

Reprint  
as at 12 December 2020



**Biosecurity (American Foulbrood—Beekeeper Levy)  
Amendment Order 2020**  
(LI 2020/43)

Patsy Reddy, Governor-General

**Order in Council**

At Wellington this 16th day of March 2020

Present:

Her Excellency the Governor-General in Council

This order is made under section 100L of the Biosecurity Act 1993—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for Biosecurity made after complying with section 100L(5) of that Act.

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**Note**

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.  
Note 4 at the end of this reprint provides a list of the amendments incorporated.

**This order is administered by the Ministry for Primary Industries.**

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	<b>New Schedule 1 inserted</b>	

## Order

### 1 Title

This order is the Biosecurity (American Foulbrood—Beekeeper Levy) Amendment Order 2020.

### 2 Commencement

- (1) This order comes into force on 16 April 2020.
- (2) However, clauses 13 and 14 come into force on 1 June 2020.

Order: confirmed, on 12 December 2020, by section 8(h) of the Subordinate Legislation Confirmation Act 2020 (2020 No 66).

### 3 Principal order

This order amends the order that was previously called the Biosecurity (American Foulbrood – Apiary and Beekeeper Levy) Order 2003 (the **principal order**).

### 4 Title of principal order changed

In clause 1, replace “American Foulbrood – Apiary and Beekeeper Levy” with “American Foulbrood—Beekeeper Levy”.

### 5 Clause 3 amended (Interpretation)

- (1) In clause 3, revoke the definitions of—

- (a) **apiary**; and
  - (b) **apiary levy**; and
  - (c) **registered apiary**.
- (2) In clause 3, replace the definition of **management agency** with:  
**management agency** means Apiculture New Zealand Incorporated
- (3) In clause 3, insert in their appropriate alphabetical order:  
**bee colony** has the same meaning as honey bee colony in clause 2(1) of the 1998 Order  
**colony levy** means the colony levy calculated in accordance with clause 7(3)
- 6 New clause 3A inserted (Transitional, savings, and related provisions)**  
After clause 3, insert:  
**3A Transitional, savings, and related provisions**  
The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.
- 7 Clause 7 amended (Basis of calculation of levy)**
  - (1) Replace clause 7(1)(b) with:  
(b) a colony levy.
  - (2) Replace clause 7(3) with:  
The colony levy for each beekeeper is the sum of the number of bee colonies owned by the beekeeper, as at 31 March of the levy year for which the levy is payable, multiplied by a fixed amount.
  - (3) Revoke clause 7(4).
- 8 Clause 8 amended (Maximum rate of levy)**
  - (1) In clause 8(a), replace “\$20” with “\$40”.
  - (2) Replace clause 8(b) with:  
(b) \$2.55 per bee colony.
- 9 Clause 10 replaced (Management agency must fix actual rate)**  
Replace clause 10 with:  
**10 Management agency must fix actual rate**  
The management agency must fix the actual rate of levy for a levy year after consulting with beekeepers under clause 16.
- 10 Clause 11 amended (Rate if no rate fixed before beginning of levy year)**  
Replace “of the previous levy year” with “of the levy year for which the levy is payable”.

**11 Clause 12 amended (Notification of levy rate)**

Replace clause 12(1) and (2) with:

- (1) The management agency must notify the rate of levy for a levy year on or before 20 January of that levy year.
- (2) The management agency must notify the rate—
  - (a) on the agency’s Internet site; and
  - (b) by notice in *The New Zealand Beekeeper*; and
  - (c) by notice in the *Gazette*.
- (2A) The management agency may also notify the rate of levy in the newsletters of groups or associations of hobby and commercial beekeepers that are known to the agency.

**12 Clause 13 replaced (When levy payable)**

Replace clause 13 with:

**13 When levy payable**

For each levy year,—

- (a) the levy must be paid in a lump sum on or by 1 June of the next levy year; and
- (b) the management agency must send an account, not less than 28 days before that 1 June, to each beekeeper.

**13 Clause 17 amended (Records)**

Replace the heading to clause 17 with “**Management agency must keep records**”.

