



# Proposed Act and regulation changes to improve NAIT

(National Animal Identification and Tracing scheme)

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# Making submissions

The Ministry for Primary Industries is seeking feedback on issues and proposed amendments to the National Animal Identification and Tracing (NAIT) Act 2012 (the NAIT Act) and associated regulations.

## Having your say

### Online

Submissions can be made using the online submission template [www.mpi.govt.nz/naitconsultation](http://www.mpi.govt.nz/naitconsultation)

### Email

Please email your feedback to: [NAITsubs18@mpi.govt.nz](mailto:NAITsubs18@mpi.govt.nz)

### Letters

While we prefer email or online submissions, you can send your response by post to:

Consultation on NAIT regulatory change proposals  
Ministry for Primary Industries  
PO Box 2526  
Wellington 6140  
New Zealand

All written submissions, whether by email or in hard copy, must be received by MPI no later than **5:00pm on 19 December 2018.**

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## Please make sure you include the following information in your submission:

- the title of the consultation document
- your name and title
- your organisation's name (if you are submitting on behalf of an organisation, and whether your submission represents the whole organisation or a section of it)
- your contact details (such as phone number, address, and email).

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## Submissions are public information

Any submission you make becomes public information. Anyone can ask for copies of all submissions under the Official Information Act 1982 (OIA). The OIA says we must make the information available unless there is a good reason for withholding it. You can find those grounds in sections 6 and 9 of the OIA.

Tell us if you think there are grounds to withhold specific information in your submission. Reasons might include if it is commercially sensitive or personal information. Any decision the Ministry for Primary Industries makes to withhold information can, however, be reviewed by the Ombudsman, who may require the information be released.



# 1 | Summary

The National Animal Identification and Tracing (NAIT) scheme is New Zealand's system for identifying and tracing cattle and deer. Set up in 2012, NAIT is a vital part of our national biosecurity system. The scheme helps us to respond to and manage animal diseases by providing information on where NAIT animals are located, along with their movements to other places.

The 2017 *Mycoplasma bovis* disease outbreak proved to be NAIT's biggest test to date. Unfortunately, the biosecurity response exposed a number of areas where the scheme is not working as well as it should. The uncomfortable truth is that NAIT has fallen short as a biosecurity investigation tool. This is because animal and movement information was often found to be unreliable or entirely absent. Most problems, however, involved poor compliance with NAIT obligations. We all need to do better.

Between 2016 and 2018, OSPRI (Operational Solutions for Primary Industries; the parent company of NAIT Limited) oversaw a review of NAIT, led by an independent Chair. The Review made recommendations to improve the scheme's operation. Findings from both this Review and the *Mycoplasma bovis* response underpin the proposals set out in this consultation paper.

The Review identified that improving NAIT requires action across a number of fronts:

- **On the ground:** NAIT participants, particularly persons in day-to-day charge of NAIT animals (PICAs), must meet their obligations to ensure each and every animal can be identified - and its movements traced.
- **The NAIT system and standards:** Most of the Review's recommendations involve operational changes. NAIT Limited, the industry organisation responsible for administering the scheme, is working on these at present.
- **Compliance and enforcement:** Both MPI and NAIT Limited have stepped up their compliance activity, and will continue to focus on activity from education through to enforcement.
- **Act and regulations:** The NAIT Act and regulations must support the scheme's operation.

This consultation paper contains proposals that would require changes to the NAIT Act and regulations. They are aimed at improving how we manage biosecurity risk. They are also about enhancing traceability of animals, improving compliance with NAIT obligations, and supporting related animal legislation. However, changes must be practical and, to the greatest possible extent, farmer-friendly.

The list of proposals is set out below. They fall into two categories: proposals arising from the NAIT Review, and those generated by the *Mycoplasma bovis* response.

The proposals include ways to improve understanding of roles and responsibilities within NAIT. There is also an emphasis on ensuring NAIT data can be accessed smoothly and quickly by MPI as a regulator and by other authorities (e.g. police investigating stock theft/rustling; councils dealing with wandering stock).

Other proposals include helping individual PICAs access the full history of their animals; aligning penalties and infringements more closely with similar legislation; and tightening up rules around the movement of untagged animals.

A discussion on wider policy changes likely to enhance the scheme in the medium to long term is also included. Among the policy questions asked are future roles – if any – for transporters and stock agents, and the issue of potentially bringing other animal species into NAIT.

We welcome your feedback on these proposals and on the range of other questions posed in this paper.

## **A. Implementing the NAIT Review recommendations**

- 1.** Require PICAs to report annually the presence and estimated numbers of non-NAIT animal species (such as goats, pigs or sheep) at a NAIT location, to provide better information about co-mingling of animals in the event of a disease outbreak.

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- 2.** Require that a PICA only uses NAIT tags at the NAIT location for which they were issued when tagging an animal for the first time, to ensure that animals can be traced effectively back to their origin.

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- 3.** Amend the definition of PICA to clarify that the responsibilities apply to all persons in charge of animals, to ensure that organisations as well as individuals are clear on their obligations.

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- 4.** Change the timeframe for when a PICA must declare the movement of impracticable to tag animals from '48 hours prior' to 'before sending', and make failure to declare an infringement offence. This will be a more practical timeframe for farmers, and also signal the seriousness of non-compliance.

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- 5.** Allow public sector organisations to request access to NAIT core data as long as the Act's purposes of holding this data are met, to ensure most effective use of data.

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- 6.** Amend the Act's purposes of holding core data to include responding to stock theft and wandering stock, to streamline the processes for accessing NAIT data for people that need it.

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- 7.** Make previous NAIT location history for an animal available to a PICA (as a potential seller), to enable PICA to manage potential biosecurity risks when buying and selling animals.



## B. Making NAIT fit for the future – proposals arising from the *Mycoplasma bovis* response

8. Align penalty limits with those in the Biosecurity and Animal Products Acts, to give the courts more ability to match the penalty to the seriousness of the offence.
- 

9. Align infringement fees with those under the Biosecurity and Animal Products Acts, to better reflect the seriousness of non-compliance with NAIT.
- 

10. Rename “impracticable” to tag to “unsafe” to tag, to better reflect its purpose.
- 

11. Prohibit and make it an offence to transport untagged animals without an exemption, to ensure animals are tagged and to improve traceability.
- 

12. Require untagged animals arriving at a NAIT location to be separated from other animals, to more effectively manage the biosecurity risk.
- 

13. Improve access to NAIT information by MPI and other authorities, to ensure data access is as efficient as possible.
- 

### Other areas discussed:

- Role of animal transporters
- Issues around stock agents
- Potentially bringing other species into NAIT

## NAIT: now and if proposals become law

### Impact on PICA

Now	If proposals become law
May voluntarily declare non-NAIT species	Must declare non-NAIT species once a year
Tags sold and assigned to PICAs for use at any location	Tags sold for and assigned to a specific NAIT location, and cannot be used elsewhere
PICA declare “impracticable” to tag animals 48 hours before sending to the meatworks	PICA must declare an “ <i>unsafe</i> ” to tag animal at any time before sending to the meatworks
PICA (unless at meatworks) can tag or return untagged animals	PICA (unless at meatworks) must segregate untagged animals before tagging or returning them
PICA can be fined for not tagging animals	Anyone transporting untagged animals without an exemption, including PICA, can be fined
‘PICA’ is an individual in charge of animals	‘PICA’ covers corporate bodies as well as individuals
Register as a PICA	No change
Register a NAIT location	No change
Tag and register animals	No change
Register a NAIT location and record movements on and off farm	No change

# 2

## Key terms

Term used	Meaning
<b>Accredited entity</b>	An entity, such as a saleyard or meat processor, which has been accredited by NAIT Limited to fulfill obligations under the NAIT scheme.
<b>Authorised Person</b>	A person warranted under the NAIT Act who gives advice on the Act and monitors and ascertains compliance.
<b>Biosecurity response</b>	Activity undertaken to protect New Zealand from risk organisms, for example <i>Mycoplasma bovis</i> .
<b>Bobby calves</b>	Calves less than 30 days old that will go direct to slaughter and do not require a NAIT tag.
<b>Core NAIT data</b>	Data held within the NAIT database for the purposes set out in section 40 of the NAIT Act.
<b>Data Access Panel</b>	The panel that reviews and makes decisions on requests for access to NAIT data.
<b>Information provider</b>	Companies or individuals that PICAs contract with to perform one or more NAIT obligations on their behalf.
<b>Infringement fee</b>	A fine charged to NAIT participants found to be not meeting their obligations.
<b><i>Mycoplasma bovis</i></b>	A bacterium that can cause a range of serious conditions in cattle, for example mastitis, pneumonia, arthritis, and late-term abortions.
<b>NAIT Limited</b>	The organisation that runs the NAIT scheme.
<b>NAIT Officer</b>	A person warranted under the NAIT Act who gives advice on the Act, monitors compliance, and undertakes enforcement.
<b>NAIT scheme</b>	The national tracing system for cattle and deer. It includes the activity (by all participants) that takes place to meet the obligations set out in the NAIT Act.
<b>OSPRI</b>	OSPRI is the parent company for both NAIT Limited and TBfree New Zealand.
<b>PICA</b>	A Person in Charge of Animals, as set out in the NAIT Act.
<b>RFID tag</b>	A radio frequency identification ear tag to be used on NAIT animals.
<b>Traceability</b>	The ability to trace a NAIT animal back to its origin.

