

National Animal Identification and Tracing Amendment Bill (No 2)

Government Bill

As reported from the Primary Production Committee

Commentary

Recommendation

The Primary Production Committee has examined the National Animal Identification and Tracing Amendment Bill (No 2) and recommends that it be passed with the amendments shown.

Introduction

This bill proposes changes to the National Animal Identification and Tracing Act 2012 (the principal Act), and five associated regulations. The Act provides for a system of national animal identification and tracing, known as NAIT. The purpose of the proposed changes is to improve the current NAIT system and to ensure that New Zealand can rapidly and accurately trace animals and their movements. This would enable better protection and management of New Zealand's biosecurity.

Two recent events have highlighted the need for improvement: an industry-led review of NAIT from 2016–2018, and the *Mycoplasma bovis* outbreak in 2017. The amendments proposed in the bill aim to address gaps in the system that were identified during these events, such as issues with compliance, and with inadequate and inaccurate data being collected. The amendments would also ensure that the system is fit for purpose and able to deal with foreseeable future risks.

Amendments to the Act are only part of the planned improvements to the NAIT system. Operational matters that do not require legislative change, such as working with manufacturers on tag retention issues, are being considered directly by the NAIT organisation. We expect to see significant progress in the work programme and we will be monitoring this to ensure that this occurs.

Proposed amendments

This commentary covers the main amendments we recommend to the bill as introduced. We do not discuss minor or technical amendments.

Clarifying ownership of core data

Clause 10 of the bill as introduced would insert new section 23A into the principal Act. This new section would specify that the Crown has ownership of the core data under the NAIT scheme. Core data is defined in the Act as “information required to be provided under this Act, or regulations made under this Act, to the NAIT organisation”.

When the Act was passed in 2012, the Crown owned both the NAIT information system and the core data within it. A company called National Animal Identification and Tracing (NAIT) Limited was then designated as the official NAIT organisation, in accordance with section 8 of the Act.¹ NAIT Limited subsequently bought the NAIT information system off the Crown. That transaction created an unusual situation where information required under the Act must be provided to a private company. Normally, where the law requires people to supply information, it is to a government department or Crown entity.

We sought clarity about the ownership of the core data following the transfer of the information system from the Crown to the designated NAIT organisation. National Party members of the committee raised concerns as to whether the Crown has retained ownership of the core data, or whether ownership also moved with the information system.

We had an interim legal opinion that said this is a complex and relatively unexplored area of law. It is not currently clear who, if anyone, has ownership of the core data. Given the limited time to investigate this issue further at present, we recommend removing the reference to core data being the property of the Crown in clause 10, proposed section 23A(1). This means the Act would remain silent on the matter, as is the case now. However, proposed new section 23A(2) would remain in the bill, which would allow the relevant Minister to request all or part of the core NAIT data from the NAIT organisation at any point. If such a request were made, the NAIT organisation must comply with the request at no cost to the Crown.

Obligation for anyone moving NAIT animals

Clause 12 of the bill as introduced would insert new section 31A into the principal Act. This states that no person may move an untagged NAIT animal unless an exemption applies. Anyone who breaches this provision would be committing an offence.

¹ NAIT Limited is a subsidiary of the not-for-profit company OSPRI Limited (Operational Solutions for Primary Industries).

The purpose of this section is to reinforce the overall purpose of the legislation—that is, to ensure that the NAIT system can effectively and accurately trace all animals and their movements in the interests of protecting New Zealand’s biosecurity. New section 31A as introduced would apply to *any* person moving a NAIT animal. This would therefore include transport operators and drivers, who are currently exempt from other provisions of the principal Act.

Transport operators and drivers, or other persons responsible for moving NAIT animals, are a key component of maintaining animal traceability. However, we do not think they should be subject to the same strict liability threshold as others, such as persons in day-to-day charge of a NAIT animal (PICAs). We therefore recommend inserting subsection 31A(2). This would exempt transport operators and drivers from liability for moving untagged NAIT animals if certain criteria were met. A transport operator or driver would be exempt from liability if they had obtained a declaration from the PICA stating that the animal or animals were correctly tagged, and had been correctly identified and registered in the system. The intent is that the liability rests on the PICA, not the transport operator or driver. The liability would be waived when the transport operator or driver carried this declaration (either physically or electronically) with them at all times during transit.

National Party members of the committee thought that clause 12 as introduced, proposed section 31A, should not be included in the bill, as subjecting *any* person to liability is a very wide net. These members would have preferred to see section 30(2) in the principal Act remain as the status quo. This would have meant that only PICAs would be liable if untagged NAIT animals are moved. The new section would also require a change in the declaration documentation, which these members feel is an unnecessary additional burden on PICAs.

We also recommend a transitional period for the implementation of this section, which would be inserted under Schedule 1 of the bill. We recommend a transitional period of 6 months before clause 31A and clause 18 of Schedule 2 would apply to transport operators and drivers. This would allow time for officials to work with the sector to agree on the form and implementation of the declaration.

Review of “unsafe to tag” exemption in five years

Under regulation 17 of the National Animal Identification and Tracing (Obligations and Exemptions) Regulations 2012, PICAs are exempt from certain provisions of the Act where it is deemed that it would be “impracticable” to fit a NAIT device on an animal. Part 2 of Schedule 3 of the bill would alter these regulations to exempt PICAs when it is instead deemed *unsafe* to fit a NAIT device. This exemption would only apply to animals going to meat works, as it is already an offence under the principal Act to move an untagged animal to any other location.

Under Schedule 3 of the bill as introduced, this exemption would automatically expire after five years under regulation 17(10). Putting an expiry date on the exemption is intended to provide an ongoing reminder to PICAs that tagging animals is not

optional. The five-year limit would allow time for the industry to develop best practice for tagging and ensure that the exemption is not being misused.

We agree that the exemption should be relabelled as “unsafe to tag”. However, we disagree that the exemption should automatically expire. We recommend deleting regulation 17(10) as introduced and replacing it with a review provision. The review regulation would require that the NAIT organisation review the need for the “unsafe to tag” exemption after five years of its coming into force, rather than letting the exemption automatically expire after five years. This change would allow the exemption to continue if, after the review, the Minister considered it was still required. If it was no longer required, it could be revoked by the Minister following the review.

We also recommend consequential amendments to the National Animal Identification and Tracing (Levies) Regulations 2012 to replace all references to “impracticable to tag” with “unsafe to tag”.

Cost recovery for audits and accreditation

NAIT recently revised its standards for the accreditation process for information providers and accredited entities. During the *Mycoplasma bovis* outbreak, it was identified that proper audit processes were lacking. In particular, NAIT Limited could not take action if an entity did not meet the required standard.

At present, there is a single flat fee for accreditation processes. However, having more formalised audit and accreditation processes will naturally result in higher administration costs. We therefore recommend introducing a new cost recovery regime for accreditation and audit. Its purpose would be to ensure that the costs to the entities of getting and maintaining their accreditation are borne by those entities, rather than subsidised by all levy payers. If a PICA chooses to meet the obligations themselves, they should not be financially penalised.

The cost recovery regime would replace the current fixed fee of \$500 which is set in the National Animal Identification and Tracing (Fees and Forms) Regulations 2012 (the Fees and Forms Regulations).

We recommend the cost recovery regime be introduced by amending Part 2 of Schedule 3 of the bill, which would in turn amend regulation 4 of the Fees and Forms Regulations. We recommend introducing a graduated scale for the fees, based on the number of clients an applicant has. The three graduated steps would be: fewer than 1,000 clients, between 1,000 and 4,999 clients, and more than 5,000. For each of the three steps, the hourly rate would be \$135, but the billable number of hours would be capped at a different amount for each step.

In addition to amending the regulations, we recommend inserting clause 9A into the bill, to amend section 20 of the principal Act. This would clarify that an application for accreditation would be subject to the regulations, instead of to the current prescribed fee. It would also allow NAIT to waive the fee where it considers it appropriate. In addition, we recommend amending section 61 of the Act (through new clause 20A of the bill), to specify that regulations may impose fees for the purpose of accreditation.

Exemptions relating to the Impounding Act 1955

Under the bill as introduced, local authorities and their animal control officers, who operate under the Impounding Act 1955, inadvertently fall within the definition of a PICA. This was not the intention of the principal Act or the bill as introduced, and we see their inclusion as undesirable.

We therefore recommend that local authorities (including local authority rangers) be exempt from all requirements of the principal Act when operating under the Impounding Act 1955. We propose this be done by inserting clause 21A, which would insert new section 76 into the principal Act.

Declaring non-NAIT animals

Clause 14 would insert new section 32A to require PICAs to declare annually any livestock that are not NAIT animals. As introduced, section 32A(2) would require PICAs to declare any animals kept as part of a commercial operation that are not NAIT animals. We recommend rewording this as any animals that are farmed or kept in captivity that are not NAIT animals. This would mean that the bill captured life-style properties that rear animals, or have domesticated animals, and would continue to improve the information that is held for the purposes of dealing with biosecurity issues.

National Party members of the committee are concerned about the increasing compliance burden on farmers, and encourage government departments to act more collaboratively.

Core data to include when NAIT animals found dead

Clause 15 of the bill would amend section 40 of the Act, which sets out the different purposes of holding core data. The bill would add another purpose to the list, namely to respond to inquiries about the theft of NAIT animals or wandering NAIT animals. For clarity, we recommend expanding on this purpose to include responding to inquiries about dead NAIT animals found in public places.

Ministerial notification of Government priorities and expectations

Clause 7 of the bill as introduced would insert sections 9A and 9B, which would expand on the powers that the relevant Minister would have under the Act. Section 9A would allow the relevant Minister to appoint a person to attend board meetings of the NAIT organisation. Section 9B would allow the Minister to notify the NAIT organisation of the Government's priorities and expectations. The ability for a Minister to notify priorities and expectations could only be in relation to the functions and duties being exercised by the NAIT organisation under the Act.

National Party members of the committee are concerned about this provision. They questioned the appropriateness of the government of the day being able to override the NAIT organisation's core functions and duties, and wondered whether there is potential for abuse of the power. These members think that the power is too wide, and is unnecessary for this bill.

Appendix

Committee process

The National Animal Identification and Tracing Amendment Bill (No 2) was referred to the committee on 30 July 2019. The closing date for submissions was 28 August 2019. We received and considered 70 submissions from interested groups and individuals. We heard oral evidence from 10 submitters.

We received advice from the Ministry for Primary Industries.

