



Biosecurity (National (South Island) Varroa Pest Management Strategy) Order 2005

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 14th day of February 2005

Present:

Her Excellency the Governor-General in Council

Pursuant to section 68 of the Biosecurity Act 1993, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, and on the recommendation of the Minister of Agriculture (made after satisfying the requirements of section 69 of that Act), makes the following order.

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Order

- 1 Title**
This order is the Biosecurity (National (South Island) Varroa Pest Management Strategy) Order 2005.

2 Commencement

This order comes into force on the day after the date of its notification in the *Gazette*.

3 National (South Island) Varroa Pest Management Strategy

This order makes the strategy set out in the Schedule.

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Schedule
National (South Island) Varroa Pest
Management Strategy

1 Objective and principal measures of strategy

The objective of this strategy is to prevent varroa establishing in the South Island by implementing the following principal measures:

- (a) movement controls throughout New Zealand for bees, beehives, bee products, and equipment:
- (b) information programmes throughout New Zealand on varroa to encourage compliance with this strategy:
- (c) a varroa surveillance programme in the South Island.

2 Term of strategy

Unless earlier revoked, this strategy expires 10 years after the commencement of this order.

3 Interpretation

In this strategy, unless the context otherwise requires,—

1998 Order means the Biosecurity (National American Foulbrood Pest Management Strategy) Order 1998

1998 register means the register kept by the NBA in accordance with clause 23 of the 1998 Order

Act means the Biosecurity Act 1993

apiary—

- (a) for the purposes of clause 10, means—
 - (i) a place notified as an apiary under clause 16; and
 - (ii) an apiary that is included in the 1998 register; and

- (b) for the purposes of clauses 11, 12(3) and 13(2), means an apiary that is included in the 1998 register; and
- (c) for the purposes of this strategy (other than clauses 10, 11, 12(3) and 13(2)), means a place notified as an apiary under clause 16

authorised person means a person appointed under section 103(1)(b) of the Act for the purposes of this strategy

bee means the honey bee (*Apis mellifera*), including its eggs, larvae, pupae, and semen

bee colony means a group of bees living in a beehive

bee product—

- (a) means beeswax, honey, honeydew honey, pollen, propolis, royal jelly, or venom; and
- (b) includes any other product collected by bees, derived from bees, or derived from a bee product

beehive—

- (a) means a thing constructed and being used to keep bees; and
- (b) includes a nucleus colony; but
- (c) does not include an introduction cage, a mailing cage, or a package bee container

beekeeper means a person who is the owner of 1 or more beehives that are situated in the South Island

equipment means any beehive, comb, extractor, or other object that is being or has been used in connection with beekeeping

honey means the fluid, viscous, or crystallised substance produced by bees from the nectar of blossoms or from secretions of, or on, living parts of plants (other than blossoms), that bees collect, transform, or combine with substances of their own and store in combs

honey production site means a place where bees are situated for the purpose of producing honey or bee products

identification code means the identification code recognised or allocated by VAI under clause 18

introduction cage means a cage used for introducing a queen bee to a beehive

mailing cage means a cage used for transporting a queen bee and her attendant worker bees

management agency has the same meaning as in section 2(1) of the Act

NBA means the National Beekeepers Association of New Zealand Incorporated

nucleus colony means a beehive—

- (a) that has smaller dimensions than a standard beehive; and
- (b) that is normally used to establish new bee colonies and produce queen bees

owner, in relation to a beehive, means any 1 or more of the following:

- (a) an individual who owns a beehive;
- (b) 2 or more individuals who own a beehive;
- (c) a corporation sole, a body corporate, or an unincorporated body that owns a beehive

package bees means worker bees that are—

- (a) enclosed in a container for transport; and
- (b) intended to be used for establishing a new bee colony or increasing the population of an existing bee colony

pollination site means a place where bees are situated for the purpose of pollinating plants

South Island—

- (a) means the land commonly known as the “South Island” of New Zealand; and
- (b) includes Stewart Island

VAI means the incorporated society known on the commencement of this strategy as the Varroa Agency Incorporated

varroa means the organism *Varroa destructor*.

4 Pest

Varroa is the pest to be managed in accordance with this strategy.

5 Management agency

The management agency responsible for implementing this strategy is VAI.

6 Powers to implement strategy

- (1) VAI may exercise the powers conferred on a management agency under sections 128 and 131 of the Act to implement this strategy.
- (2) An authorised person may exercise the powers conferred on an authorised person under sections 106, 109, 114, 121, 121A, and 122 of the Act to implement this strategy.

Strategy rules

7 Clauses 8 to 21 contain strategy rules

Clauses 8 to 21 contain the strategy rules.