# 3

# Introduction

This consultation document seeks your feedback on issues and proposed amendments to the National Animal Identification and Tracing (NAIT) Act 2012 (the NAIT Act) and associated regulations.

Two recent and significant events have spurred this exercise:

- An OSPRI-led review of the NAIT scheme. This Review drew on technical expertise from key NAIT stakeholders. Findings were made public in April 2018. The report is available here: <https://ospri.co.nz/assets/Uploads/Documents/NAIT-Review-Final-Report.pdf>
- The recent *Mycoplasma bovis* outbreak. NAIT information has been critical for tracing animals and in efforts to eradicate the disease. Unfortunately, the biosecurity response exposed poor NAIT compliance and issues with how the scheme is running.

Parallel to this consultation, OSPRI is progressing changes to its operations and standards, activity that won't require amendments to the NAIT Act or related regulations.

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## Structure of this document

This document is structured as follows:

- **Context:** This section provides background information about the NAIT scheme, setting out priorities and aims for proposed changes.
- **Implementing the NAIT Review:** This section discusses the Review and how industry and Government are responding to its recommendations. Proposals to carry out the recommendations are included here.
- **Making NAIT fit for the future:** This section discusses lessons learned from the *Mycoplasma bovis* response. It sets out proposals aimed at making the scheme 'fit for the future'.
- **Technical proposals:** This section sets out technical changes needed to correct drafting errors or omissions, and improve the NAIT Act and regulations.
- **Implementation:** This section sets out how final proposals would become law.
- **Monitoring, evaluation, and review:** This section describes how MPI and OSPRI would track the implementation of the proposals and how successful they are in practice.

A paper submission template is available separately. The template includes all the questions contained in this document. It is also available on MPI's website ([www.mpi.govt.nz/naitconsultation](http://www.mpi.govt.nz/naitconsultation)).

## Next steps

At the end of the consultation MPI will analyse the submissions and make recommendations to the Minister for Biosecurity.

A summary of submissions will be posted on MPI's website.

Final policy proposals will be considered by Cabinet next year.

# 4

# Context

## About the NAIT scheme

### Tracing animal movements is vital

The New Zealand National Animal Identification and Tracing scheme (NAIT) provides critical information on individual NAIT animals, their current location, their movement between locations, and the persons in charge of animals (PICAs).

This data ensures NAIT animals can be quickly located and traced in the case of an animal disease outbreak. It is also extremely useful for other industry and public good purposes.

At the moment, NAIT only includes cattle and deer.

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### NAIT is essential for a successful primary sector

A well-running NAIT scheme is in New Zealand's national interest. The ability to quickly identify animals and trace their movements protects:

- **Animal health:** In the case of an outbreak like *Mycoplasma bovis* or foot and mouth disease, NAIT works to trace which animals may have been in contact with the disease. Authorities can get on top of an outbreak far more quickly.
- **Human health:** NAIT information could be used (alongside the risk management tools contained in other Acts) to help identify animals, for example that have had vaccinations or are at greater risk of carrying diseases transmissible between animals and humans.
- **Market access:** Some of our export markets have specific traceability requirements. The World Organisation for Animal Health sets high-level guidelines and principles for traceability and animal identification systems. Alongside other important mechanisms like Animal Status Declarations (ASDs) that farmers must fill out, NAIT helps ensure access continues to a range of markets.
- **Farmers, their families, their communities:** The *Mycoplasma bovis* response has been a sharp and painful reminder that when an outbreak strikes, farmers, their families and rural communities all suffer. Improving our national ability to respond to new animal diseases will help better safeguard their future wellbeing.

## NAIT just won't work without good information

PICAs – the people in day-to-day charge of NAIT animals – have the most important job in NAIT. PICAs tend to be farmers. Their job is to:

- get a NAIT number by registering themselves and their property with NAIT
- tag cattle and deer on their farm with NAIT approved RFID tags
- register animals with NAIT
- record all off-farm movements of animals with NAIT.

The NAIT scheme is neither optional nor negotiable. PICAs not meeting their obligations are committing an offence and can be served with an infringement notice. In serious cases, they may be prosecuted. They are also letting other farmers down.



**Figure 1:** The NAIT log in screen. PICAs and other entities dealing with such animals must meet NAIT obligations, including tagging and registering animals and recording animal movements.

### Other people and organisations involved in the scheme include:

- **Accredited Information Providers:** These are companies or individuals that PICAs contract with to perform one or more NAIT obligations on their behalf. They include herd recording and farm management companies, stock agents, and transport operators.
- **Accredited Entities:** These are saleyards and meat processors. Accreditation allows these entities to record a movement of animals to their premises on behalf of the sending PICA. The people running the entity also have obligations as PICAs.
- **PICA Delegates:** These are people that a PICA nominates to meet NAIT obligations on their behalf.

NAIT does contain a few exemptions. Common ones include not being required to tag bobby calves being sent directly to a meat processor; not being required to tag animals that are impracticable to tag and are being sent directly to a processor (a fee applies); and not having to record the movement of calves being moved for calf-days.

## **NAIT data has a rich variety of uses**

NAIT information is stored in a central database. Individuals or organisations can access this information for a range of industry and public good purposes. These purposes (referred to in the NAIT Act as “purposes of holding core data”) are to:

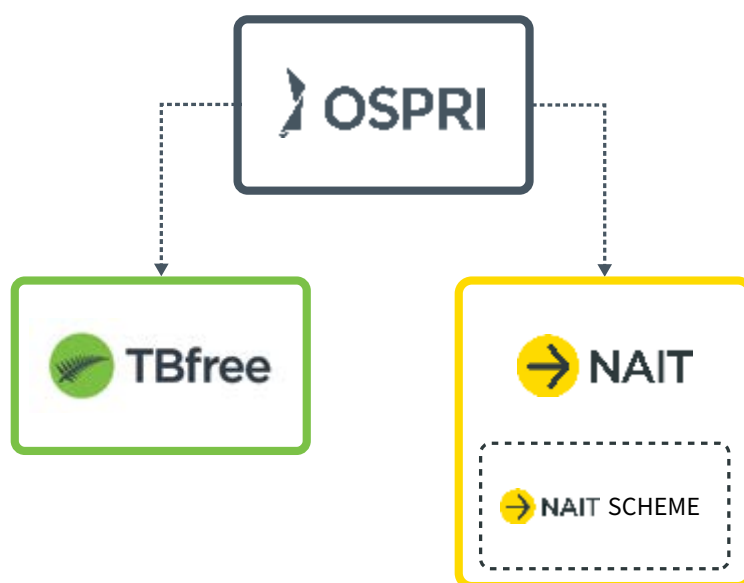
- enable NAIT Limited and NAIT Officers to exercise their powers and carry out their functions and duties
- assist others with duties under the NAIT Act to carry out their duties
- facilitate the purposes of enactments relating to animals or animal health – Animal Products Act, Biosecurity Act, Commodity Levies Act, Primary Products Marketing Act, and other enactments
- respond to human health issues (food residues associated with animals, food-borne diseases associated with animals, diseases transferable between animals and humans)
- provide data supporting productivity, market assurance, and trading requirements
- respond to natural disasters or requests from emergency services when rapid access to data on animals and people is needed to manage risks to life and welfare
- provide statistical data for policy development and related advice about the industries to which the NAIT Act applies
- enable NAIT Limited to publish general agricultural statistics
- provide data to enable a potential purchaser of a NAIT animal to trace the history of the animal throughout its life.



## NAIT Limited runs the scheme

NAIT was established in 2012, with NAIT Limited appointed to operate it. NAIT Limited is an industry organisation, a subsidiary of OSPRI. It is funded by tag levies (70 percent) and Crown funding (30 percent). Its shareholders are DairyNZ, Beef+Lamb New Zealand, and Deer Industry New Zealand.

## OSPRI - NAIT Limited relationship



NAIT Limited's duties and functions are set out in the NAIT Act. They include delivering services required of the NAIT organisation: collecting levies; providing information, education and training; undertaking compliance and enforcement functions; establishing policies, standards and rules; and developing and implementing a national operations plan.

The *Mycoplasma bovis* response has required MPI and OSPRI to work together closely. The organisations have agreed roles and responsibilities to support increased NAIT compliance and enforcement.

## The NAIT Act and regulations

The NAIT Act underpins NAIT. The Act covers the:

- governance of NAIT
- obligations of persons participating
- provisions relating to the information system (e.g. access to NAIT data)
- compliance and enforcement provisions.

A number of regulations under the NAIT Act set out the detailed requirements. In particular, what a PICA must do is covered in the [Obligations and Exemptions](#) Regulations.

Regulations also cover [Infringement Offences](#), [Levies](#), the [Information System Access Panel](#), and set the [Fees and Forms](#).

There are also a number of standards. These are rules set by NAIT Limited to support the scheme's operation. Standards tend to be more technical than the NAIT Act and regulations, e.g. specifying requirements that providers must meet for accreditation or requirements for NAIT RFID tags.

