

Apiculture (beekeeping) on public land standard operating procedure

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1. APPLICATION

This Standard Operating Procedure relates to the conduct of apiculture (beekeeping) on all public land (forests, parks and reserves) managed by the Department of Environment and Primary Industries (DEPI) and Parks Victoria.

This document must be read in conjunction with the *Apiculture (beekeeping) on public land policy*.

2. DEFINITIONS

In this standard operating procedure –

Apiary means a bee hive or group or 'load' of managed bee hives;

Apiary site means a site (usually within a clearing or semi-cleared site) where an apiary may be located. Beekeepers may sometimes refer to an **apiary site** as a 'bee farm' or 'bee yard';

Apiculture (also referred to as **beekeeping**) means the management and husbandry of honeybees;

Bee forage area (also referred to as a **bee range**) means the area over which bees forage for nectar and pollen;

Beekeeper means a person, persons or business entity engaged in the conduct of **apiculture** or beekeeping;

Bee site means an **apiary site** or the place on which bee hives are kept and a **bee forage area** or **bee range**. On public land, bee sites are classified as follows:

- **Category One bee site** (bee forage area or bee range diameter = 1.6 km); and
- **Category Two bee site** (bee forage area or bee range diameter = 3.2 km);

Bee site licence means a licence or permit under the relevant legislation and regulation pertaining to public land;

Bee smoker (also referred to as a **smoker**) means a device used to calm or control bees. The hand held device generates smoke from smouldering fuels (e.g. pine needles);

Public land means forests, parks and reserves and does not include public land managed by Committees of Management, Trusts, Municipal Councils or government agencies other than the **public land manager**; and

Public land manager means the Department of Environment and Primary Industries and/or Parks Victoria.

3. STANDARD OPERATING PROCEDURE

3.1 BEEKEEPING ON PUBLIC LAND WILL BE IN ACCORDANCE WITH BEEKEEPING POLICY

DEPI and Parks Victoria will manage and administer the conduct of beekeeping on public land in accordance with the *Apiculture (beekeeping) on public land policy*.

DEPI and Parks Victoria will manage those uses, events and activities on public land that may impact on or intersect with beekeeping taking into account the policy guidance presented in the *Apiculture (beekeeping) on public land policy*.

3.2 BEE SITE LICENCES

Beekeeping on public land must be in accordance with a current bee site licence.

Bee site licences shall be subject to a ten year term and are renewable.

Bee site licences may be surrendered or transferred (refer to Section 3.2.1).

Licences will be administered in accordance with the relevant legislation/regulation.

3.2.1 Licence allocation

New bee sites: In the case where a beekeeper identifies an opportunity within the current rules to establish a new bee site, that beekeeper may lodge an application for the site, which DEPI will generally consider on the basis of first come, first served.

In the case where DEPI and/or Parks Victoria identifies potential new bee sites or under some circumstances where a beekeeper or beekeepers identify an opportunity to establish a new bee site or sites, DEPI reserves the right to allocate the site or sites via a process that may include, but is not limited to, the conduct of a ballot or the invitation of expressions of interest.

Ballots or expression of interest processes will generally only be applied to those situations where there is a number or batch of sites.

Vacant bee sites: Where a bee site becomes vacant, the site will generally be made available on a first come, first served basis. In some circumstances (e.g. where a licence for a prime site or sites has been surrendered or there is more than one applicant) DEPI reserves the right to allocate the site or sites via a process that may include, but is not limited to, the conduct of a ballot or the invitation of expressions of interest.

Each DEPI Region will maintain a register or data base of vacant bee sites. Details of vacant sites will be available upon request.

Site/licence surrender: A beekeeper who holds a public land bee site licence may surrender that licence at any time. Surrendered licences will be cancelled and the affected bee sites will be designated as vacant.

Beekeepers wishing to take advantage of a short term floral resource and having no interest in retaining the site for the entire 10 year licence term are advised to elect the annual payment option and surrender the licence when it is no longer required.

No pro-rata refunds will be paid to the beekeeper upon surrender of a licence.

Site/licence transfer: The holder of a bee site licence may apply to transfer the licence to another beekeeper. Transfer will be subject to the approval of the public land manager, taking into account Section 3.2.2 below. Approvals of applications for transfer must not be unreasonably withheld.

