



Discussion Paper

Apiary sites on public lands: a common policy framework for NSW



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More information

www.dpi.nsw.gov.au

Acknowledgments

Cover image: An apiary site on public land, NSW DPI

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Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (June 2017). However, because of advances in knowledge, users are reminded of the need to ensure that information upon which they rely is up to date and to check currency of the information with the appropriate officer of the Department of Primary Industries or the user's independent adviser.

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Introduction

The NSW Government is developing a whole-of-government policy framework for the management of apiary sites on public lands, including in State forests, travelling stock reserves and National Parks.

The framework will streamline administrative arrangements and support industry growth and development through:

- a consistent and transparent process for allocation of sites
- a single pricing structure across all public lands
- long-term permits with greater clarity around tenure
- a central point for information on site location and availability
- standard permit terms and conditions.

Outcomes of the work to date are summarised in this Discussion Paper. Submissions are invited closing **Sunday 25 June 2017**. Responses can be submitted online or by email:

Online: www.dpi.nsw.gov.au/animals-and-livestock/bees/policy-framework/submission

Email: policy@dpi.nsw.gov.au

Feedback from the consultation process will be used to finalise the policy framework, which is expected to be released in the middle of the year. For further information go to:

www.dpi.nsw.gov.au/animals-and-livestock/bees/policy-framework

Background

The commercial beekeeping industry depends on access to floral reserves, including those on public lands, for honey production. Native floral reserves also maintain the health and productivity of bees used for pollination services. Those services support around 65 per cent of agricultural production in Australia and are estimated to contribute billions of dollars to the agricultural sector annually.

It is estimated that 40 per cent of apiary sites used by commercial apiarists in NSW are on public lands. There are an estimated 6,200 sites currently occupied on public lands, including state forests, national parks and travelling stock reserves (TSRs). These sites are managed by the Forestry Corporation of NSW (approximately 63 per cent of permits), the National Parks & Wildlife Service (approximately 32 per cent) and Local Land Services (approximately 4 per cent).

Existing apiary site policies vary between these three agencies. Different systems of permit allocation, pricing, tenure and conditions have created administrative burdens and uncertainty for industry. Agencies and industry are in agreement that a consistent and transparent policy framework is needed.

In response to these concerns, it has been agreed that a whole-of-government policy framework for the management of apiary sites on public lands in NSW should be developed. While individual permits will continue to be issued by the relevant land manager, they have agreed to work together to streamline administrative procedures in line with the agreed framework.

Discussion topic 1: Allocation of permits

Historically, when sites become available they have been allocated on a 'first come, first served' basis or through a ballot system. An Expression of Interest (EoI) process is proposed for new and vacated sites to ensure that available sites are allocated in a competitive, fair and transparent manner. Applicants will be assessed on their compliance history and management practice and it is expected this will create an incentive for better management practices across the industry.

When a site becomes available it will be publicly advertised and interested applicants will be able to register their interest. There will be a period of time between when the site is advertised and applications are due, to allow beekeepers an opportunity to inspect the site.

Once the due date for applications passes, an agency officer will review those received. If only one application is received for a particular site, the applicant will be offered the permit directly provided they can meet mandatory permit conditions, including public liability insurance. If more than one application is received, a second-stage assessment will be undertaken.

The second-stage assessment will be against additional assessment criteria on compliance history and management practice (see Box 1). It is proposed that beekeepers will be able to pre-load the supporting evidence required at a time that is convenient to them. In some cases, more than one applicant will meet the second-stage assessment criteria and return an equal score. When beekeepers were surveyed about how to resolve this situation, a ballot was suggested as the most objective and fair way to reach a decision on allocation.