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## NAIT works hand-in-hand with other legislation

NAIT information facilitates the operation of other legislation relating to animals. Key laws include:

- **The Biosecurity Act** – This provides the legal framework for MPI and others to help keep harmful organisms out of New Zealand, and how we respond and manage them if any do enter the country.
- **The Animal Products Act** – This provides the legal framework for MPI and others to minimise and manage risks to human or animal health and trade.
- **The Animal Welfare Act** – This provides the legal framework for MPI and others to set minimum standards for the treatment of animals and how we ensure compliance with them.

# 5

## Priorities for change

### A national wake-up call

The NAIT Review and the response to the *Mycoplasma bovis* outbreak have helped spotlight opportunities to improve the way the scheme operates. The main issues before us are addressing non-compliance, a lack of clarity about the roles and responsibilities of participants, and the question of how data is accessed and for what purpose.

The Review and the disease response both flagged inadequate compliance by some PICA with their NAIT obligations, e.g. not tagging and registering animals or recording their movements.

Improving the scheme demands effort from everyone involved: Government, NAIT Limited, farmers, and others involved in animal movements. The legislative changes proposed in this document are one of a number of routes for improving how the scheme works. Both NAIT Limited and MPI are also making operational changes, to undertake more verification and compliance activity, and to make it easier for PICA to enter their information.

### Priorities

At a government level, changes to the NAIT scheme must improve New Zealand's ability to:

- respond to biosecurity risks
- deal effectively with transmissible animal diseases,
- meet the market access requirements for animal product exports set by several of our trading partners.

### Objectives

To help achieve Government priorities and to enable the NAIT scheme to be fit for the future, changes to the NAIT Act and regulations should:

- improve how we manage biosecurity risk
- enhance the traceability of NAIT animals
- improve participants' compliance with NAIT obligations
- work alongside related legislation, in particular the Biosecurity Act and the Animal Products Act
- be practical, and ensure any resulting costs are justifiable.



### Question

- 5 Do you agree with the above priorities and objectives for NAIT?  
Please explain in detail.



# **PART A**

## **Implementing the NAIT Review**

# Background on the NAIT Review

Midway through 2016 OSPRI commissioned a review to evaluate NAIT's performance and determine if improvements were needed. Its findings and recommendations were reported to the Minister for Biosecurity at the end of March 2018. [See here](#).

The Review was overseen by a steering group chaired by Sir Henry van der Heyden. The steering group comprised representatives of the NAIT shareholder/investor agencies (Beef+Lamb NZ, DairyNZ, Deer Industry NZ), along with key primary industry and supply chain stakeholders, including the Dairy Companies Association NZ, the Meat Industry Association, and MPI.

A technical user committee supported the steering group. It included representatives from across the supply chain: farmers, stock and station agents, dairy companies, meat industry and processor representatives, NAIT shareholders, NAIT Limited, and MPI.

The topics covered were wide ranging. They included:

- animal location and movement recording
- definition and assignment of NAIT numbers
- tag readability and retention
- tag replacement
- tag visual coding and RFID sequencing
- new and emerging tag technologies
- roles and responsibilities of user groups under the NAIT legislation
- user experiences
- applicability of current exemptions
- compliance
- education
- gaps and needs in existing regulatory provisions that could enhance the scheme.

The resulting recommendations chiefly focus on changes to NAIT Standards or operational processes. OSPRI is currently implementing them.

## **The NAIT Review and the Animal Status Declaration (ASD)**

Two recommendations called for greater integration between NAIT movement recording and the Animal Status Declaration (ASD). ASDs come under the Animal Products Act (not the NAIT Act). They communicate important animal health or treatment status information that underpins market access for primary sector exports. Every farmer sending animals off-farm for sale or slaughter must fill in an ASD to accompany the animals. ASDs are kept as hard copies for specified periods by people involved in animal movements, and there is no central records database.

The core purpose of ASDs is market access. NAIT's main purpose, on the other hand, is animal tracing. It would not be simple to align the two at this stage, when compliance with NAIT obligations has been shown to be poor in some areas. ASDs are the basis for food safety assurances provided to international markets. It is a complicated and lengthy process to make even small changes to the ASD form that is examined carefully by overseas authorities. The number of ASDs represent approximately 40 million animals in New Zealand compared to around 10 million NAIT animals.

A recent pilot of electronic ASDs involved a trial of around 4,500 declarations, all of which involved animal movements to meatworks. Biosecurity risks for farm-to-meatworks transfers are considered much lower than risks from farm-to-farm transfers. There are between 400,000 and 600,000 animal movements each year, so this trial was very small. Most ASDs would need to be electronic before further consideration can be given to them replacing some elements of the NAIT scheme.

There may be future opportunities to connect the two schemes so that movement declarations could be at consignment rather than individual animal level. However, achieving this integration would be a complex process to work through with market partners, and could undermine the original purpose of the ASD. This issue is likely to be considered further only when there is a consistently high level of compliance with the NAIT scheme and the database is functioning as originally intended.



## OSPRI's work to implement the Review recommendations

To address the Review's recommendations, OSPRI is working on the following initiatives:

- **Fixing NAIT number to premises:** Assigned unique NAIT numbers will remain with a specific NAIT location; i.e. the number cannot be moved to another location. The result will be more effective tracing and improved data quality.
- **Use Land Information New Zealand (LINZ) data as the source of farm boundary and ownership information for NAIT locations:** This will support improved tracing and accuracy.
- **Simplified process for animal registration:** The aim is to provide a more user-friendly approach to registration in high volume circumstances in the absence of a scanner. It will reduce time for the PICA and aid compliance with registration obligations.
- **Declaration of other livestock species:** This will result in data on other livestock species, which will be valuable for future biosecurity and disease response activities.
- **Updated Animal Identification Standard:** This will require that NAIT tags are only sold to PICA and used on animals, for specific NAIT locations.
- **Updated Device Standard:** This will cover guidelines and standard operating procedures for tag application, lost tags, tag retention reporting and tag replacement. It will also include development of a national standardised coding for visual identification on tags.
- **New Accredited Entity Standard:** This will specify the role, responsibilities, and requirements of accredited entities.
- **New Information Provider Standard:** This will specify the role, responsibilities, and requirements of information providers, to improve the efficiency of data transfers, for example between the NAIT/MINDA interfaces.
- **New Farm Management Application Standard:** This will specify the role, responsibilities, and requirements of farm management application vendors.
- **Updated Identification Systems Standard:** This will specify on the role, responsibilities and requirements of identification systems.
- **Development of mobile applications and lightweight NAIT web application:** This will provide improved access for users.
- **Other attribute availability in the database:** This could support disease management, food safety, market assurance, or animal productivity needs in response to farmer and/or industry requests.



## MPI's work: NAIT Act and regulation changes needed

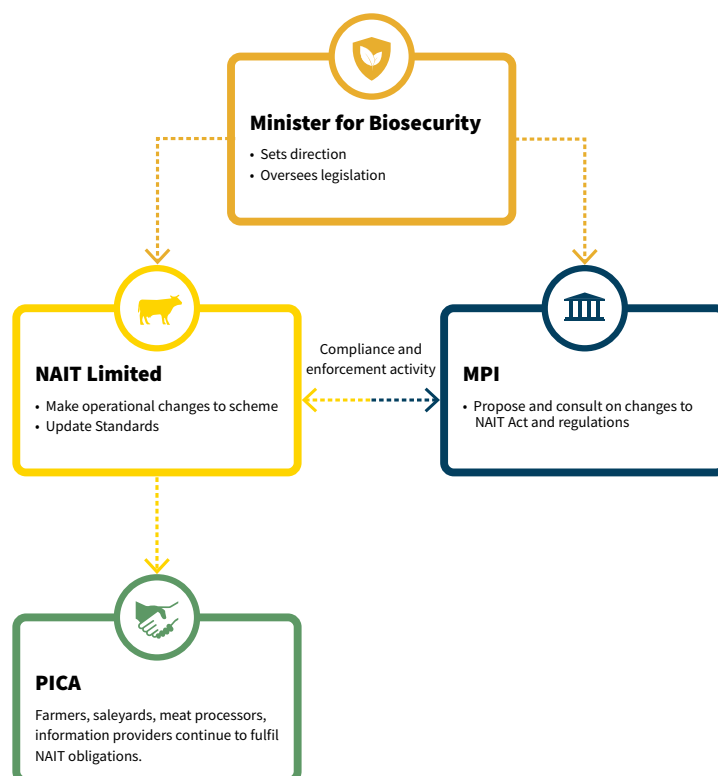
A small number of NAIT Review recommendations cannot proceed without changes to the NAIT Act or associated regulations.

These are discussed in this document, and relate to:

- declaring the presence and estimated numbers of other livestock species (e.g. sheep) farmed in a NAIT location every year (Review recommendation 4)
- only using NAIT tags at the NAIT location they were issued for (Review recommendation 7)
- better distinguishing the role of accredited entities from the role of PICAs on farms (Review recommendation 24)
- removing a requirement to report “impracticable” to tag animals 48 hours before consigning these animals to slaughter (Review recommendation 29)
- clarifying Crown agency access to NAIT information (Review recommendation 35)
- improving access to NAIT information to help deal with stock theft and stock wandering (Review recommendation 37)
- ensuring there are no barriers to potential purchasers of a NAIT animal being able to trace the history of the animal over its life (Review recommendation 38).

