	Auckland Council Bay of Plenty Regional Council Environment Canterbury Environment Southland Gisborne Regional Council Greater Wellington Regional Council Hawkes Bay Regional Council Horizons Regional Council Marlborough District Council Northland Regional Council Otago Regional Council Taranaki Regional Council Tasman District Council West Coast Regional Council

3. Consultation Outcomes

Consultation Round One

Overview of preferences

Just over half (54%) of the 434 questionnaire submitters considered that no changes to legal obligations were required, and approximately 45% considered changes were required.²

The four commonly raised topics by submitters related to:

- surveillance and prevention (e.g., detecting non-compliance)
- enforcement and penalties (e.g., stronger enforcement and penalties)
- beekeeper commitment and practice (e.g., beekeepers to play their part, and more Agency support)
- training and education (e.g., increased awareness of AFB obligations and better training).

A summary of submitter feedback and the Agency’s response is described in Table 3. The detailed analysis of beekeeper submissions and the full Agency response can be found on the Agency’s website, <https://afb.org.nz/review-of-plan-order/>.

² There were 434 submissions and 414 of these were submitted using the consultation questionnaire (referred to as questionnaire submitters).

Summary of Round One Submission Feedback and Agency Response

A summary of the submission feedback and the Agency Response is shown in Table 3 below. The documents providing a full analysis of these submissions and the Agency response to these submissions are available on the Agency’s website: <https://afb.org.nz/review-of-plan-order/>.

Table 3. Summary of Round One submission feedback and AFB Agency response

Feedback	Response
Surveillance and prevention	
<ul style="list-style-type: none"> • Detect non-compliant beekeepers and beekeeping practices. • Unregistered beekeepers. • Unregistered apiaries. • Abandoned apiaries. • Target areas or AFB outbreaks. • Contact tracing / regulate beehive and equipment sales. • Increase AP2 apiary inspections. • Require honey testing for AFB spores. • Require honey test results to be provided to the Agency. 	<ul style="list-style-type: none"> • The Agency assesses all cases of suspected non-compliance reported to the Agency. • The Agency assesses all AFB notifications and targets areas with clusters of disease for inspection. • The Agency proposed beehive traceability is strengthened by: <ul style="list-style-type: none"> ○ a new rule requiring beekeepers to notify the Agency of beehive sales and purchases within 7 days of the transaction, and ○ amending the Annual Disease Return transfer of beehive ownership requirements to require notification of the Beekeeper Registration Number. • The Agency agreed that increasing the number of AP2 apiary inspections would enable more effective monitoring. However, increasing the number of apiary inspections requires more levy funding. • The Agency proposed a new plan rule requiring diagnostic laboratories to provide all AFB test results to the Agency. Improving the Agency’s access to AFB test results (including honey test results) will enhance its ability to monitor beekeepers AFB elimination performance and reduce the cost of honey surveillance.
Enforcement and penalties	
<p>Non-compliant beekeepers should be subject to tougher enforcement and penalties.</p> <ul style="list-style-type: none"> • Infringement fines. • Banning from beekeeping. • Cost recovery (for AFB Agency actions on default). • Increased levy rate for non-compliant beekeepers. 	<ul style="list-style-type: none"> • The Agency already has the power to give directions, act on default, and recover the costs of acting on default. The Agency proposed that it should also have the power to take actions to destroy AFB hives and prevent the spread of AFB. • The current AFB Plan enables imposition of the following penalties for non-compliance: <ul style="list-style-type: none"> ○ DECA cancellation ○ prosecution of offenses. • The Agency proposed that it should have the ability to impose infringement fines for the following offenses:

	<ul style="list-style-type: none"> ○ Failure to keep honey bees in moveable frame hives ○ Failure to register apiary ○ Failure to submit Annual Disease Return ○ Failure to complete Certificate of Inspection.
Beekeeper commitment and practice	
<ul style="list-style-type: none"> ● Beekeepers need to play their part and comply with AFB obligations. ● Vigilance and good beekeeping practices are vital. ● Some beekeepers flout the rules, are indifferent, or don't know about them. ● The AFB Agency can help through more support and engagement. 	<ul style="list-style-type: none"> ● Changing the culture of the beekeeping industry in a positive way is bigger than the AFB Agency. We all have important roles to play - all beekeepers, the AFB Agency, and beekeeper organisations and clubs.
Training and education	
<ul style="list-style-type: none"> ● Training to be mandatory. ● More education and information to be available. ● Improve training courses / materials. ● Courses to be free or lower cost. 	<ul style="list-style-type: none"> ● Pest management plans cannot compel people to complete training. But the AFB Plan can be amended to require: <ul style="list-style-type: none"> ○ completion of refresher training every 5 years to retain a DECA, and ○ beekeepers employed by a DECA holder to attend AFB recognition and refresher training as a condition of the DECA. ● The Agency is planning to review and update the AFB recognition course, including course promotion. ● The Agency proposes to develop online refresher training. ● It is more equitable to fund training courses through course fees than levies.

Consultation Round Two

Overview of preferences

The Agency proposed changes to strengthen education and training, surveillance and prevention, and enforcement powers and penalties based on consideration of the 342 submissions received in Round One. All the proposed changes were supported by at least 69% of questionnaire submitters.³

Most questionnaire submitters supported the proposed changes to strengthen education and training:

- 72% agreed with requiring beekeepers to complete AFB Refresher Training as a condition of retaining a DECA
- 79% agreed with requiring DECA holders to ensure their employee beekeepers complete and pass an AFB Recognition Course, as a condition of retaining their DECA
- 73% agreed with requiring DECA holders to ensure their employee beekeepers complete AFB Refresher Training, as a condition of retaining their DECA.

The most popular preference for the frequency of refresher training to retain a DECA was once every five years (38%) followed by once every three years (15%) and once every two years (14%). Ten percent of submitters considered that AFB refresher training should never be required to retain a DECA.

Most questionnaire submitters agreed with the proposed changes to enhance surveillance and prevention:

- 69% agreed with requiring diagnostic laboratories to provide all AFB test results to the Management Agency
- 72% agreed with requiring beekeepers to notify any transfers of beehive ownership within seven days
- 83% agreed with requiring beekeeper registration numbers when declaring beehive transfers, as part of an Annual Disease Return
- 78% agreed with AP2s having the authority to use detector dogs in the future.

Most questionnaire submitters agreed with the proposed changes to enhance enforcement and penalties:

- 89% agreed with the Management Agency having the power to destroy AFB infected hives and take actions to prevent the spread of AFB
- 69% agreed with the Management Agency having the authority to issue infringement fines for failure to keep honeybees in moveable frame hives
- 74% agreed with the Management Agency having the authority to issue infringement fines for failure to register an apiary
- 69% agreed with the Management Agency having the authority to issue infringement fines for failure to submit an Annual Disease Return (ADR)
- 70% agreed with the Management Agency having the authority to issue infringement fines for failure to complete a Certificate of Inspection (COI).

³ There were 342 submissions and 325 of these were submitted using the consultation questionnaire (referred to as questionnaire submitters). All the proposed changes were supported by at least 69% of questionnaire submitters.

A summary of submitters written feedback and the Agency’s response is described in Table 4. The detailed analysis of beekeeper submissions and the full Agency response can be found on the Agency’s website, <https://afb.org.nz/review-of-plan-order/>.

Summary of Round Two Submission Feedback and Agency Response

A summary of the submission feedback and the Agency Response is shown in Table 4 below. The documents providing a full analysis of Round Two submissions and the Agency response to these submissions are both available on the Agency’s website: <https://afb.org.nz/review-of-plan-order/>.