Committee membership

Hon David Bennett (Chairperson)

Hon Amy Adams

Kiritapu Allan

Kieran McAnulty

Todd Muller

Mark Patterson

Rino Tirikatene

Hamish Walker

**National Animal Identification and Tracing Amendment
Bill (No 2)**

Key to symbols used in reprinted bill

As reported from a select committee

text inserted unanimously

~~text deleted unanimously~~

Hon Damien O'Connor

National Animal Identification and Tracing Amendment Bill (No 2)

Government Bill

Contents

	Page
1 Title	3
2 Commencement	3
Part 1	
Amendments to principal Act	
3 Principal Act	3
4 New section 3A inserted (Transitional, savings, and related provisions)	3
3A Transitional, savings, and related provisions	3
5 Section 4 amended (Interpretation)	3
6 Section 9 amended (Minister may appoint 1 or more persons to perform functions or duties, or exercise powers, of NAIT organisation)	4
7 New sections 9A and 9B inserted	4
9A Minister may appoint person to attend meetings of board	4
9B Minister may notify Government priorities and expectations	5
8 Section 10 amended (Functions, duties, and powers of NAIT organisation)	5
9 New section 10A inserted (Additional reporting obligations)	5
10A Additional reporting obligations	6
9A Section 20 amended (NAIT organisation may accredit entities as information providers and entities dealing with NAIT animals)	6
10 New section 23A inserted (Crown ownership of core data) (NAIT organisation must provide copy of core data at Minister's request)	6

**National Animal Identification and Tracing Amendment
Bill (No 2)**

	23A Crown ownership of core data <u>NAIT organisation must provide copy of core data at Minister's request</u>	6
11	Section 30 amended (Obligation to identify and register NAIT animals)	6
12	New section 31A inserted (Obligation on person who moves NAIT animals)	7
	31A Obligation on person who moves NAIT animals	7
13	Section 32 amended (Obligation to declare death, loss, or export)	7
14	New section 32A and cross-heading inserted	7
	<i>Certain livestock that are not NAIT animals</i>	
	32A Obligation to declare certain livestock that are not NAIT animals	7
15	Section 40 amended (Purposes of holding core data)	7
16	Section 42 amended (Rules on holding and accessing data)	8
17	Section 45 amended (Determinations by administrator)	8
18	Section 46 amended (Determinations by administrator or panel)	8
19	New section 48A inserted (Authorised Ministry officers may access core data)	8
	48A Authorised Ministry officers may access core data	9
20	Section 51 amended (Relationship with other laws)	9
<u>20A</u>	<u>Section 61 amended (Regulations may impose fees or charges)</u>	<u>9</u>
21	Section 63 amended (NAIT organisation to account for levy)	9
<u>21A</u>	<u>New section 76 inserted (Exemption from Act for local authorities and rangers acting under Impounding Act 1955)</u>	<u>9</u>
	76 Exemption from Act for local authorities and rangers acting under Impounding Act 1955	9
22	New Schedule 1AA inserted	10
23	Schedule 2 replaced	10
	Part 2	
	Enactments amended	
24	Enactments amended	10
<u>25</u>	<u>Animal Products Regulations 2000 amended</u>	<u>10</u>
<u>26</u>	<u>National Animal Identification and Tracing (Infringement Offences) Regulations 2012 amended</u>	<u>10</u>
	Schedule 1	11
	New Schedule 1AA inserted	
	Schedule 2	12
	Schedule 2 replaced	
	Schedule 3	29
	Enactments amended	
	Schedule 4	37
	<u>New Schedule of Animal Products Regulations 2000 inserted</u>	

43

Schedule 5
**Schedules 1 and 2 of National Animal Identification and
Tracing (Infringement Offences) Regulations 2012 replaced**

The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the National Animal Identification and Tracing Amendment Act
(No 2) 2019.
- 2 Commencement** 5
This Act comes into force on the day after the date on which it receives the
Royal assent.

Part 1
Amendments to principal Act

- 3 Principal Act** 10
This Part amends the National Animal Identification and Tracing Act 2012 (the
principal Act).
- 4 New section 3A inserted (Transitional, savings, and related provisions)**
After section 3, insert:
- 3A Transitional, savings, and related provisions** 15
The transitional, savings, and related provisions set out in **Schedule 1AA** have
effect according to their terms.
- 5 Section 4 amended (Interpretation)**
- (1) In section 4, insert in their appropriate alphabetical order:
- public sector organisation** means— 20
- (a) an organisation named or specified in Schedule 1 of the Ombudsmen Act
1975:
 - (b) an organisation named in Schedule 1 of the Official Information Act
1982:
 - (c) a local authority or public body named or specified in Schedule 1 of the 25
Local Government Official Information and Meetings Act 1987:
 - (d) a council-controlled organisation within the meaning of section 6 of the
Local Government Act 2002
- registered location** means, in relation to a NAIT device, the location that is
registered with the NAIT organisation for that device 30

- (2) In section 4, replace the definition of **PICA** with:
- PICA** means a natural person or body corporate in day-to-day charge of a NAIT animal
- 6 Section 9 amended (Minister may appoint 1 or more persons to perform functions or duties, or exercise powers, of NAIT organisation)** 5
- (1) Before section 9(1), insert:
- (1AAA) This section applies if the Minister has reasonable grounds to believe that—
- (a) the continued involvement of the NAIT organisation poses a significant risk to the integrity and effective operation of the NAIT scheme or to New Zealand’s trading reputation or economic interests; or 10
 - (b) a failure by the NAIT organisation to perform a function or duty under this Act poses a risk to the integrity and effective operation of the NAIT scheme or to New Zealand’s trading reputation or economic interests.
- (2) In section 9(1), replace “If the Minister has reasonable grounds to believe that the continued involvement of the NAIT organisation poses a significant risk to the integrity and effective operation of the NAIT scheme or to New Zealand’s trading reputation or economic interests,” with “If this section applies,” 15
- 7 New sections 9A and 9B inserted**
- After section 9, insert:
- 9A Minister may appoint person to attend meetings of board** 20
- (1) The Minister may appoint a person to perform the following functions:
- (a) to observe the decision-making processes and decisions of the board; and
 - (b) to assist the board to understand Government priorities and expectations; and 25
 - (c) to advise the Minister on any matters relating to the NAIT organisation.
- (2) Before making the appointment, the Minister must, after receiving advice from the Director-General, be satisfied that the person has the appropriate skills and expertise. 30
- (3) The person appointed may attend any meeting of the board but may not vote. 30
- (4) The board must give the person appointed sufficient notice of its meetings and copies of all documents and materials to be considered in relation to each meeting. 30
- (5) The appointment must be made on terms and conditions agreed between the Minister and the person appointed. 35
- (6) In this section, **board** means the board or governing body of the NAIT organisation.

9B Minister may notify Government priorities and expectations

The Minister may, by notice in writing to the NAIT organisation, state the Government's priorities and expectations relating to the organisation's performance of its functions and duties under this Act.

8 Section 10 amended (Functions, duties, and powers of NAIT organisation) 5

(1) After section 10(1)(a)(x)(C), insert:

(D) specify the measures by which the NAIT organisation's performance of its functions and duties under this Act (including any function or duty specified under subsection (2)) will be assessed; and

10

(E) specify how the NAIT organisation's activities will be independently audited against those measures; and

(2) Replace section 10(1)(c) with:

(c) in the event that an appointment is made under section 9(1)(a) or (b), ensure that there is continuity of access to the NAIT information system (before and after the appointment) by persons entitled to access it under Part 4; and

15

(d) arrange for its activities to be independently audited each year against the measures specified in the national operations plan; and

(e) perform any function or duty that the Minister directs under subsection (2).

20

(3) In section 10(2), replace "other than" with "including".

(4) After section 10(2), insert:

(2A) The Minister must present a direction made under subsection (2) to Parliament.

(2B) The NAIT organisation must perform its function under **subsection (1)(c)**— 25

(a) in accordance with the terms of any agreement entered into by the NAIT organisation and the Crown; or

(b) if there is no agreement, in accordance with any direction of the Minister given under subsection (2).

(5) After section 10(5)(b), insert: 30

(c) must, as soon as practicable after the review is completed, provide the Minister with the findings of the review.

(6) Before section 10(7)(a), insert:

(aaa) have regard to the Government's priorities and expectations notified under **section 9B**; and

35

9 New section 10A inserted (Additional reporting obligations)

After section 10, insert:

10A Additional reporting obligations

- (1) The NAIT organisation must, for each financial year,—
- (a) prepare a written report accounting for how any money appropriated by the Crown has been spent in the financial year; and
 - (b) provide the report to the Minister as soon as practicable after the end of the financial year. 5
- (2) The NAIT organisation must—
- (a) prepare a written report on how the NAIT organisation is addressing the Government’s priorities and expectations relating to the organisation’s performance of its functions and duties under this Act; and 10
 - (b) provide the report to the Minister at the end of the financial year and at any other time at the request of the Minister.
- (3) The NAIT organisation must provide the Minister with the findings of the independent audit required under **section 10(1)(d)** as soon as practicable after the audit has been completed. 15

9A Section 20 amended (NAIT organisation may accredit entities as information providers and entities dealing with NAIT animals)

- (1) In section 20(3)(c), replace “prescribed fee” with “fee required by regulations”.
- (2) After section 20(4), insert:
- (4A) The NAIT organisation may, if it thinks fit, waive the fee payable for an application, in whole or in part, or in any particular case or class of cases. 20

10 New section 23A inserted (~~Crown ownership of core data~~) (NAIT organisation must provide copy of core data at Minister’s request)

After section 23, insert:

23A ~~Crown ownership of core data~~ NAIT organisation must provide copy of core data at Minister’s request 25

- (1) ~~All core data is the property of the Crown.~~
The NAIT organisation must, at the written request of the Minister, provide the Crown with a copy of all or part of the core data—
- (a) in accordance with the Minister’s specifications (if any); and 30
 - (b) at no cost to the Crown.

11 Section 30 amended (Obligation to identify and register NAIT animals)

Replace section 30(2) with:

- (2) A PICA must not ~~use~~ fit a NAIT device on an animal outside the registered location for the device. 35

- (3) A PICA must comply with any other requirements relating to NAIT devices set out in any standards issued or regulations made under this Act.

12 New section 31A inserted (Obligation on person who moves NAIT animals)

After section 31, insert:

5

31A Obligation on person who moves NAIT animals

- (1) A person must not move a NAIT animal from a NAIT location or other location unless the animal is fitted with the prescribed NAIT device.

- (2) However, a transport operator or drover is exempt from the obligation in **subsection (1)** if—

10

- (a) the PICA at the location from which the NAIT animal is moved provides the transport operator or drover with a declaration that the animal has been—

(i) fitted with the prescribed NAIT device; and

(ii) identified and registered with the NAIT organisation in accordance with this Act; and

15

- (b) the transport operator or drover carries, or has access to, the declaration at all times while moving the animal.

13 Section 32 amended (Obligation to declare death, loss, or export)

- (1) In section 32(2), replace “transitional facility” with “port of export”.

20

- (2) Repeal section 32(3).

14 New section 32A and cross-heading inserted

After section 32, insert:

Certain livestock that are not NAIT animals

32A Obligation to declare certain livestock that are not NAIT animals

25

- (1) A PICA must, on or before 31 July each year, make a declaration to the NAIT organisation of prescribed livestock under the PICA’s charge.

- (2) In this section, **prescribed livestock** means livestock that—

(a) are not NAIT animals; and

(b) ~~kept as part of a commercial operation;~~ are farmed or kept in captivity; and

30

(c) are prescribed in regulations made under this Act.

15 Section 40 amended (Purposes of holding core data)

- (1) In section 40(c), after “Animal Products Act 1999,” insert “Animal Welfare Act 1999,”.