The consultation proposals in **section 6** respond to these recommendations. We have sought the best way to change the legislation to deal with the issues identified by the Review. The focus has been on understanding and fixing the underlying problems.

### Roles in implementing the NAIT Review recommendations



# 6

## Proposals to implement recommendations that require Act or regulation changes

### 6.1 Require a PICA to report annually the presence and estimated numbers of non-NAIT animal species at a NAIT location\*

#### Issue

Animal diseases can be spread between different animal species, for example Foot and Mouth Disease could affect all cloven-hoofed animals. At present only cattle and deer are included in NAIT. No other national record details where different species are kept, either on their own or alongside other animals. Even an estimate of the other species and the number kept on a property helps MPI respond to a disease incident.

#### Current situation

A PICA can choose to record the presence of non-NAIT animals on their farm, but this is not mandatory.

This gives PICAs flexibility about whether and how they record the presence of other species. However, it means when an outbreak of a disease transmitted between species occurs, it can be difficult and slow to trace its spread.

#### Proposal

#### **PICAs are required to estimate the number and type of other species present on their farm and report this annually to NAIT**

A PICA would be required to inform NAIT Limited each year about the other animal species present at their NAIT location, along with an estimate of the number. NAIT Limited would send a reminder to PICA with a date by which the annual declaration must be made. This may be timed to coincide with other reporting requirements.

\* **See also:** Potentially Expanding NAIT in the medium to longer term to include other species is discussed in **section 8** of this document.

**Benefits** – This change would generate better information about co-mingling in the event of an outbreak of disease. This would make it quicker to respond, with a better chance of containment. It would also minimise the burden on a PICA, as information would only be required at a high level.

**Costs/risks** – This change would only provide snapshot information. The information provided may become out of date quickly if animal movements occur.

While this proposal would not provide comprehensive data on co-mingling of different species, nor of individual animals, it would help generate a better pool of information than that currently held.

The proposal supports the overall policy objectives of managing biosecurity risk and improving traceability of animals.



## Questions

**6.1.1** Do you support this proposal? Please explain in detail.

**6.1.2** Is there anything that may affect your ability to provide this information?  
Please explain in detail.

**6.1.3** Is there a point in the farming calendar when it would make most sense to make an annual declaration ?

## 6.2 Require that a PICA only uses NAIT tags at the NAIT location for which they were issued, when tagging an animal for the first time

### Issue

Ear tags identify and trace an animal to a specific NAIT location. However, tracing an animal can be difficult if tags can be used at different locations.

The NAIT Review noted that other countries prohibit the use of use ear tags at locations other than the places they were issued for.

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### Current situation

A PICA who moves farm or changes their NAIT location can continue to use NAIT tags issued for use at their previous location. This is convenient for a PICA who does not need to order new tags if they move to a new NAIT location. However, using NAIT tags at multiple NAIT locations makes it harder to trace animal movements.

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### Proposal

#### When tagging an animal for the first time, a PICA must only use the NAIT tags issued for that specific NAIT location

A PICA who moves farm or changes their NAIT location would only be able to tag animals for the first time with tags specific to that location. The visual ID on the tag would be linked to this location. It would be an offence to use the tags issued for one location at another location.

**Benefits** – A direct link between a tag and a given location would make it easier and more effective to trace animal movements.

**Costs/risks** – This may be less convenient for some farmers. There may be some costs for a PICA to order and use new tags when in charge of animals at a different NAIT location, or having to buy unused tags from the previous PICA for that location. A transitional period may be needed to allow existing tags to be used up.

This proposal aligns well with other changes NAIT Limited is making to fix NAIT numbers to NAIT locations, and to improve tag distribution. It would support the policy objective of improving traceability of animals.



### Questions

- 6.2.1** Do you support this proposal? Please explain in detail.
- 6.2.2** How would the proposal impact you? How would you manage any issues?
- 6.2.3** What in your view is a reasonable timeframe for implementing this proposal (e.g. how long would it take you to use up existing supplies of tags)?

## 6.3 Amend the definition of PICA to clarify that the responsibilities apply to everybody in charge of animals

### Issue

The PICA definition applies only to an individual. It covers individuals in charge of animals on farms, as well as those in charge of animals at accredited entities (saleyards and meat processors).

The different roles and responsibilities of PICA and their delegates in different situations are currently imprecise. People may not recognise that the body corporate (farm, meat processor or saleyard), and not just the individual, is also responsible for complying with NAIT obligations.

The NAIT Act was intended to apply to body corporates, and associated penalties already exist for offending by a company. However, because the definition of PICA is restricted to “natural persons”, no ability exists to prosecute the companies employing individual PICAs.

Providing in the law for both individual and corporate accountability is common in regulatory regimes.

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### Current situation

The term ‘entity PICA’ is defined in the NAIT (Obligations and Exemptions) Regulations 2012 as a PICA for an entity dealing with NAIT animals accredited under section 20.

Meat processors and saleyards in NAIT are likely to be accredited entities and may also employ PICAs. This means that they have the same obligations as PICAs, along with additional responsibilities through accreditation. In particular they can provide information, in lieu of a PICA or PICA delegate, about the movement of animals to the meat processor or saleyard.

Everyone in charge of animals needs to meet NAIT obligations, whether on farm or at an accredited entity. However, because roles are not well differentiated, the current situation may imply individual, rather than corporate, responsibility.

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### Proposal

#### Amend the definition of PICA to clarify that responsibilities apply to everybody in charge of animals

This proposal would amend the definition of PICA to make clear that it applies both to individuals and body corporates. Current responsibilities and obligations under the NAIT Act remain the same.

**Benefits** – The change would be the simplest way of ensuring that obligations under the NAIT Act apply to all participants as appropriate in given circumstances.

**Costs/risks** – This proposal does not affect obligations, so the costs and risks of the change are likely to be low.

This change would make it easier for participants in NAIT to understand their roles and responsibilities. It would support the policy objective of improving traceability of animals.



## Questions

- 6.3.1** Do you support this proposal? Please explain in detail.
- 6.3.2** Do you think companies are clear on their NAIT obligations under the current definition of PICA? Please explain in detail.
- 6.3.3** How would the proposal impact on you?
- 6.3.4** Are there any flow-on effects from ensuring the definition of PICA is clear that it applies to body corporates?

## 6.4 Change the timeframe for when a PICA must declare the impracticable to tag exemption for animals from “48 hours prior” to “before sending”, and make failing to record the movement in advance an infringement offence\*

### Issue (Regulation 17 – Obligations and Exemptions Regulations)

The requirement for a PICA to notify NAIT Limited 48 hours before they send an impracticable to tag animal to a meat processor has not yet been operationalised by NAIT Limited. Information on impracticable to tag animals is currently provided to NAIT Limited through kill reports from meat processors.

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### Current situation

PICAs find the situation confusing. The benefits from this “48 hours prior” reporting requirement are unclear because it does not take account of on-farm practice.

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### Proposal

#### Change the requirement to record impracticable to tag animals from “48 hours prior” to “before they are sent” to a meat processor

A PICA would still be required to report that an animal is impracticable to tag before it is sent to a meat processor, but the “48 hours prior” requirement would be dropped. It would remain an infringement offence to fail to declare movement of an untagged animal before sending it.

**Benefits** – It would ensure regulatory requirements are practical for PICAs to comply with.

**Costs/risks** – PICAs would need to put time aside to declare an impracticable to tag animal. But the cost and risks associated with this change should be easier to manage than the “48 hours prior” requirement.

This change would be supported by NAIT, to enable PICA to declare the impracticable to tag animal online.

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\*This proposal should be considered alongside **proposal 7.3** (which proposes changes to the impracticable to tag exemption).



### Other option: remove the exemption altogether

Under this option, PICAs would have to ensure **all** animals were tagged and registered with NAIT before they could be sent to the meat processor. PICAs would be encouraged to get veterinary assistance to safely tag large or unruly animals. The levy would no longer apply.

**Benefits** – It would be easier to identify and penalise non-compliance.

**Costs/risks** – Even though animals are tagged at a very young age, a few would be unsafe for a PICA to re-tag. Some PICAs may take risks to ensure animals are tagged. Alternatively, if PICAs perceive a low likelihood of being detected, they may see the absence of an impracticable to tag levy as a cost saving and flout the obligation.

This option is not preferred as it may increase risks to farmer safety.



### Question

**6.4** Do you support this proposal? Please explain in detail.

## 6.5 Allow any public sector organisation to request access to NAIT core data as long as the Act's purposes of holding this data are met\*

### Issue (Section 46 of Act)

Requesting access to NAIT core data that may identify an individual is restricted in most cases to NAIT Officers and Authorised Persons, Crown agencies, and organisations with a PICA's express consent.

Data access requests can only be approved for reasons consistent with the NAIT Act's purposes of holding core data ([see here](#)). Conditions can be imposed by the NAIT administrator or the data access panel to ensure privacy is protected, e.g. further disclosure of information can be forbidden.

The NAIT Review questioned whether the NAIT Act is clear enough on which agencies can access core data. Note that anyone can apply to access anonymised core data.

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### Current situation

Crown agencies with important law enforcement or research functions can apply to access core NAIT data. Crown agencies are state sector organisations (see where an organisation fits in the public sector [here](#)). The Crown is a co-funder of the NAIT scheme.

