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Tēnā koe

**Re: Submission on the Biosecurity Act Review**

Thank you for the opportunity to submit on the Biosecurity Act Review.

ApiNZ supports the need to modernise The Biosecurity Act which has been in place since 1993. The increasing number of biosecurity threats, the opening of more international trade and borders and increasing complexity of biosecurity issues highlight the importance of having an Act that is relevant and that can provide clear thinking and constructive guidance focused on delivering sustainability for all Apiculture Industry stakeholders in New Zealand.

ApiNZ has chosen to submit on proposals most relevant to the honey and bee sector within the Discussion Documents 2 to 6.

## DISCUSSION DOCUMENT 2 – SYSTEM-WIDE ISSUES:

### Purpose clause in the Biosecurity Act (p 4)

ApiNZ supports an overarching purpose clause in the Biosecurity Act to clarify purpose and role of the Act provided it helps achieve better biosecurity outcomes. ApiNZ supports the six areas identified below by MPI to be covered within a purpose clause:

- A statement about protection.
- A statement about giving effect to international agreements.
- Clarification that trade (both imports and exports) is facilitated.
- Reference to the system being operationally efficient in delivering biosecurity outcomes.
- Reference to environmental, economic, social, and cultural values so there is a legislative mandate to consider them in decision-making.
- Clarification that the Biosecurity Act is about effective management of biosecurity risks.

### Ministerial involvement in significant decisions (p6)

3.A: ApiNZ has qualified support for the Minister responsible for the Biosecurity Act having a ‘call-in’ power. This must be limited to issues of national significance, for example, foot and mouth disease, and must include criteria to guide this involvement. We would also expect that the technical guidance, including direct consultation and involvement from the impacted industry sector(s), would continue to underpin any response.

Regarding the criteria outlined in the review document we support the first two bullet points with the addition of food security, and recommend removing the third point and rewording the fourth as outlined below:

- The decision is likely to have significant environmental risk, national security risk, fiscal risk, trade risk, **risk to food security**, or risk to property rights.
- The decision is likely to pose significant risk to social and cultural values.
- ~~The decision is likely to involve issues that increase risk to, or complexity for, the liability of the Crown.~~ *Recommend remove as it is too broad*
- The decision is likely to involve issues that have the potential to seriously affect the ~~Crown's~~ reputation of New Zealand Inc. *Recommend remove Crown reputation and extend to New Zealand's reputation (not just the Crown)*

3.B: ApiNZ does not support vesting the Minister of the portfolio that the chief technical officer works in with a 'call-in' power. It is unlikely that Ministers of other portfolios will have the necessary knowledge of the biosecurity system, particularly in understanding the impacts of decision making. We support that Government paid panel of representatives with the necessary technical abilities, and elected by the Apiculture Industry, would be assigned to have 'call-in' power.

#### 4. **Enable local knowledge to inform or guide decision making in specific parts of Act. (p.10)**

In principle ApiNZ supports the view that local knowledge (for example, local iwi, or local producers) can be valuable in informing decision making in parts of the Act. However, we would not want to see this compromise the national biosecurity system, for example around the importation of risk goods, nor create unnecessary delays around the requirement to consult at a local level.

5. **Biometric information (p.11)** - ApiNZ understands the rationale for including biometric information for collection by MPI, noting that it lines up with existing practices in other related departments, for example Customs, and will streamline processing. ApiNZ supports this move on the basis that MPI will apply strict privacy conditions to give confidence that personal information will be managed safely and securely.

6. **Powers of arrest for obstruction during searches (p.14)** – ApiNZ supports the ability for a limited number of biosecurity inspectors to have the ability to arrest as a last resort, provided all relevant rules and regulations are promulgated widely and the reasons for compliance are understood and acceptable.

7. **Increase border fines for higher risk goods from overseas (p.19)** – ApiNZ supports this on the basis that imported honey (which is illegal in New Zealand) is a significant risk to our industry in introducing new diseases. Significant fines will act as an additional deterrent that helps to disincentive risk-taking by travellers coming into New Zealand. The cost of infringement would need to be well communicated and enforced. Importation of live bee material is currently also illegal but as far as we are aware, no person has been prosecuted for this historically when an infringement has occurred.

#### 8. **Regional council access to infringement offences for pest and pathway management plans (p.22)**

ApiNZ does not support regional councils administering infringements as there will be inconsistencies between management plans for different pests. There needs to be one nation-wide generic and consistent pest management plan to cover all biosecurity actions for that industry.

## 9. Enhancing compliance options for breach of a Controlled Area Notice (CAN) (p.25)

We can only endorse enhancing compliance options for breach of a CAN if the Apicultural Industry has been involved in specifying the rules and defining the rationale for a CAN in terms of transmission and spread of the pest/pathogen by managed pollinators and honey bee products.

10.11. **Stronger compliance options for places of first arrival (PoFA)** (p.28) – refer to our response in point 7.

**12. 13. Sentencing guidance into the Biosecurity Act and clarify arrest powers of police officers/biosecurity officers.** ApiNZ supports these in principle, as a last resort for those producers who deliberately fail to meet their obligations in relation to biosecurity threats despite plenty of opportunity and advice to do so.