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National Animal Identification and Tracing Amendment Bill (No 2)		
Part 1 cl 16		
(2)	Replace section 40(f) with: (f) to respond to natural disasters or requests from emergency services when rapid access to data on animals and people is needed to manage risks to the lives and welfare of animals and people:	
(3)	In section 40(i), replace “history” with “location history”.	5
(4)	After section 40(i), insert: (j) to respond, or assist others with duties to respond, to inquiries about theft of <u>NAIT animals, wandering NAIT animals, or NAIT animals found dead in public places.</u> livestock or wandering livestock.	
(5)	In section 40, insert as subsection (2):	10
(2)	For the purpose of subsection (1) ,— emergency services means— (a) the services described in section 4 of the Civil Defence Emergency Management Act 2002; and (b) animal control services of local authorities or other similar services relating to animal control location history means information about the locations in which the animal was registered and the dates during which the animal resided in each location.	15
16	Section 42 amended (Rules on holding and accessing data) After section 42(7)(b), insert: (ba) a person authorised under section 48A has access to core data for a purpose specified in section 40:	20
17	Section 45 amended (Determinations by administrator) After section 45(5)(e), insert: (f) a public sector organisation.	25
18	Section 46 amended (Determinations by administrator or panel) (1) In section 46(8), after “agency”, insert “or a public sector organisation”. (2) After section 46(11)(e), insert: (f) a public sector organisation.	
19	New section 48A inserted (Authorised Ministry officers may access core data) After section 48, insert:	30

48A	Authorised Ministry officers may access core data	
(1)	The Director-General may authorise an employee or agent of the Ministry to access core data in the NAIT information system in accordance with this section.	
(2)	A person authorised under this section may access core data in the NAIT information system without making an application under section 45 or 46 if the Director-General is satisfied that access to the data is reasonably necessary to achieve a purpose in section 40.	5
(3)	The NAIT organisation must ensure that core data is able to be accessed at any time by a person authorised under this section.	10
20	Section 51 amended (Relationship with other laws)	
	After section 51(2), insert:	
(3)	For the purposes of the rules of evidence, the information in a NAIT device and the manner in which the information is conveyed from the device to the NAIT information system are proved by the production of a certificate—	15
(a)	indicating the information and the manner of conveyance; and	
(b)	signed by the administrator or a person acting under a delegation from the administrator.	
20A	Section 61 amended (Regulations may impose fees or charges)	
	After section 61(1)(a), insert:	20
(aa)	a method for calculating a fee payable under section 20(3):	
21	Section 63 amended (NAIT organisation to account for levy)	
	After section 63(2), insert:	
(3)	The NAIT organisation must provide the Minister with—	
(a)	a copy of the statements as soon as practicable after they have been prepared; and	25
(b)	the findings of the audit as soon as practicable after the audit is completed.	
21A	New section 76 inserted (Exemption from Act for local authorities and rangers acting under Impounding Act 1955)	30
	After section 75, insert:	
76	Exemption from Act for local authorities and rangers acting under Impounding Act 1955	
	This Act does not apply to any actions carried out under the Impounding Act 1955 by a local authority or a ranger appointed by the local authority.	35

22 New Schedule 1AA inserted

Insert the **Schedule 1AA** set out in **Schedule 1** of this Act as the first schedule to appear after the last section of the principal Act.

23 Schedule 2 replaced

Replace Schedule 2 with the **Schedule 2** set out in **Schedule 2** of this Act. 5

**Part 2
Enactments amended**

24 Enactments amended

Amend the enactments specified in **Schedule 3** as set out in that schedule.

25 Animal Products Regulations 2000 amended 10

- (1) This section amends the Animal Products Regulations 2000.
- (2) After regulation 27, insert the **Schedule** set out in **Schedule 4** of this Act.

26 National Animal Identification and Tracing (Infringement Offences) Regulations 2012 amended

- (1) This section amends the National Animal Identification and Tracing (Infringement Offences) Regulations 2012. 15
- (2) Replace Schedules 1 and 2 with the **Schedules 1 and 2** set out in **Schedule 5** of this Act.

Schedule 1
New Schedule 1AA inserted

s 22

Schedule 1AA
Transitional, savings, and related provisions

5

s 3A

Part 1
**Provisions relating to National Animal Identification and Tracing
Amendment Act (No 2) 2019**

- 1** **Defined terms** 10
- In this Part,—
- commencement date** means the date on which the National Animal Identification and Tracing Amendment Act (**No 2**) **2019** comes into force
- transition period** means the period starting on the commencement date and ending 12 months after the commencement date. 15
- 2** **NAIT devices purchased before commencement date**
- A PICA who purchased animal identification devices before the commencement date may, despite **section 30(2) and (3)**, use those devices on NAIT animals under the PICA's charge at any location during the transition period.
- 3** **Delayed application of section 31A and clause 18 of Schedule 2 to transport operators and drivers** 20
- Section 31A and clause 18 of Schedule 2** do not apply to transport operators and drivers until the date that is 6 months after the commencement date.

Schedule 2
Schedule 2 replaced

s 23

Schedule 2
Compliance and enforcement

5

s 55

Contents

Page

Part 1

Powers relevant to administration of NAIT scheme

Requirements for information

1	Production of information	13
2	Inspection and audit of core data	14
3	Power to determine status of person as PICA	14
4	Power to give directions	15
5	Power to act if person defaults	15

Part 2

Powers applying in relation to all livestock

6	Recovery of straying livestock	16
7	Removal of straying livestock	17

Part 3

Search and inspection powers

8	Who may carry out duties	18
9	Restrictions on issue of search warrant	18
10	Power of entry without warrant for inspection	18
11	Disposal of property seized under search warrant	18

Part 4

Offences and penalties

Offences other than infringement offences

12	Offences relating to exercise of powers	19
13	Offences relating to information required by, or held under, this Act	19
14	Obligation to maintain confidentiality	20
15	Offences relating to registration, declarations, and provision of information	20
16	Offence relating to declaration required under section 32A	21
17	Offences relating to fitting NAIT devices	21

18	Offence relating to transporting NAIT animals that are not fitted with NAIT devices	22
19	Offences relating to alteration, removal, reuse, and supply of NAIT devices	23
20	Offence of failing to comply with directions	24
	<i>Infringement offences</i>	
21	Offences that may be proceeded with by way of infringement notice	24
22	Service and cancellation of infringement notices	24
23	Form of infringement notice	25
24	Payment of infringement fees	26
	<i>General provisions applying to offences under Act</i>	
25	Time for filing charging document	26
26	Liability of body corporate	26
27	Liability of principals and agents	26
28	Liability of director or manager of body corporate	27
29	Defences must be notified to prosecutor	27
30	Evidence in proceedings	28
31	Service of orders or notices	28

Part 1

Powers relevant to administration of NAIT scheme

Requirements for information

1 Production of information

- | | | |
|-----|---|----|
| (1) | A NAIT officer or a NAIT authorised person may direct any person, including a person who is otherwise exempted from obligations by regulations made under section 69(3)(g),— | 5 |
| | (a) to provide personal information about that individual, including identifying information such as the person’s name, date of birth, gender, place of residence, and place of business: | 10 |
| | (b) to produce information or documents: | |
| | (c) to answer relevant questions. | |
| (2) | The matters that may be required under subclause (1) must be reasonably necessary for the purpose of— | |
| | (a) determining whether— | 15 |
| | (i) a person is duly registered as a PICA in respect of 1 or more specified NAIT locations; or | |
| | (ii) a person is complying with this Act, regulations made under it, or standards issued under it; or | |

- (iii) a NAIT officer, a NAIT authorised person, or the Director-General should exercise other powers under this Act for the purpose of ascertaining and ensuring compliance with this Act; or
- (b) ascertaining the movements of NAIT animals.
- (3) This clause is subject to section 138 of the Search and Surveillance Act 2012 (which provides for a privilege against self-incrimination). 5
Compare: 2012 No 2 Schedule 2 cl 2
- 2 Inspection and audit of core data**
- (1) A NAIT officer or a NAIT authorised person may, at any time, inspect or audit core data for the purpose of ascertaining compliance with— 10
- (a) the obligations set out in Part 3 of this Act:
- (b) any requirements of this Act, of regulations made under it, or of standards issued under it.
- (2) A fee or charge may be charged to recover the cost of the inspection or audit.
- (3) Before commencing an inspection or audit, the NAIT officer or NAIT authorised person must notify the PICA, the PICA’s delegate, and the PICA’s information provider (if any) that— 15
- (a) an inspection or audit (as the case may require) is to be carried out; and
- (b) the inspection or audit may be conducted on a cost-recovery basis; and
- (c) the PICA, the PICA’s delegate, or the PICA’s information provider may make a written submission before an adverse report is issued on the basis of the inspection or audit. 20
- (3) This clause is subject to section 138 of the Search and Surveillance Act 2012 (which provides for a privilege against self-incrimination). 25
Compare: 2012 No 2 Schedule 2 cl 3
- 3 Power to determine status of person as PICA**
- (1) If there is no PICA registered for a NAIT location or other location, a NAIT officer must determine who the PICA is for that location.
- (2) The NAIT officer must take into account the following factors:
- (a) if a person (**person A**) is actually in charge of NAIT animals and is employed by another person (**person B**), whether person B agrees to person A being the PICA for the NAIT location; and 30
- (b) whether person A has the authority and ability to carry out the obligations arising under this Act, including—
- (i) the obligation to register as the PICA for the location; and 35
- (ii) the obligations of a PICA, such as—
- (A) obtaining and fitting NAIT devices for the species or sub-groups of species of NAIT animals at the location; and

- (B) declaring the movement of NAIT animals to or from the location.
- (3) **Subclause (2)** does not limit the matters that a NAIT officer may take into account in making a determination under **subclause (1)**.
- (4) A NAIT officer may require evidence from person A to establish the matters required by **subclause (2)**. 5
- (5) If a NAIT officer determines that person A is a PICA in accordance with the factors specified in **subclause (2)**, the NAIT officer must—
- (a) give notice of that determination in writing to the person; and
- (b) advise the person of— 10
- (i) the requirements for registration as the PICA for the location; and
- (ii) the obligations that apply to that person as the PICA for that location; and
- (iii) the offences and penalties that apply for breaches of this Act or of regulations made under it. 15
- Compare: 2012 No 2 Schedule 2 cl 4
- 4 Power to give directions**
- (1) A NAIT officer or a NAIT authorised person may, if he or she considers it necessary,—
- (a) give directions to a PICA, a PICA delegate, or an information provider to ensure that a NAIT animal is identified and registered in the manner and within the time required by or under this Act: 20
- (b) give any other reasonable direction to ensure compliance with this Act, regulations made under this Act, or standards issued under it.
- (2) Directions must be given in writing but, if it is impracticable to do so in the circumstances, may be given orally. An oral direction must be followed by a written direction as soon as practicable after it has been given. 25
- Compare: 2012 No 2 Schedule 2 cl 5
- 5 Power to act if person defaults**
- (1) This clause applies to a person who is directed under **clause 4** to take some specified action. 30
- (2) If the person fails to comply with the direction within the time specified in the notice or, if no time was specified in a notice under **clause 4(2)**, within a reasonable time, a NAIT officer or a NAIT authorised person may take action, or cause action to be taken, that is reasonably necessary and appropriate for achieving the purposes of the notice. 35
- (3) If a specified action is required to be carried out on Māori land, the notice given to the owners must comply with section 181 of Te Ture Whenua Maori Act 1993.

- (4) The NAIT officer or a NAIT authorised person is entitled to recover the costs and expenses reasonably incurred under **subclause (2)** as a debt due from the person to whom the notice was given.