A transferred licence is not a new licence. Therefore it will be subject to the payment options selected by the original licence holder. No pro-rata refunds will be paid to the original licence holder.

Sharing bee sites: In order that bee site productivity is maximised, DEPI supports the concept of beekeepers sharing their sites with fellow beekeepers. In these cases, the licence holder retains responsibility for compliance with conditions of and meeting all obligations under the licence.

3.2.2 Licence application process

In line with the *Apiculture (beekeeping) on public land policy*, DEPI will apply the principle of encouraging apiculture on public land in the consideration of applications for vacant or new

bee sites and bee site transfers. In addition, DEPI will not unreasonably withhold approvals for bee site licences and bee site transfers.

DEPI will only receive applications for vacant or new bee sites and bee site transfers in writing and following payment of the fees and charges prescribed in the *Land Regulations 2006*.

DEPI may require that applications be submitted on standard forms (e.g. the 'Use of Crown land application form'). DEPI will receive applications for vacant or new bee sites and bee site transfers either at the counter of the relevant DEPI Regional Office or in writing to the relevant DEPI Regional Director.

DEPI will require proof of the beekeeper's registration under the *Livestock Disease Control Act 1994 (Vic)* at the point of receipt of or enclosed with the application.

Applications relating to new and vacant bee sites and bee site transfers will be processed quickly and efficiently, preferably within 45 days of receipt.

In determining whether or not to approve an application, the following matters will be considered by the DEPI Apiary Administrator:

- registration under the provisions of the *Livestock Disease Control Act 1994*;
- reliability in terms of compliance with previous or other public land bee site licences and the payment of fees and charges; and
- compliance with legislation and regulation relating to public land apiary administration;

In determining whether or not to approve an application, the following matters will be considered by the public land manager:

- the policy guidance provided in the *Apiculture (beekeeping) on public land policy*, including implications in relation to:
 - fire management;
 - other users and uses (current and proposed) of the public land, including recreation and tourism users and uses, and public land neighbours;
 - road and access management;
 - native vegetation clearance; and
 - reference areas and wilderness;
- compliance with the *Apiary Code of Practice*;
- compliance with land management legislation and regulation;
- compliance with recommendations of Victorian Environmental Assessment Council and its predecessors that have been approved by the Government.

DEPI will notify the applicant of the outcome of the application in writing. Where an application has been successful, notification shall be in the form of an executed licence document; and where an application has been unsuccessful the notification shall be in writing and outline the reasons for the refusal to grant the licence.

As indicated above, approvals must not be unreasonably withheld.

3.2.3 Licences are subject to conditions

Bee site licences shall be subject to conditions, including any special conditions that may be appropriate to the particular site or location. As a general principle, standard documents shall be utilised. Standard licence conditions are set out in Appendix 1.

In order to maximise availability of public land for beekeeping it may be possible to issue licences in relation to marginal situations on the basis that they are subject to special conditions (e.g. bees must be ferried to bee site using a standard four wheel drive vehicle).

3.2.4 Fees and charges

DEPI will apply the relevant prescribed fees for bee site licences (refer to Table 1).

Table 1: Fees for bee site licences

Bee site category	Fee paid annually	Fee paid 10 yearly
Category One	6.9 Fee Units plus GST	41.4 Fee Units plus GST
Category Two	10.4 Fee Units plus GST	62.4 Fee Units plus GST

Note: the 10 yearly fee is calculated as follows: 6 x Number of fee units x fee unit value.

DEPI will apply additional fees and charges for licence transfers and document production, as prescribed in the *Land Regulations 2006* (refer to Table 2).

Table 2: Fees and charges for administrative actions

Administrative action	Fee/Charge
Recording or booking of an application for a licence	1.4 Fee Units
Preparation and issue of a licence	7.4 Fee Units
Consent to the transfer of a licence	4.0 Fee Units
Preparation of a duplicate licence document	4.0 Fee Units

Fees and charges will be adjusted annually by the 'Annual Rate' (also known as the 'Treasurer's Rate') published prior 1 March of each year, unless otherwise determined by the Minister.

The 'Annual Rate' adjusts fee units for the next financial year.

Beekeepers may elect to pay licence fees annually or upfront for the entire ten year term.

