

REGULATORY SUPPORT FOR IMPLEMENTING THE AUSTRALIAN HONEY BEE INDUSTRY BIOSECURITY CODE OF PRACTICE

A DISCUSSION PAPER ON PROPOSALS TO AMEND THE
LIVESTOCK REGULATIONS 2013 TO SUPPORT THE
CODE

MARCH 2017

INTRODUCTION

Premium food and wine produced in our clean environment and exported to the world is one of ten economic priorities for the South Australian Government.

The apiary industry plays an essential role in agriculture in South Australia. Honey production contributes about \$14m to the economy, while the value of pollination services has been estimated at \$600m.

Biosecurity SA minimises risks from priority pests and diseases through effective and efficient prevention, preparedness, response and management with our industry, community and government partners.

In July 2016 the Australian Honey Bee Industry Council endorsed the Australian Honey Bee Industry Biosecurity Code of Practice (hereafter the 'Code').

The South Australian apiary industry is to be commended for its lead in both initiating a biosecurity Code of Practice and supporting its implementation; from its inception as a proposed SA based code in 2013 under the former Honeybee Industry Strategic Plan Implementation Committee, to the current national Australian Honey Bee Industry Biosecurity Code of Practice.

<http://beeaware.org.au/code-of-practice/>

Many elements of the Code are already current requirements under the *Livestock Act 1997* and the *Livestock Regulations 2013* (see summary of existing legislation table).

<https://www.legislation.sa.gov.au/LZ/C/A/LIVESTOCK%20ACT%201997.aspx>

<https://www.legislation.sa.gov.au/LZ/C/R/LIVESTOCK%20REGULATIONS%202013.aspx>

This discussion paper is the next step in supporting the implementation of the Code, and proposes some amendments to the *Livestock Regulations 2013* in order to ensure that elements identified by industry as being essential for managing honeybee biosecurity become mandatory requirements.

The purpose of this document is to provide an overview of these amendments and to invite public comment on the suitability of the amendments to achieve their stated aim. It has been structured to facilitate cross-reference to the Code.

How to make a Submission

Submissions, which must be in writing, should be addressed to the **Honey Bee Industry Biosecurity Code of Practice Review** and either:

Posted to: Honey Bee Industry Biosecurity Code of Practice Review
Biosecurity SA
GPO Box 1671
Adelaide SA 5001

or emailed to: john.kassebaum@sa.gov.au
or at www.yoursay.sa.gov.au/decisions/yoursay-engagements-honey-bee-regulation

Submissions will be accepted up to 5.00pm on Friday 28 April 2017.

Questions or comments about the review can be directed to John Kassebaum, Principal Policy Officer, Biosecurity SA by telephone (08 8207 7962) or email john.kassebaum@sa.gov.au

CURRENT BEEKEEPING REGULATION IN SOUTH AUSTRALIA

The *Livestock Act 1997* and associated *Livestock Regulations 2013* define bees kept in hives of the genus *Apis*, including the European Honeybee (hereafter termed bees), as livestock.

The Act is administered by Biosecurity SA (a Division of PIRSA).

The *Livestock Act 1997* applies to all livestock producers, to prevent pests and diseases from establishing and spreading. As livestock owners, beekeepers are legally responsible for the management of their apiaries in compliance with this legislation.

Beekeepers must be registered so that in the event of the detection of a notifiable condition (particularly the detection of an exotic pest or disease), effective disease control measures can be established.

It is a legal requirement for beekeepers, who know or have reason to suspect that their bees are affected by a *notifiable condition*, to report this to an inspector.

Failure to report the suspicion or occurrence, or failing to control any of these pests or diseases in bees, is an offence under the Act and may result in compliance action being taken (warning letter, expiation or prosecution).