Compare: 2012 No 2 Schedule 2 cl 6

Part 2

5

Powers applying in relation to all livestock

6 Recovery of straying livestock

- (1) This Part applies to all livestock, whether or not they are NAIT animals.
- (2) If a livestock owner (**person A**) believes on reasonable grounds that livestock of that person have strayed onto land occupied by another person (**person B**) or are in the possession of person B, for the purpose of identifying and recovering any livestock,—
- (a) person A may apply in writing to a NAIT officer requesting that written notice be given to person B about the straying livestock; and
- (b) the NAIT officer may give notice to person B, requiring that person, on the date specified in the notice,—
- (i) to muster his or her livestock of the kind to which the application relates; or
- (ii) if person B is not holding such livestock on land in his or her occupation, to allow any livestock whose identity is in question to be mustered in a yard or pen.
- (3) The NAIT officer, if he or she considers it appropriate to do so, may—
- (a) enter the land and carry out the muster of livestock on person B's land; and
- (b) on the application of person B, postpone the date fixed to muster the livestock.
- (4) Person B may recover from person A—
- (a) the reasonable expenses incurred in mustering, delivering, or holding the livestock if so ordered by a NAIT officer; and
- (b) compensation for any unavoidable damage suffered in complying with a notice given under **subclause (2)**.
- (5) **Subclause (6)** applies if the NAIT officer—
- (a) is unable for good reason to deal with an application made under **subclause (2)** without delay; and
- (b) believes on reasonable grounds that livestock may be removed from the land or otherwise disposed of in the meantime.

- (6) The NAIT officer may, if requested to do so by person A, order livestock to be held in the manner that the NAIT officer thinks appropriate until the application is dealt with or the expiration of 7 days, whichever is the earlier.
- (7) If person B refuses or fails to comply with a notice given under **subclause (2)** or an order given under **subclause (6)**, person B commits an offence and is liable on conviction to a fine not exceeding \$1,000. 5
- Compare: 2012 No 2 Schedule 2 cl 12
- 7 Removal of straying livestock**
- (1) If an occupier of land (**person A**) believes on reasonable grounds that livestock owned by another person (**person B**) have strayed onto person A's land,— 10
- (a) person A may apply in writing to a NAIT officer requesting that written notice be given to person B, requiring that person to remove livestock that belong to person B at that person's expense; and
- (b) the NAIT officer may give notice to person B, requiring that person, on the date specified in the notice, to remove the livestock. 15
- (2) If a person who is a party to a covenant established to protect any of the values specified in **subclause (3) (person C)** believes that there are, on the covenanted land, livestock owned by person B that are likely to adversely affect the values being protected,—
- (a) person C may apply in writing to a NAIT officer for, and the NAIT officer may give, written notice to person B requiring the livestock to be removed or destroyed by the date specified in the notice; and 20
- (b) person C or the NAIT officer may, if the notice is not complied with by the specified date, impound the livestock at the cost of person B, until that person complies with the notice. 25
- (3) The values are—
- (a) the viability of threatened species or sub-groups of species of organisms:
- (b) the survival and distribution of indigenous plants or animals:
- (c) the sustainability of natural and developed ecosystems, ecological processes, and biological diversity: 30
- (d) soil resources or water quality:
- (e) human health or enjoyment of the recreational value of the natural environment:
- (f) the relationship of Māori and their culture and traditions with their ancestral lands, waters, sites, wāhi tapu, and taonga. 35
- (4) If person B refuses or fails to comply with a notice given under this clause, that person commits an offence and is liable on conviction to a fine not exceeding \$1,000.

Compare: 2012 No 2 Schedule 2 cl 13

Part 3**Search and inspection powers****8 Who may carry out duties**

Any duty imposed on a NAIT officer under this Part may be carried out instead by an inspector appointed under the Biosecurity Act 1993 by the Ministry.

5

Compare: 2012 No 2 Schedule 2 cl 22

9 Restrictions on issue of search warrant

(1) An issuing officer may, on application by a NAIT officer made in accordance with subpart 3 of Part 4 of the Search and Surveillance Act 2012, issue a search warrant authorising every NAIT officer to search, inspect, or examine any place, vehicle, or thing described in the application, if the issuing officer is satisfied that there are reasonable grounds—

10

(a) to suspect that an offence against this Act or any regulations made under this Act has been, is being, or will be committed; and

(b) to believe the search will find evidence in respect of the offence.

15

(2) In this clause, **issuing officer** has the meaning given in section 3(1) of the Search and Surveillance Act 2012.

Compare: 2012 No 2 Schedule 2 cl 34

10 Power of entry without warrant for inspection

(1) At any reasonable time a NAIT officer or a NAIT authorised person may enter and inspect a place without a warrant for the purpose of determining whether or not a person is complying with this Act, regulations made under it, or standards issued under it.

20

(2) However, a NAIT officer or a NAIT authorised person must not enter or inspect a dwelling house or marae, or a building associated with a marae, except—

25

(a) with the consent of the occupier; or

(b) if a warrant has been issued under **clause 9**, in compliance with any conditions of the warrant.

(3) The provisions of subparts 1, 4, 7, 9, and 10 of Part 4 of the Search and Surveillance Act 2012 (except for sections 118 and 119) apply.

30

Compare: 2012 No 2 Schedule 2 cl 49

11 Disposal of property seized under search warrant

Subparts 1, 5, 6, 7, 9, and 10 of Part 4 of the Search and Surveillance Act 2012 apply in respect of any property seized by a constable under a search warrant and, with any necessary modifications, in respect of property seized under a search warrant by a NAIT officer.

35

Compare: 2003 No 114 s 68

Part 4
Offences and penalties

Offences other than infringement offences

12 Offences relating to exercise of powers

- (1) Every person commits an offence who intentionally— 5
- (a) threatens, assaults, obstructs, or hinders a person in the exercise of a power or the performance of a function or duty prescribed by or under this Act:
 - (b) impersonates or falsely represents himself or herself as a NAIT officer or a NAIT authorised person. 10
- (2) Every person who commits an offence against this clause is liable on conviction,—
- (a) in the case of an individual, to imprisonment for a term not exceeding 6 months or a fine not exceeding \$100,000:
 - (b) in the case of a body corporate, to a fine not exceeding \$200,000. 15

Compare: 2012 No 2 Schedule 2 cl 77

13 Offences relating to information required by, or held under, this Act

- (1) Every person commits an offence who knowingly provides information that is materially false or misleading to— 20
- (a) the NAIT organisation; or
 - (b) a NAIT officer or a NAIT authorised person exercising powers under this Act.
- (2) A PICA for a NAIT location or other location commits an offence who knowingly provides a materially false or misleading declaration that a NAIT animal consigned for transport or droving has been identified and registered with the NAIT organisation in accordance with this Act. 25
- (3) Every person commits an offence who, contrary to the provisions of this Act, knowingly accesses, uses, or discloses information on the NAIT information system that is— 30
- (a) personal information within the meaning of the Privacy Act 1993; or
 - (b) commercially sensitive within the meaning of section 9(2)(b)(ii) of the Official Information Act 1982.
- (4) Every person commits an offence who, in the circumstances set out in **sub-clause (5)**,— 35
- (a) uses, in the course of business or trade,—
 - (i) the name NAIT organisation; or
 - (ii) any other trading name used by the NAIT organisation; or

- (iii) a logo, mark, or design that identifies the NAIT organisation; or
- (b) forms an association using the name NAIT organisation, or any other trading name used by the NAIT organisation.
- (5) The circumstances referred to in **subclause (4)** are as follows:
- (a) the action is carried out knowingly and without the prior written approval of the NAIT organisation: 5
- (b) the action is carried out in a manner that misleads a person or misleadingly suggests that it was carried out with the approval of the NAIT organisation.
- (6) Every person who commits an offence against this clause is liable on conviction,— 10
- (a) in the case of an individual, to imprisonment for a term not exceeding 6 months or a fine not exceeding \$100,000:
- (b) in the case of a body corporate, to a fine not exceeding \$200,000. 15
- Compare: 2012 No 2 Schedule 2 cl 78
- 14 Obligation to maintain confidentiality**
- (1) This clause applies to NAIT officers and NAIT authorised persons exercising powers or performing functions under this Act.
- (2) A person to whom this clause applies must not disclose any information that comes into the person's knowledge while the person is exercising powers or performing functions under this Act, except— 20
- (a) with the consent of the person to whom the information relates; or
- (b) to the extent that the information is already in the public domain; or
- (c) to the extent that the information is used for the purposes of, or in connection with, the exercise of powers conferred by this Act; or 25
- (d) as provided for, by, or under this Act; or
- (e) in connection with an investigation or inquiry concerning proceedings for an offence against this Act.
- (3) A person who contravenes **subclause (2)** commits an offence and is liable on conviction,— 30
- (a) in the case of an individual, to imprisonment for a term not exceeding 6 months or a fine not exceeding \$100,000:
- (b) in the case of a body corporate, to a fine not exceeding \$200,000.
- Compare: 2012 No 2 Schedule 2 cl 79
- 15 Offences relating to registration, declarations, and provision of information** 35
- (1) Every person commits an offence who—

- (a) is, or has been determined to be, a PICA for a NAIT location or other location by a NAIT officer; and
- (b) in breach of section 26 or 27, fails to register as a PICA in accordance with this Act.
- (2) A PICA for a NAIT location or other location commits an offence who fails, unless an exemption applies,— 5
- (a) to register a NAIT animal at that location in accordance with this Act:
- (b) to comply with section 31 in relation to animal movements:
- (c) to comply with section 32 in relation to a NAIT animal that dies, is lost, or is exported live. 10
- (3) Every person who commits an offence against **subclause (1)** is liable on conviction,—
- (a) in the case of an individual, to a fine not exceeding \$100,000:
- (b) in the case of a body corporate, to a fine not exceeding \$200,000.
- (4) Every person who commits an offence against **subclause (2)** is liable on conviction,— 15
- (a) in the case of an individual, to a fine—
- (i) not exceeding \$100,000; or
- (ii) not exceeding \$10,000 for each animal to which the offence relates, up to a maximum of \$100,000: 20
- (b) in the case of a body corporate, to a fine—
- (i) not exceeding \$200,000; or
- (ii) not exceeding \$20,000 for each animal to which the offence relates, up to a maximum of \$200,000. 25
- Compare: 2012 No 2 Schedule 2 cl 82
- 16 Offence relating to declaration required under section 32A**
- (1) A PICA commits an offence who fails to provide the declaration required under **section 32A**.
- (2) Every person who commits an offence against **subclause (1)** is liable on conviction,— 30
- (a) in the case of an individual, to a fine not exceeding \$100,000:
- (b) in the case of a body corporate, to a fine not exceeding \$200,000.
- 17 Offences relating to fitting NAIT devices**
- (1) A PICA for a NAIT location or other location commits an offence who, contrary to the requirements prescribed by regulations made under this Act,— 35
- (a) fails to fit a NAIT device to a NAIT animal born in that location before the animal is first moved from the location or within the time specified

	in regulations made under this Act, whichever is the sooner, unless an exemption applies:	
	(b) in a case where a NAIT device is lost or becomes detached from a NAIT animal in that location, before the animal is moved from that location, fails—	5
	(i) to apply a replacement device; and	
	(ii) to reregister that animal:	
	(c) fits a NAIT device prescribed for 1 species or sub-group of species to an animal of another species or sub-group of species:	
	(d) uses <u>fits</u> a NAIT device on an animal in a location other than a registered location:	10
	(e) unless an exemption applies, when a NAIT animal arrives at that location without a NAIT device, fails either to—	
	(i) return the animal to the PICA who consigned the animal to the location; or	15
	(ii) fit a replacement device to the animal and reregister it in the manner, and within the time, specified in regulations made under this Act.	
(2)	Every person who commits an offence against subclause (1) is liable on conviction,—	20
	(a) in the case of an individual, to a fine—	
	(i) not exceeding \$100,000; or	
	(ii) not exceeding \$10,000 for each device to which the offence relates, up to a maximum of \$100,000:	
	(b) in the case of a body corporate, to a fine—	25
	(i) not exceeding \$200,000; or	
	(ii) not exceeding \$20,000 for each device to which the offence relates, up to a maximum of \$20,000.	
	Compare: 2012 No 2 Schedule 2 cl 83	
18	Offence relating to transporting NAIT animals that are not fitted with NAIT devices	30
(1)	A person commits an offence who moves from a location any NAIT animal that is not fitted with a prescribed NAIT device, unless an exemption applies.	
(2)	Every person who commits an offence against subclause (1) is liable on conviction,—	35
	(a) in the case of an individual, to a fine—	
	(i) not exceeding \$100,000; or	