Box 1: Assessment criteria

The criteria have been developed based on feedback from industry. They are designed so that beekeepers can easily demonstrate whether or not they meet them and agency staff can easily check them.

| Proposed Assessment Criteria | Weighting (%) | Supporting evidence |
|------------------------------|---------------|--|
| Compliance history | 60 | <ul style="list-style-type: none"> Record of compliance with the Biosecurity Act and associated regulations Record of compliance with apiary permit conditions |
| Management practice | 40 | <ul style="list-style-type: none"> Certificate of completion of the Australian Honey Bee Industry <i>Biosecurity Code of Practice</i> Completion of DPI Pests & Diseases of Honeybees training course <u>OR</u> demonstrated equivalent experience |

Note: These criteria will be reviewed and updated over time to take account of emerging management practices and benchmarks across the industry.

Some beekeepers were concerned that the criteria might favour larger, more established operators, at the expense of smaller operators and new entrants. A related concern was that some beekeepers might put forward false evidence to meet the criteria. In light of this feedback, the criteria proposed have been narrowed down to ones that can be easily verified and that do not rely on the size of the operation.

When beekeepers were surveyed on the proposed criteria, compliance history was rated higher than management practice. For this reason, a greater weighting is proposed for those criteria. Beekeepers did point out, however, that even the best operators can be affected by pests and biosecurity issues, and that this should not count against them if they managed the issue properly. As such, the record of compliance will only consider incidents where there was

demonstrated negligence or an inadequate response from the beekeeper. Similarly, some beekeepers expressed concern that they would miss out because they had not completed DPI's Pests and Diseases course even though they had the necessary practical experience to effectively manage their hives. In these cases, demonstrated experience will be considered equivalent to formal training.

Discussion Questions

1a. How should available sites be advertised?

1b. How long do beekeepers need to inspect a site after it is advertised?

1c. Are the assessment criteria appropriate? Are the weightings appropriate?

1d. For beekeepers that haven't completed formal training, what sort of evidence could they submit to demonstrate they have equivalent practical experience?

1e. Are ballots the fairest way to determine allocation where more than one applicant returns the same score?

Discussion topic 2: Renewals

Apiary site permits are usually one to five years in duration. Generally, upon expiration, existing permit holders have been granted the option to renew. This has created an expectation within the industry that permit holders effectively have ‘perpetual’ renewal rights. However existing permits are, and always have been, time-limited and can be revoked by land managers at any time at their discretion.

It is not possible or appropriate for agencies to provide a guarantee of site availability and access in perpetuity. This is because the lands on which apiary sites have been permitted are set aside for a separate primary purpose – forestry operations for State Forests, stock movement for Travelling Stock Reserves and conservation for National Parks. Beekeeping is a secondary use of the site and is permitted because it is in the most part considered compatible with the primary use. The permit provides recognition of this arrangement, however it does not provide a guarantee of site availability and access in perpetuity.

Despite these limitations, beekeepers have indicated they need certainty to support business planning and investment decisions. Beekeepers have consistently advised they rely on the continuity that renewals provide to make investment decisions and manage business variability. They have also advised that a beekeeper’s permit holdings are a key factor affecting business value and so constraints on renewals would significantly devalue existing businesses.

In light of this feedback, it is proposed that the existing practice of ongoing renewals is maintained, albeit with additional rigour at the point of renewal to ensure permit holders are maintaining good compliance. This is proposed to include a ‘fit and proper person test’. The following criteria are being considered:

- Compliance with the permit conditions during the prior term
- Compliance with relevant legislation (including the [Biosecurity Act 2015](#))
- Payment history (no outstanding debts)
- Currency of relevant insurances.

Beekeepers that do not pass the ‘fit and proper person’ test will not be able to renew their permit. Any such permits will be competitively reallocated through the proposed Eol process.

It is important that the test is simple to administer, so that beekeepers and agencies do not face unnecessary administrative burdens. Similar to the Eol process, systems to allow beekeepers to pre-load relevant information are being investigated so that the assessment process is straightforward to administer.

It is important to note that irrespective of the renewals policy, permits for apiary sites always have and will continue to be revocable at the discretion of the land manager. The land manager will attempt to provide an alternative site for an apiarist affected by any such decision, however the permit holder is not entitled to any form of compensation. This is clearly stipulated in existing permit conditions and will continue to be in future permits.