The current situation ensures that data can be accessed where it meets one of the purposes of holding core data. Such purposes include a wider public benefit (for example policy and research projects).

However non-state sector organisations, notably councils, do not have the same access rights. This is despite the fact that they are often the first point of contact in a local emergency (for example, to deal with wandering stock on a public road).

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### Proposal

#### Allow any public sector organisation to have access to core data if their request meets at least one of the Act's purposes

All public sector organisations could request access to core NAIT data where they need it for one of the purposes set out in the NAIT Act.

**Benefits** – The result would be better access to data for government organisations, including councils, that need information, for example in an urgent situation or to respond to natural disasters.

**Costs/risks** – NAIT may experience a high number of requests for information.

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\*This proposal should be considered alongside **proposals 6.6 and 7.6** (which are intended to streamline how MPI, Police, and councils access core data).

This proposal would maximise the use of the NAIT data for its core purposes, regardless of the organisation that needs it. It would also ensure that councils and others could access information efficiently and effectively.

It would support the objectives of improving the traceability of NAIT animals, and ensuring practical solutions.

The NAIT Review recommended that organisations with the ability to access core data be listed. That approach would be out of step with good legislative practice (organisations, including those within government, often change names and/or administrative responsibilities). It is also unnecessary, because this information can only be accessed for specified purposes.



## Questions

**6.5.1** Do you support this proposal? Please explain in detail.

**6.5.2** How would this proposal impact on you?

## 6.6 Amend the purposes of holding core data to include responding to stock theft and wandering stock\*

### Issue (Section 40 of Act)

The NAIT Review identified two issues relating to the purposes of holding core data: stock theft and wandering stock.

#### Stock theft

Stock theft or ‘rustling’ remains a significant issue for rural communities. Beyond its economic cost, it has wider impacts and can significantly compromise a community’s sense of security, especially at night.

NAIT data can assist investigations into stock theft by helping Police to verify the registered PICA and proper location for animals. However, responding to stock theft is not currently an explicit purpose for holding data. Gaining access to this information can therefore take time.

#### Wandering stock

NAIT data can help authorities to identify the PICA of a wandering animal. At present emergency services can only access NAIT information if the wandering stock presents an urgent risk to life and welfare.

If an animal is safely held (e.g. herded into a nearby paddock), getting access to NAIT information takes time. Also *Mycoplasma bovis* has shown that there are risks with putting stock in places they do not belong. Councils are usually first responders in cases of wandering stock.

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### Current situation

The NAIT Act’s purposes of holding NAIT core data do not specifically provide for identifying stolen or wandering stock.

To obtain details of the PICA for a stolen animal, Police must submit a production order to NAIT.

If wandering stock do not present a risk to life or welfare, NAIT Limited may contact a PICA directly, rather than provide the PICA details to the authority (e.g. council) handling the incident. It can be particularly difficult to access NAIT information at night and on weekends.

A fee of \$50 is charged to request information from NAIT Limited (or a fee of \$150 for a request handled by the data access panel).

These processes may create a barrier to quickly responding to stock theft and wandering stock.

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\*This proposal should be considered alongside **proposals 6.5 and 7.6**, which are intended to streamline how MPI, Police and councils access core data.

## Proposal 6.6 (a)

### Include responding to stock theft as a purpose of holding NAIT data

Police would be able to promptly access NAIT core data for this specific purpose.

**Benefits** – This could allow Police to more efficiently access information when and where it's needed (e.g. a truck has been stopped and an officer wants to identify PICA details for the animals on that truck).

**Costs/risks** – NAIT may experience a higher number of requests for information.

This proposal would ensure swift access to data and assist Police. It supports the objectives of improving the traceability of NAIT animals, and ensuring practical solutions.

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## Proposal 6.6 (b)

### Include responding to wandering stock as a purpose of holding core data

This would clarify that responding to wandering stock is a purpose of NAIT holding data. It would allow councils to promptly access NAIT data in cases of wandering stock.

**Benefits** – Ensures authorities can quickly and efficiently identify the PICA for an animal found wandering.

**Costs/risks** – NAIT may experience a higher number of requests for information.

This proposal would ensure swift access to data, so wandering stock can be returned to the PICA as soon as possible.

It would support the objectives of improving the traceability of NAIT animals, and ensuring a solution that is practical.



## Questions

- 6.6.1** Do you support the proposal to include responding to stock theft as a purpose of holding core data? Please explain in detail.
- 6.6.2** Do you support the proposal to include responding to wandering stock as a purpose of holding core data? Please explain in detail.

## Impact of data change proposals

### NZ POLICE (e.g. Police receive a call about stolen stock)

Now	If proposals become law
<b>What for</b>	
<ul style="list-style-type: none"> <li>Can access NAIT data if they have animal welfare concerns</li> </ul>	<ul style="list-style-type: none"> <li>Can access NAIT data for any stock theft queries</li> </ul>
<b>How</b>	
<ul style="list-style-type: none"> <li>Request data from NAIT Ltd during office hours</li> <li>If no animal welfare concerns, can get data via a Production Order</li> <li>Can ask NAIT Ltd to contact the PICA</li> </ul>	<ul style="list-style-type: none"> <li>During office hours can request data from NAIT Ltd</li> <li>At other times can request data through 24- hour MPI National Operations Centre</li> <li>Can ask NAIT Ltd to contact the PICA</li> </ul>
<b>Issues</b>	
Takes time to get data; harder to get access if it is for general investigation into stock rustling but there are no animal welfare issues	Issue removed: Police can access data when it's needed

### COUNCILS (e.g. Council receives a call at night about wandering stock)

Now	If proposals become law
<b>What for</b>	
<ul style="list-style-type: none"> <li>Can access NAIT data if they have animal welfare concerns</li> </ul>	<ul style="list-style-type: none"> <li>Can access NAIT data for any wandering stock queries</li> </ul>
<b>How</b>	
<ul style="list-style-type: none"> <li>Request data from NAIT Ltd during office hours</li> <li>If no animal welfare concerns, can contact NAIT Ltd during office hours and ask them to contact the PICA</li> </ul>	<ul style="list-style-type: none"> <li>During office hours can request data from NAIT Ltd</li> <li>At other times can request data through 24-hour MPI National Operations Centre</li> <li>Can ask NAIT Ltd to contact the PICA</li> </ul>
<b>Issues</b>	
Councils can't be sure they can get data when they need it to meet their responsibilities	Issue removed: Councils can get data when it's needed

## 6.7 Make previous NAIT location history for an animal available to a PICA (as a potential seller)

### Issue (Sections 40 and 45(2) of Act)

One of the NAIT Act's purposes of holding core data is to enable a potential purchaser of a NAIT animal to trace the animal's history over its life. However, while an applicant may request information about themselves and animals for which they are the PICA, they cannot access another PICA's personal information.

NAIT Limited has tended to interpret NAIT location information as being another PICA's personal information, which means that the information available to a potential buyer has been very limited.

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### Current situation

A PICA cannot trace the detailed (farm level) location history of an animal over its lifetime. The information available to potential buyers of their stock is restricted.

Privacy concerns are usually cited as the reason for not releasing data to a PICA without the consent of all former PICAs associated with each animal. This limits the ability of potential purchasers to ask questions about an animal's history, and manage their own biosecurity risks. This is not the original intention in the Act [see section 40(i) of the NAIT Act].

The Privacy Act allows for sharing of personal information in the NAIT database, provided it meets one of the NAIT Act's purposes of holding core data.

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### Proposal

#### **Amend the NAIT Act to allow animal life history data to be provided to a PICA as a potential seller of a NAIT animal**

Under this proposal PICAs would be able to see previous NAIT locations of the animals they are responsible for (this would be supported in part by operational changes being made to fix NAIT numbers to NAIT locations). This information could then be shared with potential buyers. Personal information relating to previous PICAs (e.g. names and phone numbers) would not be available. NAIT Limited would need to make system changes to allow PICAs to see previous animal location details.

This proposal operationalises one of the existing purposes of holding NAIT core data. It also helps PICAs understand and manage their own biosecurity risks.



**Benefits** – The current PICA will control their own information as a potential seller of a NAIT animal. There is less potential for inappropriate use of an animal's life history information than where a potential purchaser has access to it. The seller has an incentive to reassure potential buyers about biosecurity risks by providing information. Over time, buyers will routinely demand such information to support the sales process. In turn, this may incentivise increased compliance with NAIT.

**Costs/risks** – PICAs whose animals are from locations affected by animal diseases may find them more difficult to sell, even if those animals have not been affected by the disease.

This proposal would support the objectives of managing the biosecurity risk, and improving traceability of animals.



## Questions

- 6.7.1** Do you support this proposal? Please explain in detail.
- 6.7.2** What animal life history information would you find useful? How far back into an animal's history would you seek information?
- 6.7.3** Do you see any additional risks with making previous animal location information available to the current PICA?
- 6.7.4** What impact might this proposal have on PICA compliance with NAIT?



**PART B**  
**Ensuring NAIT**  
**is fit for the future**

# Lessons from an outbreak

The NAIT Review started before the response to *Mycoplasma bovis* gathered momentum. The Review was largely focused on the effectiveness of the existing scheme rather than specifically reporting on potential future scenarios.