The current Regulations apply specific requirements for beekeepers to manage endemic and exotic disease risks, including the following:

- Beekeepers must be registered and renew their registration annually.
- The Chief Inspector of Stock can require a beekeeper to provide either a composite honey sample for testing for American foulbrood (AFB) or the results of a recent AFB test carried out in the past 6 months on the beekeeper's hives. For the purposes of AFB detection and control the Chief Inspector of Stock through Biosecurity SA requires the results of an annual honey test for AFB from all apiarists who manage 20 or more hives.
- Specific details on the construction of bee hives.
- All hives must be identified with an identification code allocated to the beekeeper.
- Hives and appliances must not be exposed in a manner or under conditions likely to attract robber bees.
- Hives must not be abandoned or neglected. This can involve:
 - Failure to examine hives for pests and diseases;
 - Inadequate access to water;
 - A significant infestation with wax moth;
 - A significant number of dead hives;
 - Hives or parts hives so exposed as to be attractive to robber bees.

NATIONAL CODE OF PRACTICE

The honey bee industry has for the past three years been working on the Australian Honey Bee Industry Biosecurity Code of Practice (the Code) with Plant Health Australia.

The objectives of the Code are to:

- Increase productivity in the Australian honey bee industry by improving the general level of pest and disease control by Australian beekeepers;
- Assist beekeepers in recognising exotic pests and diseases of bees and preparing for an exotic or emerging disease response;

- Ensure beekeepers conduct regular surveillance for the presence of notifiable exotic and endemic pests and diseases;
- Assist in the management of significant endemic diseases of bees, particularly American Foulbrood (AFB);
- Facilitate the cross-border movement of bees through adoption of a single national code for biosecurity practices.

These objectives are to ensure the future viability and sustainability of the Australian honey bee industry.

The Code was endorsed by the Australian Honey Bee Industry Council in July 2016.

BACKGROUND ON THE DEVELOPMENT OF THE NATIONAL CODE OF PRACTICE

The SA beekeeping industry has worked for many years on developing an endemic disease control program for SA. This has involved many government/ industry committees over the years.

In 2011-12 the Apiary Industry Advisory Group (AIAG) began developing a SA Code of Practice (CoP) for endemic disease control. This group worked tirelessly to produce a draft Code of Practice ready to go out for public consultation in late 2013. This draft was put on hold at the request of the national peak body with the ambition of developing a national program.

Subsequently, the Australian Honey Bee Industry Council (AHBIC) picked up the SA CoP and took it with a national approach to the states and territories. A National AFB workshop was held in Canberra in March 2013. This workshop resulted in commitments from Governments and Industry to develop a National Bee Biosecurity Program. This program would not only focus on endemic disease control but also go further in addressing a range of bee biosecurity issues. The program was to be underpinned by a National Bee Biosecurity Code of Practice and which included the appointment of Bee Biosecurity officers in each state.

In 2014 AHBIC consulted with industry to raise levy funds to support the National Bee Biosecurity Program. This was supported by the majority of industry and came into effect on the 1st July 2015.

With a financial pathway, AHBIC also worked on the development of the National Bee Biosecurity Code of Practice and undertook extensive industry consultation. The Code of Practice was given a vote of support in each state and was nationally endorsed in July 2016.

The National Bee Biosecurity Program and Code of Practice are now being implemented in each state and will give consistent bee biosecurity measures throughout the country.

In SA the position of Bee Biosecurity Officer has been developed and a state advisory committee was set up in 2016 to give state based input to the program.

To achieve an effective implementation of the National Code of Practice in SA, we need to amend some legislation. The majority of the code is already covered under our current state Livestock Act. However, in order to achieve national consistency minor amendments to the Livestock Regulations 2013 are required.

The following Discussion Paper presents the proposed changes that need to be made to the existing legislation. This is not a discussion on the approval, disapproval or content of the Code of Practice, as this consultation has been conducted and concluded with the endorsement of the CoP. This discussion paper is about informing you, and providing you an opportunity to comment, about the proposed legislative amendments to support the CoP.

*Ian Zadow
Former Chairman
Australian Honey Bee Industry Council Inc*

*Danny Le Feuvre
Chairman
Apiary Alliance SA*

THE PROPOSED APPROACH

It is proposed that the *Livestock Regulations 2013* will be amended to underpin key elements of the Code. However, the proposed amendments will not include a specific offence for not complying with the Code.