General obligations

8 Obligation to provide information in relation to varroa

- (1) An authorised person may require a person to provide information held by that person that the authorised person believes, on reasonable grounds, is necessary for—
 - (a) monitoring the presence of bees or varroa in the South Island; or
 - (b) preventing varroa establishing in the South Island.
- (2) A person required to provide information must provide it within the time specified by the authorised person.
- (3) A breach of this rule, without reasonable excuse, is an offence under section 154(q) of the Act.

9 Obligation to provide assistance

- (1) An authorised person may require a person to provide reasonable assistance to enable the authorised person—
 - (a) to locate and access bees, bee products, beehives, or equipment;
 - (b) to inspect, observe, test, or treat bees, bee products, beehives, or equipment.
- (2) An authorised person may act under subclause (1) only for the purpose of—

- (a) monitoring the presence of bees or varroa in the South Island; or
 - (b) preventing varroa establishing in the South Island.
- (3) A breach of this rule, without reasonable excuse, is an offence under section 154(q) of the Act.

Obligation of beekeepers to keep records

10 Obligation to keep records

- (1) A beekeeper must keep records of—
- (a) the disposition, within the South Island, by the beekeeper of any bees or beehives owned by the beekeeper; and
 - (b) the moving, within the South Island, of any beehive owned by the beekeeper between apiaries, honey production sites, and pollination sites.
- (2) A beekeeper must retain the records for a period of 3 years after the close of each year to which the records relate.
- (3) A breach of this rule, without reasonable excuse, is an offence under section 154(q) of the Act.

Obligation of NBA

11 Obligation to allow VAI access to 1998 register

- (1) NBA must allow VAI access, from time to time, to the information in the 1998 register that relates to apiaries in the South Island.
- (2) Without limiting subclause (1), NBA must allow VAI access to the following information—
- (a) in relation to each apiary:
 - (i) the full name and address of the beekeeper or, as the case may be, beekeepers with beehives at the apiary:
 - (ii) the number of bee colonies at the apiary:
 - (iii) the surname and initial of the occupier of the place where the apiary is situated:
 - (iv) the road name (if any) and address of the place where the apiary is situated:
 - (v) a written description of the location of the apiary, including a Land Information New Zealand Topographic Map 260 Series grid reference; and

- (b) in relation to each beekeeper, the information required under clause 27(2)(c) of the 1998 Order.

VAI must establish register in certain circumstances

12 VAI must establish register in certain circumstances

- (1) This clause applies if the 1998 Order—
 - (a) expires or is revoked; and
 - (b) is not renewed by an Order in Council requiring the NBA to keep a register containing at least the same information as required by clause 23 of the 1998 Order.
- (2) If subclause (1) applies, VAI must establish and keep a register.
- (3) The register must include—
 - (a) the information contained in the 1998 register (as at the date immediately before the 1998 Order expires or is revoked) that relates, for the purposes of this strategy, to apiaries in the South Island; and
 - (b) the information received by VAI under clauses 16, 17, and 21 of this order.
- (4) VAI may from time to time amend or delete any entry in the register.

13 VAI may establish register

- (1) Despite clause 12, VAI may, at any time, establish a register.
- (2) The register must include—
 - (a) the information contained in the 1998 register (as at the date immediately before the register is established under this clause) that relates, for the purposes of this strategy, to apiaries in the South Island; and
 - (b) the information received by VAI under clauses 16, 17, and 21 of this order.
- (3) VAI may from time to time amend or delete any entry in the register.

*Obligations of beekeepers in relation to notification of places
as apiaries*

14 Application of clauses 15 to 21

The obligations imposed by clauses 15 to 21 apply only—

- (a) if VAI establishes a register under clause 12 or clause 13; and
- (b) in relation to the beehives owned by a beekeeper that are situated in the South Island.

15 Prohibition on keeping bees in place other than apiary

- (1) A beekeeper must not permit any beehive owned by the beekeeper to be situated in a place for more than 30 consecutive days unless the place is notified to VAI as an apiary under clause 16.
- (2) A breach of this rule, without reasonable excuse, is an offence under section 154(q) of the Act.

16 Beekeeper must notify place as apiary

- (1) A beekeeper must notify a place as an apiary to VAI if—
 - (a) a beehive, or a group of beehives, owned by the beekeeper is situated at the place; and
 - (b) in the case of a group of beehives, each beehive within the group is situated 200 m or less from another beehive owned by the beekeeper.
- (2) A place must be notified as an apiary by each beekeeper who owns 1 or more beehives that are situated at the place.
- (3) Notification must be in writing and must include the following information:
 - (a) the full name and address of the beekeeper;
 - (b) the number of bee colonies in each apiary owned by the beekeeper;
 - (c) the surname and initial of the occupier of the place where each apiary is situated;
 - (d) the road name (if any) and address of the place where each apiary is situated;
 - (e) a description of the location of each apiary that includes—
 - (i) a Land Information New Zealand Topographic Map 260 Series grid reference; or

- (ii) a geographical information system reference that gives a geographic location for the purpose of query, analysis, and the generation of maps and reports.
- (4) A breach of this rule, without reasonable excuse, is an offence under section 154(q) of the Act.