Table 4. Summary of Round Two submission feedback and AFB Agency response

Feedback	Response
Education and training	
<ul style="list-style-type: none"> • Training courses could be targeted to meet the needs of different groups of beekeepers. • Content, value, and accessibility of training could improve, including by providing on-line training. 	<p>The Agency agreed with submitters that:</p> <ul style="list-style-type: none"> • Training courses could be targeted to meet the needs of different groups of beekeepers. • Content, value, and accessibility of training could improve, including addition of online training. <p>As a result, the Agency undertook to improve AFB recognition and refresher training, including the addition of online training and the tailoring of training courses to meet the different needs of hobbyist and commercial beekeepers.</p>
Surveillance and prevention	
<ul style="list-style-type: none"> • Loss of privacy, costs, and misinterpretation of test results are potential risks. • Notifying transfers of beehive ownership within seven days is a tight time frame. • Requirement to provide registration numbers could be extended to other situations, and clarity is needed about requirements for new unregistered beekeepers. • Dog use will need to subject to clear guidelines and safeguards. They may be costly and unreliable, and a risk to livestock and pets. • Additional prevention and surveillance measures are needed, including independent inspections, hive movement controls, targeting high-risk and noncompliance, and cost-effective testing tools. 	<ul style="list-style-type: none"> • Not agreed. Privacy, costs, and interpretation of test result risks are negligible and easily mitigated. • Agreed. The proposed timeframe to notify transfers of beehive ownership should be increased to 14 days. • 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. • Agreed. Further research and implementation of appropriate protocols are required before detector dogs are deployed by the Agency. • Partially agreed. Independent verification that beekeepers are effectively inspecting their beehives is required. This is why the Agency is increasing beehive inspections, has implemented honey surveillance, and is proposing diagnostic laboratories provide AFB

	<p>test results to the Agency. Regular inspection and the destruction of beehives and materials associated with AFB is key to eliminating AFB. The imposition of movement controls, while helpful, would result in high compliance costs for affected beekeepers and levy payers.</p>
<p>Enforcement powers and penalties</p>	
<ul style="list-style-type: none"> • Powers to destroy infected hives need to be subject to clear and fair decision-making processes, with safeguards in place that prevent abuse and support beekeepers to destroy infected hives. • Offences are not all equally serious and need to be well defined. Fines are a last resort against beekeepers who keep breaking the rules. 	<ul style="list-style-type: none"> • Partially agreed. The 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 it is legally correct and consistent with the Plan Order prior to implementation. • Partially agreed. The Agency will provide greater clarity about the proposed use of infringement fines as part of the 3rd round of consultation.
<p>Over-arching concerns</p>	
<ul style="list-style-type: none"> • 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 fairly and carefully applied. • Clarity about the benefits, costs, and risks is needed. This includes advice about how these costs will be met, the impact on levies, and the impact on beekeepers who may struggle with increased costs. • Non-compliance is a key concern and there is a risk non-compliant beekeepers won’t be affected by the proposed changes. • The Pest Management Plan, its management, and the review process can improve. 	<ul style="list-style-type: none"> • Partially agreed: Proposed new requirements are designed to address compliance issues of concern to beekeepers. The Agency will continue to use good enforcement practices including communications. • Partially agreed. The cost benefit analysis for the AFB Plan will be presented as part of the 3rd round of consultation. There are no plans to amend the existing levy order. • Disagree. The proposed changes provide new powers and penalties to target non-compliant beekeepers. • Disagree. AFB elimination is achievable. 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. • The consultation process led by the Agency is consistent with best practices undertaken by other management agencies for their respective national pest management plans.

Consultation Round Three

The Agency developed the detailed proposed plan based on consideration of submissions received in the Round Two.

Overview of preferences

Most questionnaire submitters⁴ agreed with the proposed amendments and additional powers as shown in Tables 5 and 6 in the next pages.

⁴ There were 289 submissions and 280 of these were submitted using the consultation questionnaire (referred to as questionnaire submitters). All the proposed changes were supported by at least 56% of questionnaire submitters.