1. Knowledge of notifiable conditions

It is proposed to provide information on identifying notifiable conditions at registration and re-registration.

Section 27 of the *Livestock Act 1997* currently requires beekeepers to report known or suspected notifiable conditions. Knowledge of notifiable conditions is presumed.

Current notifiable conditions are:

- American Foulbrood *Paenibacillus larvae*,
- European Foulbrood *Melissococcus plutonis*,
- Tracheal mite *Acarapis woodi*,
- Acute bee paralysis,
- Africanised honey bee,
- Asian honey bee,
- *Braula coeca*,
- *Tropilaelaps clareae*,
- *Varroa destructor*,
- *Varroa jacobsoni*.

Beekeepers are required to register annually. Biosecurity SA intends implementing an online beekeeper registration system in 2017. It is proposed that the registration process will incorporate a website link to information on notifiable conditions, providing a simple and effective method of imparting this necessary knowledge.

Acknowledgement that this information has been acquired will be required to complete the registration/re-registration process.

This proposal supports the following section of the Code; Section 2.2 - Beekeepers must have knowledge of the pests and diseases that are notifiable conditions in the state or territory where their hives are located.

Do you support the provision of current information on notifiable conditions to beekeepers as part of the annual registration process? Yes or no? If no, please explain why.

2. Pest and Disease Management Knowledge

It is proposed to amend the *Livestock Regulations 2013* to require completion of a pest and disease management course approved by the Chief Inspector for beekeepers with 50 or more hives.

Beekeepers who are currently registered will have 12 months from their next registration date to comply. When an unregistered person acquires bees and seeks registration, they will have 12 months from their initial registration date to comply.

Evidence of completion of a course approved by the Chief Inspector must be provided to fulfil this requirement.

Proposed maximum penalty: \$5000. Proposed expiation fee \$315.

Beekeepers with 50 or more hives frequently move their hives between honey flows and they may also undertake pollination services. This increases the risk of hives becoming infected with pests and diseases and/or spreading them to other apiaries, imposing greater responsibility to control pests and diseases.

Plant Health Australia is currently developing an online course 'Biosecurity for Beekeepers' to support the Australian Honey Bee Industry Code of Practice, funded by the Australian Honey Bee Industry Council.

This course will be at no charge to beekeepers in Australia with 50 or more hives and will take approximately 2 hours to complete in a single or in multiple sessions.

The course is expected to become available in the first quarter of 2017, and will meet the training requirements under the Code.

The course 'Biosecurity for Beekeepers' is an example of a course that the Chief Inspector may consider for approval under this proposal. Other courses that meet the specified criteria may also be approved by the Chief Inspector.

This proposal supports the following section of the Code; Section 9 - Beekeepers must demonstrate a minimum level of knowledge of pest and disease identification and management.

Do you support the requirement for completion of a pest and disease management course approved by the Chief Inspector by beekeepers with 50 or more hives? Yes or no? If no, please explain why.

3. Record Keeping

It is proposed to amend the *Livestock Regulations 2013* to require all beekeepers to maintain records of biosecurity related actions and observations.

The beekeeper must:

- Make a record in a manner and form approved by the Chief Inspector; and
- Keep the record for a period of 2 years from the date of the making of the record; and
- Keep the record readily accessible for inspection on request by an authorised officer.

The purpose of this new regulation is to ensure all beekeepers keep appropriate records to validate compliance with best practice and identify problems that need to be addressed.

Proposed maximum penalty \$2 500. Proposed expiation fee \$210.