17 Place ceases to be apiary

- (1) A beekeeper must notify VAI in writing, within 30 days of ceasing to use a place as an apiary,—
- (a) that the beekeeper has ceased to use the place as an apiary; and
 - (b) the date on which the beekeeper ceased to use the place as an apiary.
- (2) A breach of this rule, without reasonable excuse, is an offence under section 154(q) of the Act.

Obligation of VAI in relation to identification of apiaries

18 Recognition or allocation of identification code

When a beekeeper first notifies a place as an apiary under clause 16, VAI must ensure that the beekeeper—

- (a) has been allocated a suitable identification code under the 1998 Order; or
- (b) receives written notice of a code to be used as an identification code by the beekeeper.

Obligations of beekeepers in relation to identification of apiaries

19 Marking of apiaries with identification code

- (1) If clause 18(a) applies, a beekeeper must, within 7 days of notifying the place as an apiary, mark the identification code on the outside of a beehive within each apiary, or on a sign within each apiary, owned by the beekeeper.
- (2) If clause 18(b) applies, a beekeeper must, within 30 days of receiving an identification code, mark the code on the outside of a beehive within each apiary, or on a sign within each apiary, owned by the beekeeper.

- (3) An identification code must be marked on a beehive or sign in such a way that a person may, at any time, readily locate and read the code for the apiary to which it relates.
- (4) A breach of this rule, without reasonable excuse, is an offence under section 154(q) of the Act.

20 Use of marks similar to identification codes

- (1) No person may knowingly mark a beehive or an apiary, or knowingly use a mark on a beehive within an apiary or on a sign within an apiary, if—
 - (a) the mark is likely to be mistaken for, or confused with, an identification code; or
 - (b) the mark is an identification code, but the code was not allocated to the person marking or using the code.
- (2) A breach of this rule, without reasonable excuse, is an offence under section 154(q) of the Act.

Obligation of beekeepers in relation to annual beehive return

21 Annual beehive return

- (1) A beekeeper must complete an annual beehive return.
- (2) An annual beehive return must—
 - (a) be in the form provided by or obtained from VAI; and
 - (b) contain the following information:
 - (i) the number of bee colonies and beehives owned by the beekeeper;
 - (ii) the dates on which the ownership of any bee colonies or beehives were transferred to or from the beekeeper and, for each transfer, the number of bee colonies or beehives transferred and the name and address of the transferee and transferor;
 - (iii) any change to the information supplied by the beekeeper to VAI under clause 16.
- (3) A breach of this rule, without reasonable excuse, is an offence under section 154(q) of the Act.

VAI not required to pay compensation

22 VAI not required to pay compensation

VAI is not required to pay compensation to any person in respect of any losses incurred as a direct result of this strategy.

Funding of strategy

23 Funding of strategy

This strategy is to be funded by payments—

- (a) made at the discretion of the regional councils and unitary authorities that exercise jurisdiction over regions in the South Island; and
- (b) from any levy imposed for the purposes of this strategy by Order in Council under section 90 of the Act.

Diane Morcom,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force on the day after the date of its notification in the *Gazette*, makes the National (South Island) Varroa Pest Management Strategy. The objective of the strategy is to prevent varroa establishing in the South Island. Varroa is an external parasite that attacks adult honey bees and their developing larvae.

The strategy rules provide a system for identifying and registering apiaries, tracking bees and beehive movements, and inspecting bee colonies and beehives for the purposes of detecting varroa. Every person who, without reasonable excuse, fails to comply with a strategy rule (other than the rule under *clause 11*) commits an offence and is liable on summary conviction to the penalty set out in section 157(5) of the Biosecurity Act 1993, being,—

- in the case of an individual, a fine not exceeding \$5,000;
- in the case of a corporation, a fine not exceeding \$15,000.

The strategy is to be funded by payments—

- made at the discretion of the regional councils and unitary authorities that exercise jurisdiction over regions in the South Island; and
 - from any levy that may be imposed for the purposes of this strategy by an Order in Council under section 90 of the Biosecurity Act 1993.
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Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 17 February 2005.

This order is administered in the Ministry of Agriculture and Forestry.