Table 5. Summary of questionnaire submitter support for proposed amendments to AFB Plan

New and amended rules	What was the proposed change?	Level of support for proposed change
Principal Measure 1: All beehive locations are notified as an apiary		
Prohibition on keeping bees in place other than an apiary	The requirement for beekeepers to register apiaries within 30 consecutive days of beehives being situated in that place remains unchanged. However, the penalty for breach of this rule will be an infringement fine of \$400 for an individual or \$800 for a corporation.	60% agreed 26% disagreed 14% neutral
Allocation of identification code	New beekeepers can apply for a beekeeper registration number before registering their first apiary. This will make it easier for the beekeeper that supplied them with the beehives to meet the new requirement to notify the transfer of beehives within 14 days.	83% agreed 6% disagreed 11% neutral
Principal Measure 2: All beehives are inspected at least once per year by a competent person		
Obligation to keep honey bees in moveable-frame hives	The requirement to keep bees in moveable frame hives to facilitate inspection for AFB remains unchanged. However, should beekeepers fail to keep bees in moveable frame hives after being directed to do so then The Management Agency may impose an infringement fine of \$400 for an individual person or \$800 for a corporation.	64% agreed 22% disagreed 14% neutral
Certificate of Inspection (COI)	The requirement for beekeepers without a COI Exemption to complete an annual COI remains. However, should beekeepers fail to complete a COI after being notified that they are in breach of your COI obligations the Management Agency may impose an infringement fine of \$400 for an individual or \$800 for a corporation.	59% agreed 25% disagreed 16% neutral
Principal Measure 4: All honey bees, bee products, and appliances associated with AFB are destroyed; and other actions are undertaken to prevent the spread of AFB		
Obligation of beekeeper to destroy honey bees and materials	The requirement to destroy all honey bees, bee products, and appliances associated with a case of AFB within 7 days remains unchanged. However, beekeepers that fail to comply with this requirement may be prosecuted for this offense.	77% agreed 11% disagreed 12% neutral

Principal Measure 5: Disease Elimination Conformity Agreement (DECA) holders eliminate AFB from their beehives		
Training of employee beekeepers	Employers are required to ensure that all employee beekeepers employed or contracted by them have passed a recognised AFB recognition course before the initiation of their employment or within 6 months of the initiation of their employment.	84% agreed 12% disagreed 4% neutral
	Employers are required to ensure that all employee beekeepers attend a recognised AFB refresher course once every 5 years.	76% agreed 13% disagreed 11% neutral
	Employers must keep the following employee beekeeper records for two years and make them available to The Management Agency within 7 days of receiving a request, their: <ul style="list-style-type: none"> • dates of employment • AFB training records. 	72% agreed 14% disagreed 14% neutral
Review of COI Exemption	Any DECA holder who does not complete a recognised AFB refresher course every 5 years may have their DECA cancelled.	57% agreed 27% disagreed 16% neutral
	Any DECA holder who does not ensure their employee beekeepers meet the new training requirements may have their DECA cancelled.	60% agreed 24% disagreed 17% neutral
Transitional provisions for Review of COI Exemption	DECA holders have two years to comply with the new AFB training requirements from the time the new AFB Plan takes effect.	71% agreed 16% disagreed 13% neutral

Principal Measure 6: The Management Agency monitors beekeeper compliance with their elimination obligations and undertakes enforcement actions when appropriate.		
Requirement for laboratories to provide all AFB test results	Persons in charge of diagnostic laboratories are required to provide The Management Agency with all AFB testing results and the contact details of the submitter and the beekeeper.	71% agreed 20% disagreed 9% neutral
Notification of beehive transfer	Beekeepers must notify The Management Agency of beehive transfers within 14 days of the transfer occurring.	73% agreed 15% disagreed 12% neutral
Annual Disease Return (ADR)	The requirement to submit an ADR by 1 June each year remains unchanged. However, beekeepers will now be required to provide beekeeper registration numbers when notifying beehive transfers.	82% agreed 8% disagreed 10% neutral
	Should a beekeeper fail to complete an ADR after being notified that they are in breach of their ADR obligations, then the penalty will be infringement fine of \$200 for an individual or \$400 for a corporation.	57% agreed 25% disagreed 18% neutral

Table 6. Summary of submitter support for proposed new powers

New power	What were the implications?	Level of support for proposed change
General powers	The Management Agency authorised persons can destroy beehives infected with AFB and take expedient actions to prevent the spread of AFB.	83% agreed 12% disagreed 5% neutral
Use of dogs and devices	The Management Agency authorised persons can use detectors dog to detect AFB in the future, should the scientific community confirm that the detectors dogs are effective.	78% agreed 10% disagreed 12% neutral

Summary of Round Three Submission Feedback and Agency Response

A summary of the submission feedback and the Agency Response is shown in Table 7 below. The documents providing a full analysis of Round Three submissions and the AFB Agency response to these submissions are available on the Agency’s website: <https://afb.org.nz/review-of-plan-order/>.