Since the completion of the Review MPI has been able to get a better handle on the issues with the NAIT scheme. MPI remains the largest user of NAIT information and its officials have used NAIT throughout the *Mycoplasma bovis* response to trace the movements of affected animals, and to undertake compliance activities.

So what is *Mycoplasma bovis*? It is a bacterium that can cause a range of serious conditions in cattle. They include mastitis that doesn't respond to treatment, pneumonia, arthritis, and late-term abortions. The disease is, however, solely an animal welfare issue, with no impact on food safety or human health.

*Mycoplasma bovis* was detected locally for the first time in July 2017. MPI has subsequently been working closely with affected farmers and the dairy and beef industries to locate the disease, remove it from farms, and support farmers to recover.

Government and the dairy and beef industries have signed up to a phased eradication programme for *Mycoplasma bovis*, and there are joint efforts on the ground to remove the disease from local dairy and beef herds. It will mean continuing to trace all potentially affected cattle, ongoing testing, and culling herds with infected animals. This effort will continue until surveillance and testing reveal no remaining signs of the disease.

The response has been an extremely stressful time for those affected. All the parties involved have worked tirelessly to support farmers and their families.

## Compliance in the spotlight

The recent outbreak showed that NAIT compliance throughout the country has been patchy. Some farmers have failed to participate, many cattle movements have gone unrecorded (particularly farm-to-farm movements), and lax practices have often rendered NAIT data of less value.

It would be fair to say that until recently, non-compliance with NAIT was not well policed. Farmers who have 'done the right thing' and complied have been impacted by others' non-compliance. It has been more difficult for MPI to trace animals with *Mycoplasma bovis* than it should have been. Many farmers have understandably become wary about the sources of animals offered for sale, not wanting *Mycoplasma bovis* on their own farm.

MPI is determined to ensure that the legislation strongly incentivises NAIT compliance. This includes making sure penalties are set at the right level.

## **The use of NAIT information during the *Mycoplasma bovis* response**

The response to the *Mycoplasma bovis* outbreak became NAIT's first real test as a biosecurity investigation and management tool. In short, NAIT failed to meet expectations. In particular, recording of cattle movements from farm-to-farm was poor, with data either unreliable or absent. In many cases NAIT data proved too vague to be useful because of incorrect location or PICA details. Investigating and following up individual movements with farmers to find all infected animals has therefore involved disproportionate time and resources.

Recurring issues noted in MPI's follow-up with farmers include:

- incorrect understanding of how NAIT numbers, PICAs, and locations relate to each other
- poor understanding of the role of stock agents in completing NAIT records
- inaccurate reporting of NAIT animal movements. This included movements being recorded against the wrong animals, and movements being recorded against one NAIT animal only, when a group of animals was moved
- mismatching of NAIT locations
- under-reporting of calf movements and of dairy animals for grazing. In the farms investigated, compliance within these two groups was even worse than compliance for general farm-to-farm movements.
- missing declarations for the first part of a two-legged animal movement (when either the sending PICA or receiving PICA failed to declare a movement)
- out of date PICA contact information
- inconsistencies between ASD forms, NAIT records, and farmer diaries for the same animal movement
- lack of awareness of responsibilities for updating information in NAIT
- accredited information providers failing to provide data to the standard required in the NAIT database.

## A sharper focus on compliance and enforcement

In the wake of the outbreak, MPI and NAIT Limited have both stepped up compliance and enforcement activity, including:

- **Database verification:** NAIT Limited has been analysing the database to identify those PICAs who continue to offend. It has issued warning letters with a notice to comply with NAIT obligations within 30 days. This is having a positive effect, with many of these PICAs improving compliance. An average of 20 per cent are being referred to MPI for further action.
- **On-farm checks:** MPI Verification Services staff are now including checks for NAIT compliance in their annual On-Farm Audit programme.
- **Compliance inspections and investigations:** MPI inspectors have conducted checks where non-compliance has been detected following receipt of reports from the public or referral from NAIT Limited or MPI Verification Services.
- **Targeted operations:** MPI and Police have conducted joint operations where on one day a week for three months stock trucks were stopped at different locations. Information from ASDs and transport dockets was collected for subsequent checking against the NAIT database to see if the supplying and receiving PICAs were recording the animal movements in the required 48 hours.
- **Infringement notices:** MPI has been issuing infringement notices to those PICAs who persist with non-compliance after intervention by NAIT Limited or MPI.

## Ensuring better alignment with other laws

The *Mycoplasma bovis* outbreak has highlighted how much an effective biosecurity system relies on NAIT. The NAIT Act sits alongside other key pieces of legislation, in particular the Biosecurity and Animal Products Acts and also, where appropriate, the Search and Surveillance Act. Where possible the NAIT Act needs to be better aligned with this other legislation.

## Strategic questions about who has a role in NAIT

The NAIT Review stopped short of reporting on more strategic questions such as possible future roles in NAIT for other sectors. Six years on from NAIT's establishment, this consultation is a useful and timely opportunity to seek feedback on the role of all people involved in animal movements such as transport operators, stock agents, and farmers of other animal species.

We know that changes to NAIT may be significant for participants. We therefore want to understand what any changes might look like, when it might be appropriate to consider implementing them, and what is necessary now to minimise legislative barriers to making changes in the medium to long term.



# 7

## Proposals to make NAIT fit for the future

### 7.1 Align penalty limits with those in the Biosecurity and Animal Products Acts

#### Issue (Clauses 82-84, Schedule 2 of the Act)

MPI and NAIT Limited have agreed their respective roles and responsibilities for supporting increased NAIT compliance and enforcement activity. The approach is centred on supporting farmers to comply and do the right thing. However, in some instances infringements or prosecution may be appropriate.

The *Mycoplasma bovis* response has highlighted the serious consequences of NAIT non-compliance. In particular, the unreliability or absence of NAIT information in some cases has made tracing the disease more difficult, with significant potential cost implications for affected farmers.

Of greatest concern are cases where large numbers of animal movements have gone unrecorded. This is unacceptable: a serious contagious disease like foot and mouth could cause catastrophic harm to the land-based sector and the national economy.

Current low penalty limits for prosecutable offences constrain the courts' ability to ensure a penalty reflects the seriousness of the offending. The penalty amount is also low relative to the actual costs of a prosecution.

This is chiefly because the NAIT scheme was first conceived as an essentially administrative function. However the considerable response costs associated with eradicating *Mycoplasma bovis*, underline the grave consequences of failures to comply. The extent of this impact justifies a penalty regime that reflects NAIT's central role in supporting an effective biosecurity system.

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#### Current situation

The current penalty maximums for most prosecutable offences in the NAIT Act are \$10,000 (or \$1000 per animal) for individual PICAs, and \$20,000 (or \$2000 per animal) for body corporates.

These limits risk large scale offending not being penalised. They translate to a maximum of 10 animals, despite the fact that serious offending may involve hundreds of animals. The average size of a dairy herd in New Zealand is around 400 animals.

## Proposal

### Align penalty limits with those in the Biosecurity Act and Animal Products Act

Penalty maximums for most prosecutable offences in the NAIT Act would increase to \$100,000 for individuals and \$200,000 for body corporates. This change would align with penalty maximums under the Biosecurity Act and match penalties in the Animal Products Act.

**Benefits** – This change would send a strong signal that animal traceability is integral to our national biosecurity system, and give the courts more power to ensure a penalty matches the seriousness of the offending.

**Costs/risks** – There is a risk that penalties are not effective if PICAs perceive a low likelihood of being caught. This proposal would be implemented alongside increased compliance and enforcement activities.

This proposal ensures penalties line up with similar regulatory regimes, reflecting the seriousness of offending and deterring non-compliance.

It would support the objectives of improving participants' compliance with NAIT, and improving alignment with related legislation.



### Question

**7.1** Do you support this proposal? Please explain in detail.

## 7.2 Align infringement fees with those under the Biosecurity and Animal Products Acts

### Issue (Schedule 1, Infringement Offences Regulations)

Infringement notices for NAIT may be issued where an offence has been committed but the offending does not warrant prosecution (i.e. smaller scale offending). Infringement fees need to be set at a level that deters non-compliance.

The Ministry of Justice provides some guidance around the setting of infringement fees. Factors that must be considered are: the level of harm involved in the offending, the affordability and the appropriateness of the penalty for the target group, and whether the proposed fee is in line with the infringement fees for comparable offences.

Given the potential harm and the commercial context that PICAs operate in, current infringement fees for NAIT may not be set high enough.

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### Current situation

Infringement fees are currently \$300 for failing to register as a PICA for a NAIT location, and \$150 for all other infringement offences. There is a risk that some PICAs view fines as a cost of doing business rather than being a deterrent.

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### Proposal

#### Align infringement fees with those under the Biosecurity and Animal Products Acts

Infringement fees for failing to register as a PICA for a NAIT location would increase to \$800, with \$400 charged for all other infringement offences. This change would align NAIT infringement fees to those for similar offences in regulations under the Biosecurity Act and regulations for Animal Status Declarations under the Animal Products Act.

**Benefits** – This change would send a strong signal that animal tracing is an integral part of New Zealand's biosecurity system.

**Costs/risks** – There is a risk that these penalties will not be effective if PICAs perceive a low likelihood of being infringed. This proposal would be implemented alongside increased compliance and enforcement activities.