## DISCUSSION DOCUMENT 3: FUNDING AND COMPENSATION PROPOSALS

The review proposes two options around review of cost-sharing under the GIA Deed with MPI wanting to revisit whether it is still appropriate for the Crown to always bear the default 20% exacerbator fee.

**14.A: Mandate a periodic review of the cost- shares in the GIA deed**  
**or**

**14.B - 14.B Set out a cost-share framework in legislation to guide cost-share arrangements with GIA**  
**(p.7)**

As we understand mandating periodic reviews of cost shares in the GIA Deed already has a place under Operational Agreements (OA). OA signatories can already agree to revised cost shares, as has happened in the past. In addition, the Deed's cost shares are only a guide. All signatories including (MPI as a signatory to all OAs) are already free to review cost shares.

We do not support a cost-share framework in legislation, we think this is a step too far and is inflexible. The Apicultural Industry could only be morally held accountable for biosecurity infringements and detrimental outcomes if the industry was responsible for the actions of all partners. This is clearly not the case. Also, a cost-share would remove the ability of partners to reach a negotiated outcome.

## Cost recovery from non-signatory beneficiaries

The review proposes two options in relation to cost recovery for those industry groups that do not belong to GIA. These are:

### **15.A Levy non-signatory beneficiaries (NSBs) to build an up-front fund**

**Or/**

### **15.B Levy NSBs after a response to recover costs. (pp.10-11)**

The discussion document notes that non-signatory GIA beneficiaries may not be incentivised to invest in managing biosecurity risk and may not be paying their share. These include at least 17 industry groups, including apiculture. Proposed options are to levy up-front to build a standing response fund (option 2) or to levy after a response to recover costs (option 3).

As outlined the apiculture sector is not a GIA signatory. However, ApiNZ is supportive of a GIA and remains committed to joining GIA longer term, as outlined in its New Zealand Honey Strategy <https://apinz.org.nz/the-honey-strategy/>.

We note that GIA already has a provision for recovery of costs from non-signatory beneficiaries, although we understand this is not generally applied.

The need for non-signatory beneficiaries to have an up-front fund is not realistic for our industry, particularly in the current environment. New Zealand's beekeeping sector is struggling, dealing with a significant honey supply demand imbalance, increased operating costs and a sluggish global economy affecting sales. The reality of an additional levy (whether paid up front or in response) is going to be challenging for a few years yet.

In addition, the apiculture sector *is* investing in managing a biosecurity risk. The industry manages the American FoulBrood Pest Management Plan and beekeepers pay a levy to wholly fund the implementation of the AFB Plan. An indirect effect of another levy on beekeepers could risk the affordability of the AFB levy.

Secondly the role of managed bees (honey bees, bumble bees, leafcutting bees) as key pollinators for the wider agriculture and horticulture sector, and a vector for transfer of diseases, mean our sector can both be affected by a new disease (e.g., Foot and Mouth) or spread a disease (e.g., Myrtle Rust spores).

This pollination role is largely unfunded by agriculture/horticulture to its full value to New Zealand, with the apiculture industry only receiving a small fraction of financial returns for this substantial contribution. Therefore, this could mean the apiculture industry is potentially facing considerable cost implications from recovery levies across the different response industries, but without the financial returns to fund the recovery risk. Our sector would need to be very clear on how this would work before considering any non-signatory levy payment scheme.

## Compensation

### Improvements to operation of the scheme

#### **16. Refining how non-compliance would make a person ineligible for compensation (p.16).**

ApiNZ agrees that improving biosecurity practices is a key focus area for strengthening the biosecurity system and that everyone has their part to play in preventing and managing biosecurity risk. However, we would need to be very clear on the protocols for understanding non-compliance in relation to best practice and in understanding the unique nature of the apiculture sector. For example, a good beekeeper will do all they can to ensure they are free of certain pests and diseases but factors outside their control can negate their efforts (for example, bees as vectors for diseases, other beekeeper behaviour).

#### **17. Enabling more detailed compensation entitlements and requirements via regulation (p.17).**

We understand this is to enable MPI, with partners, to develop schemes for specific sectors. For example, a schedule of livestock values. We can see the benefit of this in relation to the apiculture sector in providing clarity for beekeepers in advance of any new biosecurity outbreak. However, we would need to ensure that there was an ability to have a regular review of values around bee stock, hive equipment, crop values and volume, etc as these can vary year to year.

In addition, we would want to understand how compensation would work for an industry such as ours, where the biosecurity threat may come from another sector, but would still impact the bee sector.

#### **18. Removing restrictions on the ability to vary compensation and enable upfront payment of future losses that have not yet been incurred (p.18).**

We support this on the basis that it achieves its purpose in enabling faster payment and reduced claimant distress.

#### **19. Clarify the disputes process before moving to arbitration (p.19.)**

This aims to clarify the disputes process before moving to arbitration which we would support.