Table 7. Summary of Round Three submission feedback and AFB Agency response

Feedback	Response
Infringement fines	
<ul style="list-style-type: none"> • Imposing fines was heavy handed, ineffective, and expensive to administer. • The fine structure was not weighted properly. • Fines should be last resort. Education, good communication and warnings are required first. • An enforcement, complaints, and appeal process needed to be clearly outlined and put in place. 	<ul style="list-style-type: none"> • The Agency requires a cost-effective deterrent to non-compliance and has good reason to believe that infringement fines will be effective. • The Agency proposes to implement infringement fines as part of its current enforcement processes. Issuing an infringement fine will be no more expensive than the current practice of issuing notices to comply with plan rules. • The Agency has considered the seriousness of the offending and proposes higher fines for more serious offenses. • The Agency proposes to implement infringement fines according to the Ministry of Justice Policy Framework for new Infringement Schemes.
Training requirements	
<ul style="list-style-type: none"> • Training courses need to be better and be free, and the best training is provided in the field. • Training course attendance is an unreliable indicator of ability to detect AFB, and the ability or wiliness to act when AFB is found. • ‘Employees’ needs specifying as not all employees are involved in bee husbandry. • Employers are responsible for staff training and may offer better training than the Management Agency. • Experienced and commercial beekeepers should not have to attend refresher training. • DECAs should not be cancelled or used to require attendance at training courses. 	<ul style="list-style-type: none"> • Training is required to ensure that all beekeepers and their employees have the knowledge to recognise and eliminate AFB. • The Agency has recently revised the AFB recognition and refresher courses to improve learning outcomes for participants. The online refresher course is available free of charge. • The Agency agrees that field-based training is very valuable, and it encourages employers and clubs to provide field-based training to their employees and members. The intention of the new rule is to set a minimum training standard that all DECA holders and their employees are required to comply with. • Providing all AFB training free of charge would require the Agency to raise the levy to fund the courses. • The proposed definition of ‘employee beekeeper’ only includes employee’s responsible for bee husbandry.

	<ul style="list-style-type: none"> • A DECA is a legal agreement between a beekeeper and the Agency where the beekeeper agrees to eliminate AFB from their beehives using the AFB elimination procedures specified in the agreement. The Agency expects beekeepers, and their employee beekeepers responsible for bee husbandry, will be trained to ensure they have the knowledge required to effectively eliminate AFB from their beehives.
Laboratories to provide AFB test results	
<ul style="list-style-type: none"> • Laboratory results are private, commercially sensitive, and need to be protected. Results should only be provided with owner consent and/or if paid for by the Management Agency. Some beekeepers may be discouraged from testing. • Need for strict privacy protections for beekeeper information. Testing results must be protected, and safe data storage ensured. 	<ul style="list-style-type: none"> • Access to laboratory test results is required as part of a cost-effective solution to monitor compliance of 10,000 beekeepers owning 739,000 on 61,000 apiaries. Access to laboratory test results will complement honey surveillance and AP2 inspections. It will increase monitoring of beekeeper elimination to required levels without imposing a disproportionate increase in levy rates. • The Agency does not expect beekeepers will be discouraged from testing, as the Agency will regard laboratory test results as evidence of additional financial commitment by the beekeeper to find and eliminate AFB. • The Agency will securely store and protect the privacy of laboratory test results, as it already does with apiary and AFB notification information.
General powers	
<ul style="list-style-type: none"> • A clear decision-making process for authorising hive destructions is needed. • Hive destruction has serious impacts on owner livelihoods and owners must be involved. • Powers of authorised persons may be too far reaching. • Safeguards are needed to protect beekeepers rights, including complaints and appeals processes. 	<ul style="list-style-type: none"> • The policies for use of General powers will be set out in the operational plan and submitted to the Minister prior to implementation. • Conferment of General powers will be restricted to Operations Managers employed by the Management Agency and will not be conferred on AP2s. • The Ministry for Primary Industries has appropriate controls over authorised person warrant issuance and cancellation. • General Powers will only be used in circumstances where it is neither feasible nor practical to use the 'Power to give directions' to direct the beekeeper to destroy the beehives.