(ii)	not exceeding \$10,000 for each animal to which the offence relates, up to a maximum of \$100,000:	
(b)	in the case of a body corporate, to a fine—	
(i)	not exceeding \$200,000; or	
(ii)	not exceeding \$20,000 for each animal to which the offence relates, up to a maximum of \$200,000.	5
19	Offences relating to alteration, removal, reuse, and supply of NAIT devices	
(1)	Every person commits an offence who—	
(a)	alters or defaces a NAIT device:	
(b)	unless the person is, or has been authorised by, a NAIT officer or a NAIT authorised person, removes a NAIT device from a live animal:	10
(c)	fits to a NAIT animal (whether dead or alive) a NAIT device removed from another NAIT animal, whether dead or alive:	
(d)	manufactures or supplies a device that does not comply with the requirements of regulations made, or standards issued, under this Act, while purporting that it is a NAIT device:	15
(e)	without the prior written approval of the NAIT organisation, sells or trades a NAIT device supplied by a manufacturer or an importer of NAIT devices:	
(f)	without the prior written approval of the NAIT organisation, reuses, sells, or trades a radio-frequency identification device component extracted from a NAIT device.	20
(2)	Every person who commits an offence against subclause (1) is liable on conviction,—	
(a)	in the case of an individual, to a fine—	25
(i)	not exceeding \$100,000; or	
(ii)	not exceeding \$10,000 for each device to which the offence relates, up to a maximum of \$100,000:	
(b)	in the case of a body corporate, to a fine—	
(i)	not exceeding \$200,000; or	30
(ii)	not exceeding \$20,000 for each device to which the offence relates, up to a maximum of \$200,000.	
(3)	There is no offence under subclause (1)(b) in the case of removal of a NAIT device at, or immediately before, slaughter.	35
	Compare: 2012 No 2 Schedule 2 cl 84	

20 Offence of failing to comply with directions

(1) Every person commits an offence who fails to comply with directions given by a NAIT officer or a NAIT authorised person under—

- (a) **clause 1**; or
- (b) **clause 4**.

5

(2) Every person who commits an offence against **subclause (1)** is liable on conviction,—

- (a) in the case of an individual, to a fine not exceeding \$100,000; or
- (b) in the case of a body corporate, to a fine not exceeding \$200,000.

Compare: 2012 No 2 Schedule 2 cl 85

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*Infringement offences***21 Offences that may be proceeded with by way of infringement notice**

(1) This clause applies when a person is alleged to have committed an infringement offence.

(2) Proceedings may be taken against a person by serving an infringement notice on the person under **clause 22**.

15

(3) If an infringement notice is served,—

- (a) proceedings for an offence may be commenced in accordance with section 21 of the Summary Proceedings Act 1957; and
- (b) section 21 of that Act applies with the necessary modifications.

20

(4) In this clause and **clauses 22 to 24**,—

infringement fee, in relation to an infringement offence, means the amount prescribed by regulations made under this Act to be payable for the offence

infringement offence means an offence that is declared, by regulations made under section 69, to be an infringement offence for the purposes of this Act.

25

Compare: 2012 No 2 Schedule 2 cl 86

22 Service and cancellation of infringement notices

(1) An infringement notice may be served on a person by a NAIT officer or a NAIT authorised person if the officer or authorised person—

- (a) observes the person committing an infringement offence; or
- (b) reasonably believes that the person is committing an infringement offence; or
- (c) reasonably believes that the person has committed an infringement offence.

30

(2) An infringement notice may be cancelled by a NAIT officer or a NAIT authorised person if—

35

- (a) the interests of justice require cancellation; and
 - (b) neither the particulars of a reminder notice nor a notice of hearing relating to the infringement notice has been filed in the District Court.
- (3) An infringement notice is cancelled by the service of a cancellation notice.
- (4) An infringement notice or a cancellation notice may be served by a NAIT officer or a NAIT authorised person personally delivering it to the person alleged to have committed the infringement offence, though a different NAIT officer or NAIT authorised person from the one who issued the notice may deliver the notice, and the notice served may be a copy. 5
- (5) Alternatively, an infringement notice or a cancellation notice may be served by post addressed to,— 10
- (a) if the person is a natural person,—
 - (i) the address of the person’s last-known place of residence; or
 - (ii) the address on the person’s driver licence; or
 - (iii) the person’s address on the latest electoral roll; or 15
 - (iv) the person’s last-known registered address, if the person has or has had a registered address for any purpose; or
 - (v) the person’s address in the latest telephone directory; or
 - (vi) the address of the person’s last-known place of business; or
 - (b) if the person is not a natural person,— 20
 - (i) the person’s last-known registered address, if the person has or has had a registered address for any purpose; or
 - (ii) the person’s address in the latest telephone directory; or
 - (iii) the address of the person’s last-known place of business.
- (6) For the purposes of the Summary Proceedings Act 1957, an infringement notice or a cancellation notice served under **subclause (5)** is treated as having been served on the person at the time when it was posted. 25

Compare: 2012 No 2 Schedule 2 cl 87

23 Form of infringement notice

- (1) An infringement notice must be in the form prescribed by regulations made under section 69. 30
- (2) The prescribed form must contain the following details:
- (a) sufficient information for the person served with the notice of the time, place, and nature of the alleged infringement offence; and
 - (b) the amount of the infringement fee prescribed for the infringement offence; and 35
 - (c) the time within which the infringement fee must be paid; and

(d)	the address of the place at which the infringement fee must be paid; and	
(e)	a statement of the person's right to ask for a hearing; and	
(f)	a statement of the person's right to ask for cancellation of the notice; and	
(g)	a statement of what will happen if the person does not pay the infringement fee or ask for a hearing or for cancellation of the notice; and	5
(h)	a summary of the provisions of section 21(10) of the Summary Proceedings Act 1957.	
	Compare: 2012 No 2 Schedule 2 cl 88	
24	Payment of infringement fees	
	All infringement fees paid for infringement offences must be paid to the Ministry.	10
	Compare: 2012 No 2 Schedule 2 cl 89	
	<i>General provisions applying to offences under Act</i>	
25	Time for filing charging document	
	Despite anything to the contrary in section 25 of the Criminal Procedure Act 2011, a charging document for any offence against this Act must be filed within 2 years after the date on which the matter giving rise to the charge first became known, or should have become known, to the Ministry or the NAIT organisation.	15
	Compare: 2012 No 2 Schedule 2 cl 90	20
26	Liability of body corporate	
(1)	This clause applies when—	
(a)	a body corporate is charged with an offence against this Act; and	
(b)	for the purpose of the prosecution, it is necessary to establish the body corporate's state of mind.	25
(2)	It is sufficient to show that a director, an employee, or an agent of the body corporate, acting within the scope of his or her actual or apparent authority, had the state of mind.	
	Compare: 2012 No 2 Schedule 2 cl 91	
27	Liability of principals and agents	30
(1)	Subclause (2) applies if an offence is committed against this Act by a person (person A) acting as the agent or employee of another (person B).	
(2)	Person B is liable for the offence as if person B had personally committed it, if it is proved that person B—	
(a)	authorised, permitted, or consented to the act constituting the offence; or	35

- (b) knew the offence was, or was to be, committed and failed to take all reasonable steps to prevent or stop it.
- (3) **Subclause (2)** does not prejudice the liability of person A.
Compare: 2012 No 2 Schedule 2 cl 92
- 28 Liability of director or manager of body corporate** 5
- If a body corporate is convicted of an offence against this Act, a director or manager of the body corporate is also guilty of the offence if it is proved that the director or manager—
- (a) authorised, permitted, consented, or participated in the act or omission that constituted the offence; or 10
- (b) knew, or could reasonably be expected to have known, that the offence was to be, or was being committed and failed to take all practicable steps to prevent or stop it.
- Compare: 2012 No 2 Schedule 2 cl 93
- 29 Defences must be notified to prosecutor** 15
- (1) In a prosecution for an offence against **clause 15, 16, 17, 18, 19, or 20**, it is a defence if the defendant proves—
- (a) that the defendant took all reasonable steps to avoid committing the offence; or
- (b) that the act or omission constituting the offence— 20
- (i) took place in circumstances of an adverse event or an emergency; and
- (ii) was necessary for the preservation, protection, or maintenance of animal or human life or for animal welfare purposes.
- (2) A defence is available only if the defendant provides to the prosecutor a written notice— 25
- (a) stating that the defendant intends to rely on a defence under **subclause (1)**; and
- (b) specifying, as relevant,— 30
- (i) for a defence under **subclause (1)(a)**, the reasonable steps that the defendant claims to have taken:
- (ii) for a defence under **subclause (1)(b)**, the circumstances of the adverse event or emergency and the reasons why the act or omission was necessary for the preservation, protection, or maintenance of animal or human life or for animal welfare purposes. 35
- (3) A notice given under **subclause (2)** must be provided to the prosecutor—
- (a) not later than 7 working days after the summons has been served on the defendant; or

	(b) with the leave of the court, within any further time that the court allows. Compare: 2012 No 2 Schedule 2 cl 94	
30	Evidence in proceedings	
(1)	In proceedings for an offence against this Act, a certificate or document that purports to be signed by the Director-General or delegate stating that a named person was, at or within the specified date or period, a NAIT officer or a NAIT authorised person—	5
	(a) is admissible in evidence; and	
	(b) unless the contrary is proved, is sufficient evidence of the contents of the certificate or document.	10
(2)	A certificate or document referred to in subclause (1) includes an electronic copy of the certificate or document. Compare: 2012 No 2 Schedule 2 cl 95	
31	Service of orders or notices	
(1)	If an order or a notice is to be given to a person for the purposes of this Act, it may be given—	15
	(a) by delivering it personally to the person; or	
	(b) by delivering it at the usual or last-known place of residence or business of the person, including by fax or by electronic mail; or	
	(c) by sending it by prepaid post addressed to the person at the usual or last-known place of residence or business of the person.	20
(2)	If an order or a notice is to be served on a body corporate for the purposes of this Act, service on an officer of the body corporate or on the registered office of the body corporate in accordance with subclause (1) is deemed to be service on the body corporate.	25
(3)	If an order or a notice is to be served on a partnership for the purposes of this Act, service on any one of the partners in accordance with subclause (1) or (2) is deemed to be service on the partnership.	
(4)	If an order or a notice is sent by post to a person in accordance with subclause (1)(c) , the order or notice is deemed, in the absence of proof to the contrary, to have been given on the third day after the day on which it was posted.	30
(5)	This clause is subject to any other provision of this Act that provides differently for the service of orders or notices. Compare: 2012 No 2 Schedule 2 cl 96	35