#### **20. Scope of losses that are compensable**

This section looks at how compensation would work in more detail, looking to remove and limit compensation, for example consequential losses. Currently most beekeepers do not insure their beekeeping operations, given the current economic conditions they face.

## **21.A & B Making excluding compensation for breaches of national pathway management plans and regional management plans optional, or align with section 162A of the Biosecurity Act (p.22)**

We refer to the response provided by the AFB Pest Management Agency as follows:

This proposal does not appear to directly affect NPMPs, however it is our view that compensation **not** be available in the event of non-compliance with a pest management plan. In the case of the AFB Pest Management plan, payment of compensation would result in levy payer funds being used to compensate beekeepers who by their action or inaction had allowed the level of AFB to increase in their beehives.

## DISCUSSION DOCUMENT 4. BORDER AND IMPORT PROPOSALS

ApiNZ has not provided a detailed response to this section, noting current law does not allow any imports of honey or other apicultural risk products into New Zealand which is fully supported by ApiNZ.

Overall, we support the initiatives in this section to tighten controls for cruise vessels, as it is another potential biosecurity risk as an entry point. We recognise the desire to introduce efficiencies, such as introducing authorised third-party operators to undertake verification activities at transitional facilities (Points 32 to 33), if these do not compromise the commitment to strict border control.

## DISCUSSION DOCUMENT 5: READINESS AND RESPONSE PROPOSALS

### **Development of the GIA (p.36)**

#### **36. & 37. Modify and grow the GIA and create one or more focussed cross industry organisations to build primary sector skill and resilience**

While ApiNZ is not a signatory of the GIA we believe it has grown to create an effective forum for partnership in readiness and response. We have seen, for example, a willingness for the GIA partners (particularly those involved in pollination) to engage with ApiNZ on a working productive engagement over time, understanding the funding constraints that currently exist in our sector.

#### **36. Modify and Grow the GIA with reference to the options below (p.5)**

- Extend the GIA to cover other areas such as long-term management
- Align response and pest-management levying provisions
- Create more than one Deed to cover different sectors
- Allow more formal roles for other participants such as regional councils
- For each potential biosecurity incursion category (e.g. horticultural pests versus honey bee pests), set up a formal and pre-determined response procedure, with staffed roles defined and filled to action a response, e.g. as we have in NZ for earthquakes and fire.

We do not see the need to broaden the Deed's scope, for example, extension into long term management. However, the transition to long-term management would benefit from refinement.

We also do not see the need to create more than one Deed, noting there is flexibility in the existing Deed, recognising the Crown as a partner across all arrangements and treating biosecurity as a unified concept.

We do see value in enabling key biosecurity participants, like Māori, regional councils, and other stakeholders, to actively engage in biosecurity readiness and response decision-making under GIA – if they meet requirements and bring associated funding.

### **37. Create one or more cross industry biosecurity organisations (p.6)**

This is based on the Australian model. Animal Health Australia and Plant Health Australia.

While there are some good learnings from the Australian model, it is essentially built around a federal structure and larger industry sectors which can see smaller sectors (like the apiculture sector) have less ability to influence outcomes. We understand this has been experienced at times by our counterparts in Australia.

New Zealand has the benefit of a single government and a smaller scale that allows more direct collaboration, making an intermediary body unnecessary. However, we would like to see greater flexibility with the GIA in how sectors like ours can be part of the GIA and benefit from collaboration with the sectors, while addressing our very real biosecurity concerns. In our view this is a win-win situation as it would also address the biosecurity risks that our industry (through bees) can create for other primary sector groups.

### **39. Change the decision-maker for a biosecurity emergency from the Governor-General to the Minister for Biosecurity (P.12)**

We believe this is a sensible change (it speeds up an emergency declaration) and matches what is used in Part 4 of the Civil Defence and Emergency Management Act 2022 to declare a state of national emergency.

### **Biosecurity Practices (P.14)**

**40. 41. 42** We understand that this seeks to improve 'on-farm' biosecurity planning and good practice, sending a clear expectation of good biosecurity practices both at legislative and non-legislative improvements levels.

While we support the need for producers to take responsibility for good practice, we do not believe that applying regulations is the answer. This is simply another compliance and administrative cost. We would rather see effort made around improved education and information.

This extends to point 42 – adding provision to the Act to enable greater use of the risk-based regulatory model (RMPs) for biosecurity.

## DISCUSSION DOCUMENT 6: LONG TERM MANAGEMENT

Apiculture New Zealand is the management agency for the American Foulbrood Pest Management Agency (AFB PMP). For that reason, we want it noted that our views in Discussion Document 6 align with the Agency submission which has been submitted separately.

### About Apiculture New Zealand

Apiculture New Zealand (ApiNZ) is the national body representing the apiculture industry in New Zealand. It covers the full range of sectors, from hobbyist and commercial beekeepers to honey exporters, packers and suppliers. ApiNZ aims to support and deliver benefits to the New Zealand apiculture industry by supporting a thriving long-term future for New Zealand honeybee products and services, including having a strong bee health and biosecurity position.

Ngā mihi nui



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