**14 New clauses 17A and 17B inserted**

After clause 17, insert:

**17A Beekeepers must keep records**

- (1) A beekeeper must, for each levy year, keep the following records:
  - (a) a record of the number of bee colonies owned by the beekeeper on 31 March;
  - (b) if ownership of a bee colony is transferred to or from the beekeeper, a record of—
    - (i) the date of the transfer; and
    - (ii) the name and address of the person to or from whom the colony was transferred:

- (c) a copy of any declaration about bee products intended for export that the beekeeper makes to comply with export requirements specified under section 60 of the Animal Products Act 1999.
- (2) A beekeeper must keep the records for 2 years.
- (3) A beekeeper must provide the management agency with any of the records it requests as soon as practicable after receiving the request.

**17B Beekeepers must file returns on request**

- (1) The management agency may, in a levy year, request in writing that a beekeeper file a return setting out the number of bee colonies owned by the beekeeper on 31 March of that levy year.
- (2) The beekeeper must—
  - (a) file the return as soon as practicable after receiving the request; and
  - (b) file the return in the form (if any) provided to the beekeeper by the management agency; and
  - (c) include the beekeeper’s name and contact details in the return.

**15 New Schedule 1 inserted**

Insert the Schedule 1 set out in the Schedule of this order as the first schedule to appear after the last clause of the principal order.

**Schedule  
New Schedule 1 inserted**

cl 15

**Schedule 1  
Transitional, savings, and related provisions**

cl 3A

**Part 1  
Provisions relating to Biosecurity (American Foulbrood—Beekeeper  
Levy) Amendment Order 2020**

**1 Levy rate for levy year ending on 31 May 2020**

- (1) The rate of levy for the levy year ending on 31 May 2020 is—
  - (a) \$40 per beekeeper for the base levy; plus
  - (b) \$1.35 per bee colony for the colony levy.
- (2) The rate of levy fixed by this clause applies instead of any rate fixed for the same levy year before this clause came into force.

**2 How clauses 11 and 12 apply to levy rate fixed by clause 1 of this schedule**

The rate of levy fixed by clause 1 of this schedule—

- (a) must, for the purposes of clause 11, be treated as if it were fixed under clause 10; and
- (b) does not need to be notified under clause 12.

Michael Webster,  
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 amends the order that was previously called the Biosecurity (American Foulbrood – Apiary and Beekeeper Levy) Order 2003 (the **principal order**). Most of the amendments come into force on 16 April 2020.

The principal order imposes a levy on beekeepers to fund the implementation of the National American Foulbrood Pest Management Plan. The levy is made up of a base levy and an apiary levy, which is calculated on the basis of the number of apiaries owned by a beekeeper. The amendments replace the apiary levy with a colony levy, which is calculated on the number of bee colonies a beekeeper owns (*see clause 7*).

The amendments increase the maximum base levy rate from \$20 per beekeeper to \$40 per beekeeper. They introduce a maximum colony levy rate of \$2.55 per bee colony (*see clause 8*).

Apiculture New Zealand Incorporated, as the management agency, must fix and notify the levy rate for a levy year on or before 20 January of that year (*see clauses 9 to 11*). However, for the levy year ending on 31 May 2020, the levy rate is fixed by *new Schedule 1* at \$40 per beekeeper, plus \$1.35 per colony.

This order also imposes new requirements on beekeepers to keep records and file returns. These come into force on 1 June 2020 (*see clauses 2 and 14*).

This order is a confirmable instrument under section 47B of the Legislation Act 2012. It is revoked at the close of 30 June 2021 unless earlier confirmed by an Act of Parliament. That stated time is the applicable deadline under section 47C(1)(a) of that Act.

Issued under the authority of the Legislation Act 2012.  
Date of notification in *Gazette*: 19 March 2020.

## **Reprints notes**

### **1 *General***

This is a reprint of the Biosecurity (American Foulbrood—Beekeeper Levy) Amendment Order 2020 that incorporates all the amendments to that order as at the date of the last amendment to it.

### **2 *Legal status***

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### **3 *Editorial and format changes***

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### **4 *Amendments incorporated in this reprint***

Subordinate Legislation Confirmation Act 2020 (2020 No 66): section 8(h)