Schedule 3 Enactments amended

s 24

Part 1

Search and Surveillance Act 2012 amended

5

Search and Surveillance Act 2012 (2012 No 24)

In the Schedule, insert in its appropriate alphabetical order:

Column 1	Column 2	Column 3	Column 4
Act	Section	Brief description of power	Which provisions in Part 4 apply
National Animal Identification and Tracing Act 2012	clause 9, Schedule 2	NAIT officer may obtain and execute search warrant to search for evidence of offence against National Animal Identification and Tracing Act 2012 or regulations made under it	All (except sections 118 and 119)
	clause 10, Schedule 2	NAIT officer or NAIT authorised person may enter and inspect any place (other than dwelling house or marae) to determine whether the National Animal Identification and Tracing Act 2012 and any regulations or standards under that Act are being complied with	Subparts 1, 4, 7, 9, and 10 (except sections 118 and 119)
	clause 11, Schedule 2	Property seized under search warrant issued under clause 9 of Schedule 2 of the National Animal Identification and Tracing Act 2012 may be disposed of	Subparts 1, 5, 6, 7, 9, and 10

Part 2

Legislative instruments amended

Animal Products Regulations 2000 (SR 2000/207)

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After clause 27, insert the ~~Schedule~~ set out in ~~Schedule 4~~ of this Act.

National Animal Identification and Tracing (Fees and Forms) Regulations 2012 (SR 2012/114)

Revoke regulation 4(2).

Replace regulation 4(2B) with:

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(2B) The fee payable under section 43 of the Act—

**National Animal Identification and Tracing (Fees and Forms) Regulations 2012
(SR 2012/114)—continued**

- (a) for an application described in section 46(3), (6), (9), or (12) of the Act is \$150; and
- (b) for an application described in section 46(16) or (18) of the Act is \$135 per hour, up to a maximum of 72 hours.

After regulation 4, insert:

4A Calculation of fee payable for accreditation

- (1) The fee payable under section 20(3)(c) of the Act for an application for accreditation of an entity as an information provider is—
 - (a) for applicants with fewer than 1,000 clients, \$135 per hour, up to a maximum of 16 hours;
 - (b) for applicants with 1,000 to 4,999 clients, \$135 per hour, up to a maximum of 22 hours;
 - (c) for applicants with 5,000 or more clients, \$135 per hour, up to a maximum of 32 hours.
- (2) The fee payable under section 20(3)(c) of the Act for an application for accreditation of an entity dealing with NAIT animals is \$135 per hour, up to a maximum of 22 hours.
- (3) If any travel by a NAIT officer is required for the purpose of assessing the application, an additional amount of \$0.72 per kilometre travelled by the officer must be added to the fee payable under **subclause (1) or (2)**.
- (4) The fee payable under this regulation is inclusive of goods and services tax.
- (5) In this regulation, **client** means a PICA for which the applicant will perform a function or duty specified in section 18 of the Act.

National Animal Identification and Tracing (Levies) Regulations 2012 (SR 2012/115)

In regulation 3, definition of **levy**, paragraph (c), replace “impracticable” with “unsafe”.

In regulation 5(3), replace “impracticable to tag” with “unsafe to tag”.

In regulation 5(3)(a), replace “impracticable to fit” with “unsafe to fit”.

In regulation 6(3), replace “impracticable” with “unsafe”.

In regulation 7(1) and (4), replace “impracticable” with “unsafe”.

In regulation 10(3), replace “impracticable” with “unsafe”.

In regulation 13(1) and (2), replace “impracticable” with “unsafe”.

**National Animal Identification and Tracing (Obligations and Exemptions)
Regulations 2012 (SR 2012/116)**

In regulation 3, definition of **location information**, after paragraph (a), insert:

- (ab) includes any Land Information New Zealand parcel information associated with the NAIT location; and

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After regulation 9, insert:

9A Declaration under section 32A of prescribed livestock under PICA's charge

(1) A PICA making a declaration under **section 32A** must provide, in respect of each NAIT location or other location, the following information about prescribed livestock under the PICA's charge:

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(a) an estimate of the total number of prescribed livestock at the location as at 30 June; and

(b) a description of each species and subspecies (if applicable) of prescribed livestock at the location; and

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(c) the number of prescribed livestock of each species or subspecies at the location.

(2) For the purposes of **section 32A**, **prescribed livestock** means the following animals:

(a) alpacas:

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(b) emus:

(c) goats:

(d) llamas:

(e) ostriches:

(f) pigs:

25

(g) sheep.

In regulation 10(6), after "NAIT location", insert "or other location".

In the cross-heading above regulation 13, replace "31" with "**31A**".

In regulation 14, replace "31" with "**31A**".

In the cross-heading above regulation 15, replace "31" with "**31A**".

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In regulation 15, replace "31" with "**31A**".

Replace regulation 17 with:

17 Exemption if unsafe to fit device

NAIT animals to which regulation applies

(1) This regulation applies to NAIT animals except for fallow deer.

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National Animal Identification and Tracing (Obligations and Exemptions) Regulations 2012 (SR 2012/116)—continued

<i>Exemption</i>	
(2) A PICA is exempt from the obligations in sections 30 and 31A if the PICA decides that it is unsafe for the PICA to fit a NAIT device to the animal.	
(3) It is a condition of the exemption that, during the period of the exemption, an owner of the animal pay any levy set under the Act on the owner of a NAIT animal that is not fitted with a NAIT device.	5
<i>Animal movements to which this regulation applies</i>	
(4) This regulation applies to the movement of the animal to a place that is a meat processing facility, game estate, safari park, or zoo.	
<i>Condition on point of origin PICA</i>	
(5) It is a condition of the exemption that, when the animal is to be moved, the point of origin PICA—	10
(a) provide the information described in subclause (6) in a form supplied by the NAIT organisation; and	
(b) provide the form to—	15
(i) the NAIT organisation; and	
(ii) the destination PICA at the place to which the animal is to be moved; and	
(c) ensure that the completed form is received by the NAIT organisation and the destination PICA before the movement starts; and	20
(d) ensure that the animal is visibly identifiable before the movement starts.	
(6) The information is—	
(a) the point of origin PICA's NAIT number; and	
(b) the destination PICA's—	
(i) NAIT number, if the destination PICA is registered as a PICA; or	25
(ii) name, and information about the place to which the animal is being moved, if the destination PICA is not registered as a PICA; and	
(c) the animal's gender, breed, and approximate age; and	
(d) the start date of the animal movement.	30
<i>Condition on destination PICA who knows facts correct</i>	
(7) It is also a condition of the exemption that, when the animal has been moved and the destination PICA knows that the facts in the point of origin PICA's information are correct, the destination PICA—	
(a) confirm to the NAIT organisation that the facts are correct; and	35

National Animal Identification and Tracing (Obligations and Exemptions) Regulations 2012 (SR 2012/116)—continued

<ul style="list-style-type: none"> (b) provide to the NAIT organisation the end date of the animal movement; and (c) do the confirming and providing within 48 hours after the end of the day on which the movement ends. 	<p>5</p>
<p><i>Condition on destination PICA who does not know facts correct</i></p>	
<p>(8) It is also a condition of the exemption that, when the animal has been moved and the destination PICA does not know that the facts in the point of origin PICA's information are correct, the destination PICA—</p> <ul style="list-style-type: none"> (a) provide the information described in subclause (9); and (b) provide it to the NAIT organisation; and (c) provide it within 48 hours after the end of the day on which the movement ends. 	<p>10</p>
<p>(9) The information is—</p> <ul style="list-style-type: none"> (a) the destination PICA's— <ul style="list-style-type: none"> (i) NAIT number, if the destination PICA is registered as a PICA; or (ii) name, and information about the place to which the animal has been moved, if the destination PICA is not registered as a PICA; and (b) the point of origin PICA's— <ul style="list-style-type: none"> (i) NAIT number, if the point of origin PICA is registered as a PICA; or (ii) name, and information about the place from which the animal has been moved, if the point of origin PICA is not registered as a PICA; and (c) the animal's gender, breed, and approximate age; and (d) the end date of the animal movement. 	<p>15</p> <p>20</p> <p>25</p>
<p><i>Expiry</i></p>	
<p>(10) This regulation expires and is revoked on the date that is 5 years after the National Animal Identification and Tracing Amendment Act (No 2) 2019 comes into force.</p>	<p>30</p>
<p><i>Review</i></p>	
<p>(10) <u>The NAIT organisation must, as soon as practicable after the date that is 5 years after the National Animal Identification and Tracing Amendment Act (No 2) 2019 comes into force,—</u></p> <ul style="list-style-type: none"> (a) <u>review the need for this exemption; and</u> 	<p>35</p>

National Animal Identification and Tracing (Obligations and Exemptions) Regulations 2012 (SR 2012/116)—continued

(b)	<u>provide the Minister with a written report of the review and the NAIT organisation's recommendations.</u>	
17A	Exemption if impracticable to fit device	
	<i>NAIT animals to which regulation applies</i>	
(1)	This regulation applies to NAIT animals that are fallow deer.	5
	<i>Exemption</i>	
(2)	A PICA is exempt from the obligations in sections 30 and 31A if the PICA decides that it is impracticable for the PICA to fit a NAIT device to the animal.	
(3)	It is a condition of the exemption that an owner of the animal pay any levy set under the Act on the owner of a NAIT animal that is not fitted with a NAIT device.	10
	<i>Animal movements to which this regulation applies</i>	
(4)	This regulation applies to the movement of the animal to a place that is a meat processing facility, game estate, safari park, or zoo.	
	<i>Condition on point of origin PICA</i>	15
(5)	It is a condition of the exemption that, when the animal is to be moved, the point of origin PICA—	
(a)	provide the information described in subclause (6) in a form supplied by the NAIT organisation; and	
(b)	provide the form to—	20
(i)	the NAIT organisation; and	
(ii)	the destination PICA at the place to which the animal is to be moved; and	
(c)	ensure that the completed form is received by the NAIT organisation and the destination PICA before the movement starts; and	25
(d)	ensure that the animal is visibly identifiable before the movement starts.	
(6)	The information is—	
(a)	the point of origin PICA's NAIT number; and	
(b)	the destination PICA's—	
(i)	NAIT number, if the destination PICA is registered as a PICA; or	30
(ii)	name, and information about the place to which the animal is being moved, if the destination PICA is not registered as a PICA; and	
(c)	the animal's gender, breed, and approximate age; and	
(d)	the start date of the animal movement.	35

National Animal Identification and Tracing (Obligations and Exemptions) Regulations 2012 (SR 2012/116)—continued

<i>Condition on destination PICA who knows facts correct</i>	
(7)	It is also a condition of the exemption that, when the animal has been moved and the destination PICA knows that the facts in the point of origin PICA's information are correct, the destination PICA—
(a)	confirm to the NAIT organisation that the facts are correct; and
(b)	provide to the NAIT organisation the end date of the animal movement; and
(c)	do the confirming and providing within 48 hours after the end of the day on which the movement ends.
	5
<i>Condition on destination PICA who does not know facts correct</i>	
(8)	It is also a condition of the exemption that, when the animal has been moved and the destination PICA does not know that the facts in the point of origin PICA's information are correct, the destination PICA—
(a)	provide the information described in subclause (9) ; and
(b)	provide it to the NAIT organisation; and
(c)	provide it within 48 hours after the end of the day on which the movement ends.
	10
(9)	The information is—
(a)	the destination PICA's—
(i)	NAIT number, if the destination PICA is registered as a PICA; or
(ii)	name, and information about the place to which the animal has been moved, if the destination PICA is not registered as a PICA; and
(b)	the point of origin PICA's—
(i)	NAIT number, if the point of origin PICA is registered as a PICA; or
(ii)	name, and information about the place from which the animal has been moved, if the point of origin PICA is not registered as a PICA; and
(c)	the animal's gender, breed, and approximate age; and
(d)	the end date of the animal movement.
	15
	20
	25
	30
<i>Condition on PICA to specify number of fallow deer at NAIT location</i>	
(10)	It is a condition of the exemption that the PICA provide the NAIT organisation at the end of each year with the number of fallow deer that are at the PICA's NAIT location.
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In regulation 19(1), after “NAIT location”, insert “or other location”.