This proposal reflects the serious consequences of NAIT offending, and provides an effective deterrent to non-compliance. It supports the twin aims of improving participants' compliance with NAIT and improving alignment with related legislation.



### Question

**7.2** Do you support this proposal? Please explain in detail.



## 7.3 Rename “impracticable” to tag to “unsafe” to tag\*

### Issue (Regulation 17 – Obligations and Exemptions Regulations)

An exemption allows animals judged unsafe for a PICA to tag to be sent to a meat processor untagged. This exemption was needed during the original transition to the NAIT scheme, when existing animals were too large to tag easily. It aims to help ensure farmers do not endanger themselves by trying to tag animals that present a safety risk, e.g. large aggressive animals or grown horned animals.

Although this exemption only affects a small proportion of animals sent for processing, anecdotal information suggests it has been abused, with the term “impracticable” interpreted broadly (e.g. as ‘inconvenient for the PICA’). It is usually clear to a processor whether a tag has come out or wasn’t put on the animal in the first place. Because the costs of re-tagging and registering the animal fall on the meatworks, the incentive for a PICA to comply with their obligations is weak.

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### Current situation

It remains relatively easy for PICAs to send untagged animals to the meat processor if a PICA classes an animal as “impracticable” to tag. A levy of \$13 (GST exclusive) per animal to cover extra administration is charged by the meat processor.

The current situation helps ensure PICAs are not putting their personal safety at risk. It can, however, be difficult to distinguish between legitimate use of the exemption and deliberate non-compliance.

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### Proposal

#### Change the “impracticable” to tag terminology to “unsafe” to tag

To signal its real purpose, the exemption would be renamed “unsafe” to tag. This is consistent with terminology used overseas. PICAs could only use this exemption for animals presenting a safety concern. Because all animals (except bobby calves) must be tagged at a young age, few animals belong in this category, with even fewer expected over time.

**Benefits** – This would tighten up the exemption, signalling that genuine danger to a PICA’s safety is the only reason for not tagging animals (unless another exemption applies).

**Costs/risks** – This provision could still be misused if it is the only change made to the exemption.

It would support the objectives of improving participants’ compliance with NAIT, and improving traceability of animals.

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\* This proposal should be considered alongside **proposal 6.4** (to remove the existing 48 hours in advance requirement to report “impracticable” to tag animals prior to sending to a meat processor), and **proposal 7.4** (to prohibit and make it an offence to transport untagged animals without an exemption)



## Questions

- 7.3.1** Do you support this proposal? Please explain in detail.
- 7.3.2** Do you currently use the “impracticable” to tag exemption?  
When do you use it and why?
- 7.3.3** How could “*unsafe*” to tag be defined to reflect the intent of safeguarding farmers while preventing abuse of the exemption?

## 7.4 Prohibit and make it an offence to transport untagged animals without an exemption

### Issue

PICAs must ensure that all NAIT animals in their charge are registered with NAIT, and are correctly fitted at all times with an approved ear tag. Any PICA sending NAIT animals off-farm untagged and/or unregistered, without a valid exemption (e.g. “Unsafe” to tag), is committing an offence.

If people involved in animal movements refuse to accept untagged animals, more PICAs would comply with the NAIT obligations.

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### Current situation

It is an offence for PICAs to send NAIT animals off-farm untagged without an exemption. Whether a PICA has met this NAIT obligation is not a matter that anyone else involved in transporting the animals off-farm has direct responsibility for.

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### Proposal

#### Prohibit and make it an offence to transport untagged animals that do not have exemptions

A new infringement offence would be created for the transport of untagged animals without an exemption. Anyone (e.g. farmer or commercial transport operator) transporting NAIT animals would need to visually check for NAIT tags. They would have to refuse to transport untagged animals without an exemption. Under this proposal, anyone transporting untagged animals could be liable for an infringement fee or prosecution. This proposal does not affect existing obligations on a PICA.

**Benefits** – This change would make it more difficult for untagged animals to be moved.

**Costs/risks** – The proposal may represent a cost for transport operators and farmers if having untagged animals were to lead to cancellation of scheduled transport or reduce the number of animals transported. However, the commercial transport sector already refuse to accept animals that are unfit for transport under animal welfare legislation. This would be a similar approach.

There is a risk that this proposal will not be effective if people transporting untagged animals perceive a low likelihood of being caught. This option would be implemented alongside increased compliance and enforcement activities.

It would support the objectives of managing the biosecurity risk, improving traceability of animals, and improving participants’ compliance with NAIT.



### Questions

**7.4.1** Do you support this proposal? Please explain in detail.

**7.4.2** What are the implications for you of this proposed change?

## 7.5 Require untagged animals arriving at a NAIT location to be separated from other animals\*

### Issue (Regulation 6 – Obligations and Exemptions Regulations)

If a PICA (not at a meat processor) receives untagged animals because the sending PICA has not complied with their NAIT obligations, they must either:

- a. tag and register the animals and record the movement with NAIT within 48 hours, or
- b. arrange to have the untagged animals returned to the sending PICA.

NAIT should be notified of all untagged animals being moved.

There are concerns that this is not happening in practice, and the provision allowing animals to be returned untagged is being used by saleyards to return animals they have failed to sell. While animals may co-mingle, no record exists of them being at the saleyard.

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### Current situation

It has been assumed that a PICA receiving untagged animals will either tag the animals or return them to the sending PICA without delay. However, this is not always the case. The unrecorded movement of untagged animals in and out of saleyards (and other locations) represents a real biosecurity risk.

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### Proposal

#### Require untagged animals arriving at a NAIT location to be separated from other animals

Any untagged animals arriving at a location would have to be separated from other animals. This means animals arriving as a group would have to be kept together and separated from others at that location until they are either tagged, registered (and their movement recorded), or until they are returned to the sending PICA.

The return of untagged animals to a sending PICA after segregation would then be exempted from the proposed prohibition of transporting untagged animals (in **proposal 7.4**).

**Benefits** – Biosecurity risks would be better managed. This matches the current requirement to keep animals that arrive at a destination without an ASD separate until the ASD is provided.

**Costs/risks** – Effectiveness may vary depending on how the animals are actually separated.

This proposal aligns with existing ASD requirements in the Animal Products Act that manage biosecurity risks associated with animal movements.

It would support the objectives of managing the biosecurity risk, and improving alignment with related legislation.

\*This proposal should be considered alongside **proposal 7.4** (which would prohibit and make it an offence to transport untagged animals without an exemption).

## Other option: prohibit untagged animals being returned to the sending PICA unless they are tagged and registered with NAIT

Another option is to require a PICA receiving untagged animals to tag and register the animals and record the movement, regardless of whether they intend to return the animals.

**Benefits** – Ensuring the recording of all movements in and out of saleyards would better manage biosecurity risks.

**Costs/risks** – There is a risk that some PICAs would incur the additional cost of tagging animals they receive and don't want to keep.

This is not a preferred option. It is likely to give the wrong incentive to the sending PICA, and may make it difficult to return animals. This would be unfair on the receiver when the sender has failed to meet their obligations.



### Questions

**7.5.1** Do you support this proposal? Please explain in detail.

**7.5.2** How would this proposal impact on you?

## NAIT: now and if proposals become law

### Untagged animals

Now	If proposals become law
Animals must be tagged and registered before 6 months old or moved off-farm (except bobbies)	No change
Animals that are “impracticable” to tag are exempt from tagging when going straight to a meat processor	An animal that is “unsafe” to tag is exempt from tagging when going straight to a meat processor
PICAs can be fined for not tagging animals	Anyone transporting untagged animals without an exemption can be fined
PICAs (unless at meatworks) can tag and register untagged animals, or return them to sender	PICA (unless at meatworks) must segregate untagged animals before tagging or returning them

## 7.6 Improve access to NAIT information by MPI and other authorities\*

### Issue (Section 42(7) of the Act)

MPI is the primary user of NAIT data that helps staff fulfil their duties under the NAIT Act and other legislation including the Animal Products, Biosecurity, and Animal Welfare Acts.

MPI's functions align closely with the NAIT Act's purposes of holding data. However the ability for MPI staff to gain access to data from NAIT has been highly variable.

MPI has worked with NAIT Limited to improve access, but looking ahead, MPI needs more direct and seamless access. MPI can also help facilitate access to data for other authorities (e.g. assist Police with stock rustling problems) through its National Operations Centre, which is about to become a full-time service.

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### Current situation

NAIT Officers and Authorised Persons have data access as needed. MPI has a range of ongoing data access arrangements in place. New decisions on access are made by a NAIT administrator or the data access panel.

The situation works well for NAIT Officers and Authorised Persons and where access arrangements are in place. However, the cost of new data access applications is \$50 (administrator) or \$150 (data access panel).

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### Proposal 7.6 (a)

#### Ensure MPI can have direct access to NAIT information

MPI staff would no longer be required to apply to NAIT Limited's administrator or data access panel to access data. MPI data access would still need to meet one of the NAIT Act's purposes of holding data. However, decisions or determinations on access would be made by the Director-General of MPI rather than NAIT Limited.

As is the case at present, the methods used could vary from Authorised Persons having direct access to the database, to one-off requests for specific data being actioned without a fee.