Irrespective of the date on which a bee site licence is taken out, the anniversary of all licences for purposes of invoicing shall be 1 July.

Overdue accounts will be managed in accordance with DEPI's standard procedures for managing such accounts.

3.2.5 Licence renewal

DEPI will generally offer automatic renewal of bee site licences simply by invoicing the beekeeper in relation to a further period (renewal is then achieved by payment of the fees and charges).

DEPI may choose not to offer a further licence period. Reasons for non-renewal must be provided to the beekeeper in writing. Reasons for non-renewal may include unsatisfactory performance of beekeeper or land management considerations.

3.2.6 Licence cancellation

DEPI may cancel a bee site licence under the following circumstances:

- proven breach of conditions (and the breach has not been remedied within a reasonable time of the beekeeper being requested to remedy the breach);
- failure to pay fees and charges; and
- changed circumstances in relation to the land.

In the event that DEPI proposes to cancel a licence, the beekeeper will be notified in writing, including the reasons for cancellation.

In the case where proposed cancellation is due to changed circumstances in relation to the land, DEPI will consult with the beekeeper prior to proceeding to formal cancellation. In such cases, DEPI will give pro rata refunds of any licence fees that have been paid by the beekeeper.

3.2.7 Native title, traditional owners & cultural heritage

The *Native Title Act 1993 (Cwlth)* and the *Traditional Owner Settlement Act 2010 (Vic)* provide the basis for determining native title and traditional ownership matters in Victoria.

Under the provisions of the *Native Title Act*, the issuing of bee site licences is considered to be a valid act of government and there are no special procedural requirements in regard to the issuing of those licences.

Under the *Traditional Owner Settlement Act*, Traditional Owner groups can enter into a Land Use Activity Agreement (LUAA) in relation to Crown land. The state's template LUAA categorises 'bee farming range licences or permits' as 'Advisory Activities'. This means that a notification must be sent to a Traditional Owner group advising the group of the intent to grant the licence or permit.

Under the *Traditional Owner Settlement Act* there is the option for a Traditional Owner group to opt out of being advised of some activities.

In order to protect Aboriginal cultural heritage, DEPI and Parks Victoria will undertake or facilitate or ensure the undertaking of any requirements under the *Aboriginal Heritage Act 2006 (Vic)* and associated Regulations that may result from the management and administration of beekeeping, including proposals to undertake beekeeping on public land.

3.3 MARKING BEE SITES ON THE GROUND

DEPI and/or Parks Victoria may enlist the assistance of beekeepers in the mapping and marking of bee sites on the ground. Specifically DEPI may provide the licensee of a particular site with signs and sign posts and/or request the beekeeper to identify or 'proof' the site location using GPS. As a general principle, it is advised that standard signs be used for marking and advising of bee sites on the ground (refer to Figure 1.).



Figure 1. Standard bee site and bee site advisory signs (DEPI Signs Manual 2012)

The public land manager may include as special conditions of bee site licences, requirements in relation to mapping and marking bee sites on the ground.

3.4 BEE SITES TO BE RECORDED IN RELEVANT GEOGRAPHIC INFORMATION SYSTEMS

DEPI will ensure that all bee sites are accurately recorded in the relevant geographic information systems (e.g. Forest Explorer) and made available to the public (including beekeepers).

3.5 WORKS AND MAINTENANCE ON BEE SITES

Removal, destruction or lopping of native vegetation

Native vegetation in Victoria will be managed in accordance with the principles of avoid, minimise and offset as set out in *Victoria's Native Vegetation Management – A Framework for Action* (NRE 2002) (and the future *Permitted clearing of native vegetation – Biodiversity assessment guidelines*).

A planning permit is required to remove, destroy or lop native vegetation on private and public land unless otherwise exempt under the *Victoria Planning Provisions* (VPP) (DPCD undated).

Native vegetation at designated apiary sites will be managed in accordance with the conditions of authorisation by the public land manager.

As a general principle, and so far as is practicable, bee sites should be located on existing clearings, breaks or semi-cleared openings within public land (e.g. discontinued log landings, borrow pits, firebreaks etc.).

Clearance of native vegetation should not occur without first ascertaining if any species listed under the *Flora and Fauna Guarantee Act 1988* (Vic) are present and seeking appropriate authorisation.