National Animal Identification and Tracing (Obligations and Exemptions) Regulations 2012 (SR 2012/116)—*continued*

Replace regulation 21(1) with:

- (1) Subclauses (2) and (3) apply to a point of origin PICA moving a NAIT animal from a NAIT location or other location to another NAIT location or other location, if the PICA is the PICA for both locations.

~~National Animal Identification and Tracing (Infringement Offences) Regulations 2012 (SR 2012/396)~~ 5

Replace Schedules 1 and 2 with the **Schedules 1 and 2** set out in **Schedule 5** of this Act.

Schedule 4
New Schedule of Animal Products Regulations 2000 inserted

s 24, Part 2 of Schedule 3 s 25

Schedule Forms	5
Form 1 Infringement notice <i>Section 125C of the Animal Products Act 1999</i> (Front page)	10
Notice number:	
Details of person served	
Full name or company name:	
*Date of birth:	
Trading name (if different to company name):	15
Physical address:	
Post code:	
Business address (if different to physical address):	
Electronic address:	
*Omit if the notice is served on a company.	
Alleged infringement offence	20
Date of offence:	
Time:	
Location:	
Fee payable to Director-General: \$[<i>amount</i>]	
This is an infringement offence against [<i>section or regulation number</i>] of the [<i>Act or regulation name</i>].	25
Charge text: [<i>narrative of events</i>]	
Issuing details	
Date served:	
Issuing inspector's warrant number:	30
Method infringement notice served by:	

Procedure for payment of infringement fee

The infringement fee is payable within 28 days after [*earliest date notice served personally or posted*].

The infringement fee is payable to the Director-General of the Ministry for Primary Industries by any of the following methods: [*specify payment options*]

Important: Please read the information about infringement offences printed on the back of this notice.

[*Deposit slip is printed here.*]

(Back page)

Information about infringement offences

Note: If there is anything in these notes that you do not understand, you should consult a lawyer immediately.

1 Payment of infringement fee

If you pay the infringement fee for the alleged infringement offence within 28 days after the service of this notice, no further action in respect of the infringement offence will be taken. Payment should be made to the Director-General of the Ministry for Primary Industries in accordance with the instructions on the front page of this notice.

2 Further action

If you wish to raise any matter relating to the circumstances of the alleged offence, you should do so by writing to [*the prosecutor*] at the address shown in the note at the end of this information within 28 days after the service of this notice.

3 Defences

You have a defence against any proceedings for the alleged infringement offence if you prove that the infringement fee has been paid to the Director-General of the Ministry for Primary Industries by one of the payment methods specified on the front of this notice within 28 days after the service of this notice. There may be additional defences available to you.

Note: Late payment, or payment by any other method, will not be a defence.

4 Right to request hearing

(1) You have the right to request a hearing. A request for a hearing must be made in writing, be signed by you, and be delivered to [*the prosecutor*] at the address shown in the note at the end of this information within 28 days after the service of this notice. If you request a hearing, you may deny liability for the offence or admit liability and make submissions as to penalty or any other matter.

- (2) If you deny liability for the offence, [*the prosecutor*] will serve you with a notice of hearing setting out the place and time at which the matter will be heard by the court (unless [*the prosecutor*] decides not to commence court proceedings).
- Note:** If the court finds you guilty of the offence, costs will be imposed in addition to any fine. 5
- (3) If you admit liability for the offence but want the court to consider your submissions, you should, in your request for a hearing,—
- (a) admit the offence; and
- (b) set out the written submissions you wish the court to consider. [*The prosecutor*] will then file your letter with the court (unless [*the prosecutor*] decides not to commence court proceedings) and indicate if you wish to appear. 10
- Note:** Any costs will be imposed in addition to any fine.
- 5 Consequences of taking no action** 15
- If you do not pay the infringement fee and do not request a hearing within 28 days after the service of this notice, you will be served with a reminder notice (unless [*the prosecutor*] decides otherwise).
- If you do not pay the infringement fee and do not request a hearing in respect of the alleged infringement offence within 28 days after the service of the reminder notice, you will become liable to pay costs in addition to the infringement fee (unless [*the prosecutor*] decides not to commence court proceedings against you). 20
- 6 Questions and other correspondence**
- In any correspondence, please include— 25
- (a) the date of the infringement notice; and
- (b) the infringement notice number; and
- (c) the course of action you are taking in respect of the alleged offence; and
- (d) your full address for replies.
- Note:** All queries and all correspondence regarding this notice must be directed to [*specify full address*]. Further details of your rights and obligations are set out in sections 125B to 125D of the Animal Products Act 1999 and section 21 of the Summary Proceedings Act 1957. 30

Form 2	
Reminder notice	
<i>Section 125C of the Animal Products Act 1999</i>	
(Front page)	
Notice number:	5
Details of person served	
Full name or company name:	
*Date of birth:	
Trading name (if different to company name):	
Physical address:	10
Post code:	
Business address (if different to physical address):	
Electronic address:	
*Driver's licence:	
Other identification (if no driver's licence):	15
Telephone number:	
*Omit if the notice is served on a company.	
Alleged infringement offence details	
Date of offence:	
Time:	
Location:	20
Fee payable to Director-General: \$[<i>amount</i>]	
This is an infringement offence against [<i>section or regulation number</i>] of the [<i>Act or regulation name</i>].	
Charge text: [<i>narrative of events</i>]	
Service details (to be provided for filing in court)	
Date infringement notice served:	25
Issuing inspector's warrant number:	
Reminder notice served by [<i>method of service</i>] on [<i>date of service</i>].	
The last day for payment is [<i>date</i>], being 28 days from the date of service of the infringement notice recorded on this notice.	
	30
Procedure for payment of infringement fee	
Infringement fees may be paid to the Director-General of the Ministry for Primary Industries by any of the following methods: [<i>specify payment options</i>]	

Important: Please read the information about infringement offences printed on the back of this notice.

[Deposit slip is printed here.]

(Back page)

Information about infringement offences

5

Note: If there is anything in these notes that you do not understand, you should consult a lawyer immediately.

1 Payment of infringement fee

If you pay the infringement fee for the alleged infringement offence within 28 days after the service of this notice, no further action in respect of the infringement offence will be taken. Payment should be made to the Director-General of the Ministry for Primary Industries in accordance with the instructions on the front page of this notice.

10

2 Further action

If you wish to raise any matter relating to the circumstances of the alleged offence, you should do so by writing to [*the prosecutor*] at the address shown in the note at the end of this information within 28 days after the service of this notice.

15

3 Defences

You have a defence against any proceedings for the alleged infringement offence if you prove that the infringement fee has been paid to the Director-General of the Ministry for Primary Industries by one of the payment methods specified on the front of this notice within 28 days after the service of this notice. There may be additional defences available to you.

20

Note: Late payment, or payment by any other method, will not be a defence.

25

4 Right to request hearing

(1) You have the right to request a hearing. A request for a hearing must be made in writing, be signed by you, and be delivered to [*the prosecutor*] at the address shown in the note at the end of this information within 28 days after the service of this notice. If you request a hearing, you may deny liability for the offence or admit liability and make submissions as to penalty or any other matter.

30

(2) If you deny liability for the offence, [*the prosecutor*] will serve you with a notice of hearing setting out the place and time at which the matter will be heard by the court (unless [*the prosecutor*] decides not to commence court proceedings).

35

Note: If the court finds you guilty of the offence, costs will be imposed in addition to any fine.

- (3) If you admit liability for the offence but want the court to consider your submissions, you should, in your request for a hearing,—
- (a) admit the offence; and
 - (b) set out the written submissions you wish the court to consider. [*The prosecutor*] will then file your letter with the court (unless [*the prosecutor*] decides not to commence court proceedings) and indicate if you wish to appear. 5
- Note:** Any costs will be imposed in addition to any fine.
- 5 Consequences of taking no action** 10
- If you do not pay the infringement fee and do not request a hearing in respect of the alleged infringement offence within 28 days after the service of this notice, you will become liable to pay costs in addition to the infringement fee (unless [*the prosecutor*] decides not to commence court proceedings against you).
- 6 Questions and other correspondence** 15
- In any correspondence, please include—
- (a) the date of the infringement notice; and
 - (b) the infringement notice number; and
 - (c) the course of action you are taking in respect of the alleged offence; and
 - (d) your full address for replies. 20
- Note:** All queries and all correspondence regarding this notice must be directed to [*specify full address*]. Further details of your rights and obligations are set out in sections 125B to 125D of the Animal Products Act 1999 and section 21 of the Summary Proceedings Act 1957.