To comply with this regulation, all beekeepers must keep legible records of the following biosecurity management practices:

- The dates of all of their apiary inspections and observations from these inspections including an assessment of the overall strength of hives, and details of notifiable pests or diseases found in the hives and the method used to detect them.
- Details of all actions they have taken to manage notifiable pests or diseases including;
 - Details of sampling method, date(s) of collection, testing body and the results of all honey tests or other independent assessments for the presence of American foulbrood;
 - Details of movements of hives (including swarm catch boxes) including dates, numbers, geographic locations;
 - Details of introductions of any bees and used hives or hive components (with or without bees) from external sources including the date of introduction and the supplier or source; and
 - Details of biosecurity-related training by the beekeeper.

How these records are kept will be up to the user, however records must be:

- Paper-based or electronic; and
- Retained for a minimum of 2 years.

There are a number of quality assurance (QA) programs currently in use by beekeepers. These will need to be assessed as to whether they meet the minimum record standards above to be able to be approved by the Chief Inspector. Grace periods will be considered if appropriate.

Those beekeepers not in a QA program will need to individually assess their records against the legislation and keep records of biosecurity related management practices they undertake.

Plant Health Australia is currently developing suitable templates. The industry owned B-Qual program is also currently developing suitable templates, and is an example of a QA program with a biosecurity component that the Chief Inspector may consider for approval under this proposal.

This proposal supports the following section of the Code; Section 5 - Beekeepers Must Maintain Records of Biosecurity-related Actions and Observations.

Should beekeepers be required to keep records of biosecurity related actions and observations? Yes or no? If no, please explain why.

4. Hives must be appropriately constructed.

It is proposed to amend Regulation 11 of the *Livestock Regulations 2013* – 'Bees must be kept in a frame hive' by removing the specific requirement for a frame hive and replacing it with the requirement that the bees must be kept in a type of hive including frame hives authorised by the Chief Inspector.

Proposed maximum penalty \$5 000. Proposed expiation fee \$315.

The proposal for authorisation of a hive type by the Chief Inspector provides flexibility to recognise new hive types that meet the key criteria, in a timely and efficient way.

The following two criteria **would be added to existing requirements** for consideration by the Chief Inspector in authorising hive types:

- Each hive (including swarm catch boxes) must be manufactured and maintained so as to have intact external surfaces with bee access only permitted via specifically designed and manufactured access points.
- A hive placed for the purpose of catching bee swarms (a swarm catch box) must only contain foundation. Frames already drawn or that contain brood, honey or pollen are not permitted.

This proposal supports two elements of the Code; Section 6 - Hives Must be Appropriately Constructed and Branded.

Do you support the proposal that bees must be kept in a type of hive authorised by the Chief Inspector? Yes or no? If no, explain why.

5. Hive Identification Code

It is proposed to amend Regulation 9 of the *Livestock Regulations 2013 - Hive Identification*, by requiring the beekeeper to mark a hive placed for the purpose of catching bee swarms (swarm catch box) with the beekeeper's hive identification code, and if not on the property where the beekeeper normally resides must also be identified with the beekeeper's name (or company name) and a contact telephone number, in characters at least 25 mm in height.

This proposal supports the following section of the Code; Section 6 - Hives Must be Appropriately Constructed and Branded.

Do you support the proposal to require the identification of hives as proposed for the purpose of catching swarms as described? Yes or no? If no, explain why.

The minimum height of each character of the beekeeper's name (or company name) and a contact telephone number, in characters at least 25 mm in height. Currently Regulation 9 of the *Livestock Regulations 2013 – Hive identification (2)* requires each character of the hive identification code to be 30 millimetres high.

Should the minimum height for the hive identification code characters be reduced to 25mm?

NB Under this proposal hive identification code characters 30mm high are still acceptable.

This proposal supports the following section of the Code; Section 6 - Hives Must be Appropriately Constructed and Branded.

6. Access to Water.

Under the *Livestock Regulations 2013*, adequate access to water which is more than 200 metres of a hive in an apiary is one of four criteria used to characterize neglect. The other criteria are infestation of hives with wax moth, the number of dead hives and exposure of hives that is likely to attract robber bees. Any three of these criteria taken together constitute neglect.

The Code specifically requires, as a stand-alone requirement, that a beekeeper ensures that bees under their care have access to water within 200 metres, which is suitable to sustain the bees.