Discussion Questions

2a. Do you support the proposal to allow ongoing renewals, provided permit holders meet a ‘fit and proper person test’ at the point of renewal?

2b. Are there any additional criteria that should be assessed as part of the ‘fit and proper person’ test?

Discussion topic 3: Information and support

Beekeepers need to be able to access the information and support they need to run their businesses. To ensure these services are delivered in a timely and user-friendly manner, beekeepers were surveyed about their information needs and preferences. Specifically, they were asked how they would prefer to exchange information, how frequently they needed information and support, and how satisfied they were with the current levels of service.

A key hindrance to the industry is that currently there is no central point where beekeepers can access information on public land apiary sites. Different agencies use different platforms for communicating information with the industry. In the past, beekeepers relied heavily on visiting their local agency office, however as agencies centralise these functions, other channels of communication are being utilised.

Increasingly, beekeepers are using online platforms to find information and manage their sites. This is particularly so for new entrants and mid-career beekeepers. Older beekeepers still rely on the ability to speak to agency staff over the phone, however almost all beekeepers are now using online systems to perform simple tasks such as paying permit fees.

A key area for improvement identified through the consultation process was the provision of information regarding site location and availability. Beekeepers consistently suggested some form of online map would help them to find available sites and potentially lead to increased take-up of currently vacant sites. This could be coupled with general information about beekeeping on public lands and related policies.

In addition, there was a strong preference for basic transactions such as permit fees, applications and renewals to continue to be managed online. This allows beekeepers to manage their sites at a time and place convenient to them. Nonetheless, some beekeepers expressed a need for phone and mail options to support the online interface.

More complicated issues such as problems that arise on-site or biosecurity threats will continue to be handled through more interactive channels. Beekeepers preferred to provide and receive this sort of information via phone and SMS. They also wanted the ability to interact with local field staff as needed, particularly when site-specific issues arise. Generally there was a low level of satisfaction with the way that site issues and biosecurity risks are currently being handled.

In response to the feedback received, the NSW Government is currently in the process of developing a central Online Portal to display information on the location and availability of apiary sites on public land across the State. Opportunities are also being scoped to streamline administrative systems across different land managers so that beekeepers can go to one website to administer their sites. Site-specific issues will continue to be handled by the relevant agency, however DPI is working with agencies to ensure responses are consistent and satisfactory. SMS and other phone-based systems are also being investigated for notifications and other more timely interactions between beekeepers and agencies.

Discussion Questions

3a. What are the key areas that you would like to see improvement in, in relation to information and support for apiary sites on public lands?

3b. Through what channels would you prefer to access general information about apiary sites on public lands (website, email, phone/SMS, face-to-face)?

3c. Through what channels would you prefer to send and receive notifications (e.g. about hazard reduction burns, biosecurity or other issues) (website, email, phone/SMS)?

Discussion topic 4: Promoting improved biosecurity

Biosecurity is a major concern for the commercial beekeeping industry. During the consultation process, many beekeepers raised concerns about inexperienced or poor operators, especially those in peri-urban areas, potentially unknowingly spreading pests and disease and placing diligent operators and the commercial industry at risk.

To address beekeepers' concerns, compliance with the Biosecurity Act will become a major consideration in the granting and renewal of apiary site permits on public lands (see Discussion topic 3 and 4). Beekeepers that are clearly negligent in their management of biosecurity risks or who commit a serious breach of the Biosecurity Act will not be able to obtain or renew permits for public land sites. This will provide a strong incentive for the industry to maintain good management practices.

Another concern of the industry is the rapid growth of 'backyard' beekeepers that are not registered. Currently, anybody that keeps hives is required to [register with DPI](#) so that biosecurity threats can be managed effectively if and when they arise. Registration supports surveillance and traceability to manage risks and enables DPI to target communications effectively. However, anecdotal information suggests there are a number of small-scale and hobby beekeepers that are either not aware of this requirement or choose not to comply with it.