Schedule 5
Schedules 1 and 2 of National Animal Identification and Tracing
(Infringement Offences) Regulations 2012 replaced

s 24, Part 2 of Schedule 3s 26

Schedule 1		5
Infringement offences		r 4
Enactment	General description of offence	Infringement fee (\$)
Clause 15(1), Schedule 2 of Act	A person who is a PICA or has been determined to be a PICA for a NAIT location by a NAIT officer and who fails to register as a PICA for a NAIT location or other location in accordance with the Act	800
Clause 15(2)(a), Schedule 2 of Act	A PICA for a NAIT location or other location who, without an exemption, fails to register a NAIT animal at that location in accordance with the Act	400
Clause 15(2)(b), Schedule 2 of Act	A PICA for a NAIT location or other location who, without an exemption, fails to comply with section 31 of the Act in relation to animal movements	400
Clause 16, Schedule 2 of Act	A PICA who fails to provide the declaration required under section 32A of the Act relating to prescribed livestock under the PICA's charge at a NAIT location or other location	400
Clause 17(1)(a), Schedule 2 of Act	A PICA for a NAIT location or other location who, contrary to the requirements prescribed by regulations made under the Act and without an exemption, fails to fit a NAIT device to a NAIT animal born in that location before the animal is first moved from the location or within the time specified in regulations made under the Act, whichever is the sooner	400
Clause 17(1)(b), Schedule 2 of Act	A PICA for a NAIT location or other location who, contrary to the requirements prescribed by regulations made under the Act, in a case where a NAIT device is lost or becomes detached from a NAIT animal in that location, before the animal is moved from that location, fails to apply a replacement device and to reregister that animal	400
Clause 17(1)(c), Schedule 2 of Act	A PICA for a NAIT location or other location who, contrary to the requirements prescribed by regulations made under the Act, fits a NAIT device prescribed for 1 species or sub-group of species to an animal of another species or sub-group of species	400
Clause 17(1)(d), Schedule 2 of Act	A PICA for a NAIT location or other location who uses a NAIT device on an animal in a location other than a registered location	400
Clause 17(1)(e), Schedule 2 of Act	A PICA for a NAIT location or other location who, contrary to the requirements prescribed by	400

**National Animal Identification and Tracing Amendment
Bill (No 2)**

Schedule 5

Enactment	General description of offence	Infringement fee (\$)
	regulations made under the Act and without an exemption, when a NAIT animal arrives at that location without a NAIT device, fails either to return the animal to the PICA who consigned the animal to the location or to fit a replacement device to the animal and reregister it in the manner, and within the time, specified in regulations made under the Act	
Clause 18(1), Schedule 2 of Act	A person who, without an exemption, moves from a location any NAIT animal that is not fitted with a NAIT device	400
Regulations 5(5A) and 27(1), National Animal Identification and Tracing (Obligations and Exemptions) Regulations 2012	The organiser of an event involving any NAIT animals who is required to notify the event and to register its location (if it is not currently registered) under section 29(3) of the Act and who fails, at least 72 hours before the event, to notify the NAIT organisation of the date of the event and the address of the location of the event and to register the location of the event with the NAIT organisation	400
Regulations 5(5B) and 27(1), National Animal Identification and Tracing (Obligations and Exemptions) Regulations 2012	The owner of a place where NAIT animals will be temporarily held during any animal movement who is required to register the place under section 29(4) of the Act and who fails, at least 24 hours before temporarily holding animals at the place, to register the place as a transit stop	400
Regulations 9 and 27(1), National Animal Identification and Tracing (Obligations and Exemptions) Regulations 2012	A PICA for a NAIT location who fails to state in an animal exit declaration under section 32(1) of the Act that a NAIT animal was slaughtered at that location or that the carcass of a NAIT animal that died at that location was disposed of at that location or sent to an animal rendering facility	400
Regulations 10(5) and 27(1), National Animal Identification and Tracing (Obligations and Exemptions) Regulations 2012	A PICA who has provided information to the NAIT organisation under section 33(b) of the Act and fails to inform the organisation of any change to the information within 30 days after the change occurs	400
Regulations 10(6) and 27(1), National Animal Identification and Tracing (Obligations and Exemptions) Regulations 2012	A PICA for a NAIT location or other location who fails to take all reasonable steps to ensure that information the PICA provides under section 33(a) of the Act to the NAIT organisation electronically or orally by phone is accurate and correct at the time it is provided	400
Regulations 25 and 27(1), National Animal Identification and Tracing (Obligations and Exemptions) Regulations 2012	A PICA who, contrary to the requirements prescribed by regulations made under the Act, fails to make (before the animal leaves New Zealand) an animal exit declaration at a port of export for a NAIT animal that is to be exported live from that port	400
Regulations 26(1) and 27(1), National Animal Identification and Tracing (Obligations and Exemptions) Regulations 2012	A person who is granted access to data in the NAIT information system by the administrator or the panel under section 45 or 46 of the Act and who fails to comply with conditions imposed under	1,000

**National Animal Identification and Tracing Amendment
Bill (No 2)**

Schedule 5

Enactment	General description of offence	Infringement fee (\$)
Regulations 26(2) and 27(1), National Animal Identification and Tracing (Obligations and Exemptions) Regulations 2012	section 47(5)(a) of the Act that restrict the use to which the data may be put A person who is granted access to data in the NAIT information system by the administrator or the panel under section 45 or 46 of the Act and who fails to comply with conditions imposed under section 47(5)(b) that prohibit further disclosure of the data	1,000
Regulations 26(3) and 27(1), National Animal Identification and Tracing (Obligations and Exemptions) Regulations 2012	A person who is granted access to data in the NAIT information system by the administrator or the panel under section 45 or 46 of the Act and who fails to comply with conditions imposed under section 47(5) of the Act other than the conditions referred to in paragraphs (a) to (d) of that provision	1,000

Schedule 2		
Forms		
	r 5	
Form 1		
Infringement notice		5
<i>Clause 24 of Schedule 2 of the National Animal Identification and Tracing Act 2012</i>		
(Front page)		
Notice number:		
Details of person served		
Full name or company name:		10
*Date of birth:		
Trading name (if different to company name):		
Physical address:		
Post code:		
Business address (if different to physical address):		15
Electronic address:		
*Omit if the notice is served on a company.		
Alleged infringement offence		
Date of offence:		
Time:		
Location:		20
Fee payable to Director-General: \$[<i>amount</i>]		
This is an infringement offence against [<i>section or regulation number</i>] of the [<i>Act or regulation name</i>].		
Charge text: [<i>narrative of events</i>]		
Issuing details		25
Date served:		
Issuing inspector's warrant number:		
Method infringement notice served by:		
Procedure for payment of infringement fee		
The infringement fee is payable within 28 days after [<i>earliest date notice served personally or posted</i>].		30

The infringement fee is payable to the Director-General of the Ministry for Primary Industries by any of the following methods: [*specify payment options*]

Important: Please read the information about infringement offences printed on the back of this notice.

[*Deposit slip is printed here.*]

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(Back page)

Information about infringement offences

Note: If there is anything in these notes that you do not understand, you should consult a lawyer immediately.

1 Payment of infringement fee

10

If you pay the infringement fee for the alleged infringement offence within 28 days after the service of this notice, no further action in respect of the infringement offence will be taken. Payment should be made to the Director-General of the Ministry for Primary Industries in accordance with the instructions on the front page of this notice.

15

2 Further action

If you wish to raise any matter relating to the circumstances of the alleged offence, you should do so by writing to [*the prosecutor*] at the address shown in the note at the end of this information within 28 days after the service of this notice.

20

3 Defences

You have a defence against any proceedings for the alleged infringement offence if you prove that the infringement fee has been paid to the Director-General of the Ministry for Primary Industries by one of the payment methods specified on the front of this notice within 28 days after the service of this notice. There may be additional defences available to you.

25

Note: Late payment, or payment by any other method, will not be a defence.

4 Right to request hearing

(1) You have the right to request a hearing. A request for a hearing must be made in writing, be signed by you, and be delivered to [*the prosecutor*] at the address shown in the note at the end of this information within 28 days after the service of this notice. If you request a hearing, you may deny liability for the offence or admit liability and make submissions as to penalty or any other matter.

30

(2) If you deny liability for the offence, [*the prosecutor*] will serve you with a notice of hearing setting out the place and time at which the matter will be heard by the court (unless [*the prosecutor*] decides not to commence court proceedings).

35

	Note: If the court finds you guilty of the offence, costs will be imposed in addition to any fine.	
(3)	If you admit liability for the offence but want the court to consider your submissions, you should, in your request for a hearing,—	
	(a) admit the offence; and	5
	(b) set out the written submissions you wish the court to consider. [<i>The prosecutor</i>] will then file your letter with the court (unless [<i>the prosecutor</i>] decides not to commence court proceedings) and indicate if you wish to appear.	
	Note: Any costs will be imposed in addition to any fine.	10
5	Consequences of taking no action	
	If you do not pay the infringement fee and do not request a hearing within 28 days after the service of this notice, you will be served with a reminder notice (unless [<i>the prosecutor</i>] decides otherwise).	
	If you do not pay the infringement fee and do not request a hearing in respect of the alleged infringement offence within 28 days after the service of the reminder notice, you will become liable to pay costs in addition to the infringement fee (unless [<i>the prosecutor</i>] decides not to commence court proceedings against you).	15
6	Questions and other correspondence	20
	In any correspondence, please include—	
	(a) the date of the infringement notice; and	
	(b) the infringement notice number; and	
	(c) the course of action you are taking in respect of the alleged offence; and	
	(d) your full address for replies.	25
	Note: All queries and all correspondence regarding this notice must be directed to [<i>specify full address</i>]. Further details of your rights and obligations are set out in clauses 22 to 24 of Schedule 2 of the National Animal Identification and Tracing Act 2012 and section 21 of the Summary Proceedings Act 1957.	30

Form 2	
Reminder notice	
<i>Clause 24 of Schedule 2 of the National Animal Identification and Tracing Act 2012</i>	
(Front page)	
Notice number:	5
Details of person served	
Full name or company name:	
*Date of birth:	
Trading name (if different to company name):	
Physical address:	10
Post code:	
Business address (if different to physical address):	
Electronic address:	
*Driver's licence:	
Other identification (if no driver's licence):	15
Telephone number:	
*Omit if the notice is served on a company.	
Alleged infringement offence details	
Date of offence:	
Time:	
Location:	20
Fee payable to Director-General: \$[amount]	
This is an infringement offence against [section or regulation number] of the [Act or regulation name].	
Charge text: [narrative of events]	
Service details (to be provided for filing in court)	
Date infringement notice served:	25
Issuing inspector's warrant number:	
Reminder notice served by [method of service] on [date of service].	
The last day for payment is [date], being 28 days from the date of service of the infringement notice recorded on this notice.	30
Procedure for payment of infringement fee	
Infringement fees may be paid to the Director-General of the Ministry for Primary Industries by any of the following methods: [specify payment options]	

Important: Please read the information about infringement offences printed on the back of this notice.

[Deposit slip is printed here.]

(Back page)

Information about infringement offences

5

Note: If there is anything in these notes that you do not understand, you should consult a lawyer immediately.

1 Payment of infringement fee

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Note: If the court finds you guilty of the offence, costs will be imposed in addition to any fine.

- (3) If you admit liability for the offence but want the court to consider your submissions, you should, in your request for a hearing,—
- (a) admit the offence; and
 - (b) set out the written submissions you wish the court to consider. [*The prosecutor*] will then file your letter with the court (unless [*the prosecutor*] decides not to commence court proceedings) and indicate if you wish to appear.
- Note:** Any costs will be imposed in addition to any fine.
- 5 Consequences of taking no action** 10
- If you do not pay the infringement fee and do not request a hearing in respect of the alleged infringement offence within 28 days after the service of this notice, you will become liable to pay costs in addition to the infringement fee (unless [*the prosecutor*] decides not to commence court proceedings against you).
- 6 Questions and other correspondence** 15
- In any correspondence, please include—
- (a) the date of the infringement notice; and
 - (b) the infringement notice number; and
 - (c) the course of action you are taking in respect of the alleged offence; and
 - (d) your full address for replies.
- Note:** All queries and all correspondence regarding this notice must be directed to [*specify full address*]. Further details of your rights and obligations are set out in **clauses 22 to 24 of Schedule 2** of the National Animal Identification and Tracing Act 2012 and section 21 of the Summary Proceedings Act 1957. 25

Legislative history

23 July 2019
30 July 2019

Introduction (Bill 160–1)
First reading and referral to Primary Production Committee