Beekeepers do not require large 'bare – earth' areas on which to locate bee hives. Onsite vegetation assists bee navigation and provides shade.

Beekeepers may undertake maintenance.

As a general principle, beekeepers may maintain established/licensed apiary sites and apiary site access by:

- removing and/or trimming regrowth that is less than 10 years old; and
- mowing or slashing grasses (provided that they are mowed or slashed to a height that exceeds 100 mm).

Maintenance does not include earth works/excavations or importation and application of gravel, stone or other 'hard stand'.

Beekeepers may undertake approved works.

As a general principle, beekeepers may, subject to the approval of the public land manager, undertake works to establish or improve the utility of their apiary sites or establish vehicle access to their apiary sites.

Public land managers may undertake works and maintenance subject to fee for service.

The public land manager may enter into fee for service agreements with beekeepers whereby the public land manager agrees to conduct works and maintenance (that would ordinarily be the responsibility of the beekeeper) in relation to bee sites and access to bee sites based on fee for service. Such agreements will generally be made at the local level, and fees and charges shall be determined on a case by case basis, utilising the principle of full cost recovery.

3.6 ENGAGEMENT WITH BEEKEEPERS

As a general principle, DEPI will engage or consult with beekeepers and their representatives (such as the Victorian Apiarists Association and the Victorian Farmers Federation) in relation to issues that have the potential to impact on public land beekeeping. Engagement may involve, but is not limited to:

- Public land beekeeping page, DEPI website
Aimed at informing and engaging beekeepers and the public in relation to beekeeping on public land. Currently, the beekeeping page is located at:
<http://www.dse.vic.gov.au/forests/forest-products-firewood/beekeeping-on-public-land>
- Apiculture on Public Land Liaison Group (or similar body)
A forum for the purposes of industry- public land manager liaison
- Fire management – stakeholder engagement
Proactive engagement as required to ensure maximum co-existence between fire management and beekeepers
- Additional engagement
DEPI and Parks Victoria recognise the value of good communications with beekeepers and as such will endeavour to foster effective communications mechanisms/processes over and above those indicated above that may include:
 - beekeeper representation on relevant consultative and advisory committees;

- beekeeper/public land manager field days; and
- DEPI and/or Parks Victoria attendance/presentation at relevant beekeeping industry forums (e.g. Victorian Apiarists Association Annual Conference).

To optimise effectiveness of engagement and communication with beekeepers, the public land manager may undertake relevant processes to educate its staff in relation to public land beekeeping and its operational requirements. (This may involve the development of an information kit.)

3.7 BEEKEEPER'S PERSONAL & COMMERCIAL INFORMATION

DEPI and Parks Victoria will maintain privacy in relation to beekeeper information. However DEPI and Parks Victoria will transmit relevant beekeeper contact details to and between operational staff where it is required that beekeepers be notified of operational activities (e.g. planned burning, bushfire management).

To assist essential communications between beekeepers and operational staff, beekeepers are encouraged to affix contact details to hives and furnish phone and email contact details with licence applications and invoice payments.

4. LEGISLATION

Aboriginal Heritage Act 2006 (Vic)

This Act facilitates protection of Aboriginal cultural heritage and broadens Aboriginal community involvement in decision making.

Country Fire Authority Act 1958 (Vic)

Section 40 of this Act relates to the lighting of fires (including the operation of smokers) on days of total fire ban. A permit is required to operate a smoker or utilise fire for the extraction of honey on a day of total fire ban.

Flora and Fauna Guarantee Act 1988 (Vic)

This Act protects significant listed flora and fauna species and communities.

Forests Act 1958 (Vic)

Section 52 of the Act provides that licences may be granted for a range of purposes, including any purpose connected to state forest or forest produce. Bee sites may be licensed under this provision of the Act.

Forests (Fire Protection) Regulations 2004

Regulation 24 stipulates fire protection requirements in relation to apiculture on public land, including the use of smokers and the provision of fire fighting equipment (knapsack spray and rake).

Land Act 1958 (Vic)

Sections 141 – 148 of the Act provide for bee farm and range licences and section 149 relates to temporary apiary rights.