NSW DPI is seeking feedback on how best to educate small-scale operators about the biosecurity risks associated with keeping bees and how to create an incentive for these operators to register their hives.

Discussion Questions

4a. What are the most effective mechanisms to educate and communicate with small-scale operators, especially in peri-urban areas, about the biosecurity risks associated with beekeeping?

4b. How should DPI encourage small scale operators to register their hives?

Discussion topic 5: Improving access to public lands

In addition to helping shape elements of the policy framework, the design thinking process revealed a range of ideas that could further support the industry by facilitating greater access to public lands.

Idea 1: A platform for site loaning

With the limited availability of new public land sites, it is becoming increasingly difficult for beekeepers to increase their site portfolio or for new entrants to access sites and grow their business. Site loaning, whereby a permit holder allows another beekeeper to temporarily use their site when they are not using it themselves, offers a potential way to make better use of existing sites. Site loaning is currently permitted on FCNSW and LLS sites with consent, but not on NPWS sites.

There are a range of reasons why beekeepers may loan sites. It may be because sites conditions have temporarily changed, for example by bushfire or floods, or where the permit holder is unable to take advantage of a flowering event because they are too far away to relocate their hives in time. The ability to loan sites in this way helps beekeepers to manage the inherent variability of their industry and better utilise available resources.

Site loaning is generally limited to beekeepers that have established relationships with one another. One of the ideas that emerged from the consultation process was the development of a platform to facilitate site loaning. The platform would provide a place where beekeepers interested in loaning sites could connect with one another.

Beekeepers surveyed to date provided mixed feedback about this idea. We found that those currently loaning sites would generally only do so with beekeepers they knew well and trusted. This is because the loaning of sites can expose either party to pests and disease if one party is not managing their hives properly. There was also a view that there is little in it for the permit holder, particularly as beekeepers are not allowed to exchange money in return for the loaning of sites. The NSW Government is aware that some beekeepers do exchange money in return for site loaning, however this is not permitted and attracts serious penalties.

Discussion Questions

5a. Do you support the idea of a platform for beekeepers interested in site loaning to connect with one another? If so, how likely would you be to use it?

5b. Do you think it is important for Government to have a role in facilitating site loaning or is it better for the industry to manage this itself?

5c. What might encourage permit holders to consider loaning their sites when they are not utilising sites themselves (noting that it is not permissible for beekeepers to exchange money in return for site loaning)?

Idea 2: Incentives for activating sites

There are potential sites on public lands that have not yet been taken up by beekeepers. FCNSW estimates there are possibly 6,000 additional sites in State Forests throughout the State, however these have not been ground truthed. When beekeepers were asked about this issue they suggested the reasons these sites had not been taken up was likely due to poor access, geographic remoteness or other undesirable features such as aspect and incline. It is also likely that a lack of information about the existence of these sites has been a barrier to their take up. Interviewed beekeepers highlighted their interest in exploring and potentially using

these sites if these barriers could be overcome. As such, DPI is seeking feedback on what sort of incentives might overcome these barriers and encourage beekeepers to activate previously unused sites.

Discussion Questions

5d. What sort of incentives could be offered to beekeepers to encourage them to scope out previously unused sites?

5e. Are there any other options that could encourage beekeepers to take up these sites?

Discussion topic 6: Pricing

DPI has undertaken an analysis to assess the value of access to public land sites and recommend an appropriate pricing structure. The analysis also considered the benefits of maintaining a viable apiculture industry in NSW.

A standard pricing structure is proposed for all permits for apiary sites on public lands. This is preferable to tiered pricing because it is administratively efficient and provides certainty to agencies and beekeepers.

How the price was determined

The two objectives of the recommended pricing structure are to cover agency costs and reflect the value of apiary sites to beekeepers.