Should adequate access to water be a stand-alone requirement as per the Code or is the existing regulation sufficient?

7. Identification of Apiary Sites

In the Code it is recommended but not mandated that apiary sites should be identified.

"All occupied apiary sites, not on the beekeeper's normal place of residence, should be identified by a clearly visible notice legibly showing the beekeeper's name (or company name) and a contact telephone number in lettering no less than 25mm high."

This will enable the beekeeper to be quickly contacted in the event of potential threats such as proposed pesticide application nearby, spray drift, a natural disaster (e.g. bushfire) or an exotic disease.

Should the name and telephone number of beekeepers who have apiary sites not on the beekeeper's normal residence be made mandatory?

Summary of existing legislation supporting or broadly consistent with the Code

<i>Biosecurity Code Element</i>	<i>Legislation Element</i>
<ul style="list-style-type: none"> • Beekeepers must be registered. 	Section 17 of the <i>Livestock Act 1997</i> requires beekeepers to be registered.
<ul style="list-style-type: none"> • Beekeepers must report notifiable diseases. 	Section 27 of the <i>Livestock Act 1997</i> requires beekeepers to report known or suspected notifiable conditions. Knowledge of notifiable conditions is presumed. <i>Proposal 1 facilitates acquiring knowledge of notifiable conditions.</i>
<ul style="list-style-type: none"> • Hives must be regularly inspected for pests and diseases. 	Regulation 13 of the <i>Livestock Regulations 2013</i> - Abandonment and neglect of hives - includes hives not examined for the presence of disease at least once in each 6 month period.
<ul style="list-style-type: none"> • Beekeepers must control or eradicate pests and diseases and must manage weak hives. • AFB specific requirements. 	Section 27 of the <i>Livestock Act 1997</i> requires beekeepers to take all reasonable measures to control or eradicate a notifiable condition. AFB is a notifiable condition.
<ul style="list-style-type: none"> • Beekeepers must maintain records of biosecurity related actions and observations. 	<i>Not a current requirement. Proposal 3 addresses this element.</i>
<ul style="list-style-type: none"> • Hives must be appropriately constructed and branded. 	Regulation 11 of the <i>Livestock Regulations 2013</i> - Bees must be kept in a frame hive. Regulation 9 of the <i>Livestock Regulations 2013</i> Hive identification <i>Proposals 4 and 5 add flexibility.</i>
<ul style="list-style-type: none"> • Beekeepers must not allow hives, or appliances to become exposed or neglected. • Water must be provided. 	Regulations 12 and 13 of the <i>Livestock Regulations 2013</i> - Exposure of hive or bee products and Abandonment and neglect of hives. Access to water is only one component of neglect.
<ul style="list-style-type: none"> • Beekeepers must allow their operation to be assessed. 	Section 34 of the <i>Livestock Act 1997</i> - Investigation by inspector.
<ul style="list-style-type: none"> • Beekeepers (50 or more hives) must demonstrate a minimum level of knowledge of pest and disease identification and management. 	Section 27 of the <i>Livestock Act 1997</i> requires beekeepers to report known or suspected notifiable conditions. Knowledge of notifiable conditions is presumed. <i>Not a current requirement. Proposal 2 addresses this element.</i>
<ul style="list-style-type: none"> • Beekeepers (50 or more hives) must have honey tested annually for American Foul Brood. 	Regulation 10 of the <i>Livestock Regulations 2013</i> requires annual honey testing for American Foul Brood.
<ul style="list-style-type: none"> • Additional information beekeepers (50 or more hives) must provide annually; <ol style="list-style-type: none"> a. Honey test result; b. Demonstrate knowledge. 	Regulation 10 of the <i>Livestock Regulations 2013</i> requires results of annual honey testing for American Foul Brood be provided to the Chief Inspector. This currently applies to beekeepers with 20 or more hives. <i>Proposal 2 addresses demonstration of knowledge of pest and disease management.</i>