Land Regulations 2006

The Land Regulations prescribe fees and charges for activities such as: lodgement and recording licence applications; preparation and issue of a licence; consent to the transfer of a licence; and preparation of a duplicate licence document.

Livestock Disease Control Act 1994 (Vic)

This Act requires the registration of all apiarists and sets the standards and conditions for apiculture and disease control. Section 125 provides a mechanism or process for managing abandoned hives on Crown land.

National Parks Act 1975 (Vic.)

Section 21(1)(b) of the Act allows a permit to be granted to allow the operation of an apiary in a park reserved and/or managed under the Act.

Native Title Act 1993 (Cwlth) and Traditional Owner Settlement Act 2010 (Vic)

These Acts provide the basis for determining matters of native title and traditional ownership in Victoria.

Planning and Environment Act 1987 (Vic)

This Act provides the basis for planning schemes in Victoria, including the *Victoria Planning Provisions* and the development and incorporation of codes of practice, including the *Apiary code of practice* (DPCD 2011).

5. REFERENCES

DPCD (2011) *Apiary code of practice*, Department of Planning and Community Development, Victoria.

DPCD (Undated) *Victoria Planning Provisions*, Department of Planning and Community Development, located at <http://planningschemes.dpcd.vic.gov.au/vpps/> (website accessed 20 May 2013).

NRE (2002) *Victoria's Native Vegetation Management – A Framework for Action*, Department of Natural Resources and Environment, Victoria.

APPENDIX 1 CONDITIONS OF LICENCE

The licensee must observe the following conditions in the conduct of activities under this licence -

1. The apiary site shall not be used for any purpose other than for an apiary.
- 2.. The licensee shall comply with the requirements of the *Apiary Code of Practice* in the conduct apiculture within the bee site licence area.
3. This licence shall not be transferred without the prior written approval of the Secretary to the Department of Environment and Primary Industries or an authorised delegate and payment of the appropriate transfer fee.
4. Subject to the reasonable direction of the public land manager, the licensee may be required to remove bee hives from or not place bee hives within the licence area to allow the public land manager to conduct management operations such as planned burning.
5. No fence or other permanent structure shall be erected on the site.
6. The licensee shall, when in physical occupation of the site observe all fire protection provisions of the relevant legislation, including in relation to the use of smokers and the availability of fire fighting equipment (knapsack spray and rake).

Note: A smoker may be used to assist the management of bees, except on days of total fire ban, when a special permit must first be obtained (in accordance with Section 40 of the Country Fire Authority Act 1958 (Vic)).

7. The licensee shall observe the provisions of the relevant Act and regulations under which the land is managed, except as otherwise allowed by the licence.
8. The licensee is entitled, without payment, to cross by the shortest practicable route any Crown land held under agricultural licence between the apiary site and any public road or track, provided that the licensee closes any gates or slip panels that the licensee opens.
9. As provided in the *Land Conservation (Vehicle Control) Regulations 2013*, the licensee is authorised to drive off road or utilise management vehicle only roads and tracks to the minimum extent necessary for the conduct of apiculture in accordance with this licence, provided that public land including management vehicle only roads and tracks are not damaged.

Note: The licensee is not permitted to use any seasonally closed road/s to access or egress or conduct apiculture within the licence area.

10. No dog or other animal that is not a honeybee shall be kept or allowed to remain on the apiary site.
11. Proof of identity shall be produced upon the request of any DEPI or Parks Victoria Authorised Officer.

12. The licensee shall not sow any seeds or attempt to cultivate or improve pasture on the licence area, including the use of any fertiliser.
13. The licensee shall not apply any chemicals that are not directly related to the husbandry of bees within a bee site, including pesticides/herbicides.
14. The site shall be maintained in a clean and tidy condition when occupied and be left in that state when vacated.
15. Where there is a reasonable requirement and when directed by the public land manager, the licensee shall provide water at a site.
16. This licence may be cancelled in the event of it being proved that the holder has committed, or permitted, a breach of any conditions of the licence and has not, within a reasonable time after being requested in writing to do so, rectified that breach (licence fee not refundable in this instance).

Special conditions (add as appropriate)

Include special conditions such as:

- requirements to 'GPS' bee sites and erect bee site and bee site advisory signs;
- bees must be ferried to bee site using standard four wheel drive vehicle.