Assessing agency costs

The analysis revealed that current pricing levels generally do not cover all agency costs. Costs vary by agency and depend on the level of interaction with the permit holder. The fees currently charged by agencies are also significantly lower than other fees for public land use in NSW.

Accounting for the value of apiary sites

After considering a range of options and industry feedback, the analysis concluded that it is not feasible to account for variation in site values on a site-by-site basis. This is because there are many characteristics that determine the value of a site and these characteristics are constantly changing.

To understand the value of sites at a higher level, the analysis looked at the revenue that beekeepers generate across all public land sites. This was determined using data from the 2016 Australian Honey Bee Industry Survey and related industry data.¹ The analysis revealed that the average annual return per site is \$2,905, based on current rates of occupation.

Determining the pricing structure

Bringing together the information on agency costs and average returns, it has been proposed that permits be priced at **\$175 per site per year**. This accounts for agency costs and equates to approximately six per cent of the average annual return per site, which is at the lower end of rates applied to other forms of public land tenure (which are charged between six and eight per cent of turnover).

Discussion Questions

6a. Do you have any feedback on the proposed flat pricing approach?

¹ Australian Bureau of Agricultural and Resource Economics and Sciences (ABARES)

Review approach

DPI has been leading the development of this policy framework in consultation with the NSW Apiarists' Association and the three key land management agencies – Forestry Corporation of NSW, Local Land Services and the National Parks and Wildlife Service.

High level policy principles were announced by the Government in October 2016. These included:

- A fair and transparent allocation system via an Expression of Interest (EOI) process that promotes and rewards best practice management by apiarists
- A fee structure that takes into account the role and value of apiculture in supporting agricultural industries through pollination services
- Permit terms that provide certainty of tenure, while balancing the interests of apiarists within the industry
- Development of a central online portal that will simplify administration and improve access to information.

DPI has subsequently undertaken further targeted consultation to develop the detail of the policy framework, as presented in this Discussion Paper. This process has been undertaken using a 'design thinking' methodology, in partnership with the Office of NSW Small Business Commissioner.

The design thinking approach places affected individuals (in this case beekeepers) at the centre of an iterative problem discovery and solution development process. The approach involves directly engaging with individuals to empathise with their real-world experiences, uncover their problems and develop solutions that meet their needs.

In practice, this involved one-on-one interviews with over 40 beekeepers representing a diverse cross-section of the industry, including small and large operators, new entrants, mid-career and retiring beekeepers. Through further consultation with DPI staff and the land agencies, possible solutions were narrowed down to those that were deemed feasible, desirable and sustainable. The project team then worked each solution into a simple 'prototype' model to guide further industry consultation. The prototypes were presented and tested with over twenty of the original interviewees followed by a second round of testing in May.

While the process has been resource intensive, for both DPI and the beekeepers participating, it has meant that the proposed solutions are the result of direct insights and grounded in the everyday experiences of individuals operating in the industry. The process has also delivered a range of other insights and ideas to support the industry, which Government will seek to progress in partnership with the industry once the framework is implemented.

Concurrently to the design thinking process, DPI has undertaken a pricing analysis to inform permit fees under the new framework.

Next steps

The NSW Government will consider feedback from submissions received as it finalises the policy framework. It is expected the final policy framework will be announced in mid-2017, followed by implementation.

- Nov 2015 Formation of Working Group
- Dec 2015-May 2016 Scoping and review of options
- Jun-Jul 2016 Development of framework principles
- Aug 2016 Framework principles submitted to Government
- Sep 2016 Government approval of framework principles
- Oct-Dec 2016 Scoping of implementation options
- Jan-Apr 2017 Beekeeper interviews and testing / pricing analysis
- May-Jun 2017 Discussion Paper consultation
- Jun-Aug 2017 Finalisation of policy framework

Updates on the progress of this work will be available on the DPI website at www.dpi.nsw.gov.au/animals-and-livestock/bees/policy-framework