Dogs and devices	
<ul style="list-style-type: none"> • No need for this power. Dogs are unreliable and the detection of AFB by dogs should never be the basis for hive destruction. There are better methods such as qPCR testing. If used, AFB detection should always be confirmed by visual and/or laboratory testing. Dogs aren't always welcome. • Trained dogs may prove to be effective at detecting AFB. This proposal should include provision for both the dog and the dog handler to inspect hives. 	<ul style="list-style-type: none"> • The Agency agrees that currently there is insufficient evidence that detector dogs are effective. • Conferment of this power will provide the legal ability to use detector dogs should the scientific community confirm that they are effective during the term of the Plan Order. • The Agency agrees that detector dogs should not be used on certain properties at certain times, e.g., lambing season.

The Agency also heard feedback from diagnostic laboratories who, while supporting the proposed new requirement for laboratories to provide AFB test results, also highlighted challenges in modifying their Laboratory Information Management Systems to provide correct beekeeper information. The Agency considered this issue and decided that the proposed rule should be replaced with two rules as described in the next section below.

4. Finalisation of proposal

The Agency finalised its proposal to amend and extend the term of the Biosecurity (National American Foulbrood Pest Management Plan) Order 1998 based on consideration of submissions received in the Round Three Consultation.

The Agency decided to strengthen the AFB Plan by proceeding with all proposed amendments **except** for changes to the:

- proposed new rule requiring diagnostic laboratories to provide test results, and
- proposed different infringement fine penalties for individuals and corporations.

Changes to proposed new rule requiring diagnostic laboratories to provide test results

For the Round 3 consultation, the Agency proposed a new rule 'that diagnostic laboratories are required to provide the management agency with all AFB testing results and contact details for the submitter and beekeeper'. Although this proposal received 71% agreement from submitters, diagnostic laboratories highlighted that they would face high compliance costs to meet these rule requirements. In response, and with the support of the laboratories consulted, it is now proposed that the original proposal is redrafted into two separate rules:

- one rule specifying the obligations of sample submitters to identify samples submitted to laboratories for AFB testing, and
- one rule specifying the requirement for laboratories to provide AFB test results to the Agency.

Changes to proposed different infringement fines for individuals and corporations.

For the Round 3 consultation, the Agency proposed that a breach of four specified rules⁵ should incur an infringement fine, and that the penalty for corporations should be higher than for individuals. The proposed fines ranged from \$200-\$400 for individuals and \$400-\$800 for corporations. Although these proposals were agreed by most submitters, some sought clarification on the definition of a 'corporation' and the rationale for applying different fine amounts to individuals and corporations. In response, the Agency clarified the definition of a corporation used by the Biosecurity Act 1993. On review, the Agency considered this definition was too ambiguous to consistently differentiate between corporations and individuals for the purposes of imposing a fine.

As a result, the Agency now proposes that a fine should be the same for both individuals and corporations. The Agency is satisfied that this change will not significantly reduce its ability to deter corporations from non-compliance, as corporations will also be deterred by the Agency's ability to cancel Disease Elimination Conformity Agreements (DECAs) in response to non-compliance.

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⁵ Breaching the following four rules is proposed to be subject to an infringement fine: 'Prohibition on keeping bees in a place other than an apiary', 'Obligation to keep honeybees in moveable frame hives', 'Certificate of Inspection', and 'Annual Disease Return'.