**Benefits** – This proposal ensures MPI officials (not just warranted NAIT Officers) get immediate and efficient access to data when needed for the NAIT Act's purposes for the data (including policy development). This would be consistent with MPI data access in other regulatory regimes, such as to the Fishing industry's FishServe database.

**Costs/risks** – This may have resource implications for NAIT Limited, including training people on use of the database and ensuring the system can meet MPI needs. This approach is similar to management of the response to *Mycoplasma bovis*, with both organisations working closely together.

\* This proposal should be considered alongside **proposals 6.5 and 6.6** (seeking to streamline how core data is accessed by MPI, Police, and councils).

This proposal would support MPI to carry out its monitoring, compliance, and policy development activities more effectively and efficiently.

It would support the objectives of improving participants' compliance with NAIT, and ensuring a solution that is practical.

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## Proposal 7.6 (b)

### Allow MPI to facilitate data access for other authorities, in line with the Act's purposes of holding data

MPI would be able to facilitate access for other authorities (e.g. Police and regional councils) at no cost. This would speed up data access in urgent situations, e.g. a request from a regional council officer outside of office hours to locate the PICA for wandering stock. The information could be passed on via MPI's emergency phone line, as long as use of the data for such purpose had been pre-approved by the MPI Director-General [as in **proposal 7.6 (a)**].

**Benefits** – This proposal ensures access to data for particular purposes is possible at all times, without the delay and cost of the current data access arrangements.

**Costs/risks** – It may have implications for MPI, depending on the scale and frequency of data access requests from authorities such as Police and regional councils. However these costs are thought to be manageable.

This proposal would provide a practical and efficient solution to the current issues of getting fast access to NAIT data for those who legitimately need it.



## Questions

- 7.6.1** Do you support the proposal to provide MPI with direct access to the NAIT database? Please explain in detail.
- 7.6.2** Do you support the proposal to allow MPI to facilitate access to the NAIT database for other authorities? Please explain in detail.

# Impact of data change proposals

## MPI (e.g. MPI undertaking non-emergency activity that needs NAIT data)

Now	If proposals become law
<b>What for</b>	
<ul style="list-style-type: none"> <li>• Duties of NAIT warranted officers</li> <li>• Any purpose of NAIT data (set out in the NAIT Act)</li> </ul>	<ul style="list-style-type: none"> <li>• Duties of NAIT warranted officers</li> <li>• Any purpose of NAIT data (set out in the NAIT Act)</li> </ul>
<b>How</b>	
<ul style="list-style-type: none"> <li>• Apply to NAIT administrator or data access panel</li> <li>• Warranted officers have direct log in</li> </ul>	<ul style="list-style-type: none"> <li>• Requests authorised by MPI Director-General, fulfilled by direct log in or NAIT Ltd</li> </ul>
<b>Issues</b>	
Can be slow to get data, when as co-regulator MPI should have streamlined access	Issue removed: MPI access is quicker and easier



# 8

## Other possible improvements

The *Mycoplasma bovis* response has demonstrated the very high costs and consequences for the farming sector and New Zealand if the NAIT scheme fails to function effectively. Therefore, apart from the specific proposals in the previous parts of this document, we are also checking that the scheme is fit for the future. This is in everybody's interests, and MPI and industry are committed to making sure the scheme works well.

We will also look at potential improvements to the NAIT Act's performance framework for the NAIT organisation, to make sure all the tools are explicitly available for the government to protect the public interest. For example, this could include the Minister explicitly setting expectations for the NAIT Board on government priorities, and requiring regular monitoring and reporting of the NAIT organisation's activities to Parliament.

This next section identifies a range of other issues - and possible improvements to NAIT. The aim is to obtain feedback and perspectives on wider areas that are not currently part of the scheme. This will help us identify the extent of sector support for change, and inform the next phases of work that may be necessary as a result.

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### 8.1 Information about animal movements during transportation

Cattle and deer movement records are based on declarations of animal movements by (or on behalf of) PICAs. These movements are recorded in the NAIT database as point-to-point (e.g. farm-to-farm, farm-to-saleyard) transfers.

Transporters can collect livestock from unattended paddocks, load and unload multiple consignments from different locations on the same vehicle, use transit stops and other temporary holding areas, and move regionally or nationally (including between islands).

All such activity is permitted under the scheme. The only legal requirement is for PICAs to record the start and end destinations for each animal.

The recent outbreak of *Mycoplasma bovis* has shown that all information about livestock movement, especially where mingling has occurred during transport (including between NAIT animals and other species), is relevant to the a biosecurity response. This highlights the opportunity for NAIT data to provide more detailed information about animal movements.

Gaining better understanding of potential contact between animals during transportation for the purpose of responses and investigations would represent a new direction for the NAIT system. A range of options could be considered to accomplish it, either through additional PICA reporting requirements or more direct input from the transport sector.

## **Building on existing PICA responsibilities**

There is scope to increase the detail that PICAs provide in animal movement records. For example, PICAs could be required to provide information on movement to and from any transit stops, because these are already registered NAIT locations. Data required could also include identification of the livestock transporter used for each animal movement.

## **Greater involvement of commercial transport operators**

Recent efforts to improve animal welfare outcomes for bobby calves has led to a dramatic drop in calf mortality. Commercial operators have played an important role in ensuring the welfare of calves during transport.

Farmers routinely use commercial transport operators to move livestock around the country, and logistics tracking is a critical part of their business activities. This sector is therefore uniquely placed to streamline the recording and reporting to NAIT of animal movements.

Transport operators can already become accredited information providers (five companies are currently registered with NAIT). Transport operators can also be PICA delegates and submit animal movement records on behalf of clients.

Transport operators could also be required by law to record and report information directly to NAIT.

Additional requirements on transport operators (either indirectly through PICAs or as new obligations under the NAIT Act) would have some cost implications. We are keen to get sector views on potentially changing or enlarging the role of transport operators.

## **Transit stops**

The law states that anywhere NAIT animals are kept or held must be registered as a NAIT location. A transit stop is defined as “a NAIT location where animals are temporarily held during transport”.

However, we are aware that PICAs have different interpretations of the obligation to provide information on NAIT locations used for temporary holding of livestock during transportation. We want to understand how the various temporary holding areas are currently being viewed by participants in NAIT, to determine how traceability throughout an animal’s journey might be improved.



## Questions

- 8.1.1** Would you support requiring more details about the transportation of NAIT animals? Please explain in detail.
- 8.2.2** Should transport operators, who may not be PICA, have a role in reporting information about NAIT animal movements?
- 8.1.3** Are you aware of the information currently gathered on NAIT animal movements by transport operators? Do others, for example PICAs, have access to this information?
- 8.1.4** Are there barriers that may prevent greater involvement of the transport sector in NAIT?
- 8.1.5** What would be the impact on you of giving transport operators a formal role in the NAIT scheme?
- 8.1.6** Are there other options for improving information and traceability associated with livestock mingling during transportation?
- 8.1.7** Please detail your current practices related to transit stops and other temporary holding areas. Do the definitions in the NAIT Act need to be clarified?

## 8.2 The role of stock agents and traders

Stock agents and traders are involved in a large proportion of animal movements. They take on a number of different roles within NAIT, including:

- PICAs on farm (a stock agent can also be a farmer trading animals)
- PICAs at accredited entities (these are stock agents who operate at saleyards)
- PICA delegates (when a PICA has delegated some responsibilities to a stock agent)
- accredited information providers (64 out of 107 accredited information providers are categorised as stock agents).

The *Mycoplasma bovis* response highlighted concerns about the conduct of some stock agents and traders, e.g. stock agents obscuring the location history of animals so that a farmer cannot bypass their services.

A number of proposals in this document aim to deter non-compliance. Alongside NAIT Limited's operational changes and MPI's and NAIT Limited's continued efforts to increase compliance and enforcement activities, they may help address problems highlighted in the *Mycoplasma bovis* response. In particular, changes to fix NAIT numbers to locations, and the proposal to allow the full history of an animal to be made available to a seller PICA are likely to make it more difficult for stock agents to obscure an animal's location history.

We are, however, seeking a better understanding of the various issues surrounding stock agents and traders. We welcome your views on the role stock agents and traders have in NAIT, including whether a separate identity needs to be created for these parties.



### Questions

- 8.2.1** What are your experiences with stock agents and traders in relation to NAIT?
- 8.2.2** Do you think stock agents and traders should have a specific role in the NAIT scheme?
- 8.2.3** What would be the impact on you if stock agents and traders had a specific role in NAIT?

## 8.3 Potentially including other species in NAIT

The NAIT scheme is an essential tool for managing responses to animal disease incursions. At present, it only includes cattle and deer and the properties where they are held. In the future New Zealand may want to capture information about a wider range of animal species, for example goats, sheep or pigs, to support the management of biosecurity risks.

Any changes would need to balance the costs of change with the likely benefits, and would need to be proportional to the effort required. Information could be captured at a variety of levels:

- registration of all livestock properties might allow sight of all locations where animals are kept
- information could be captured at the ‘animal population’ level
- movements of mobs of animals could be recorded electronically without individual identification
- animals could be required to be tagged, either as a mob or individually as is currently required for cattle and deer.

The NAIT Act already enables other species to be included in the scheme at a future date. Section 67 outlines three different processes for adding a species or sub-group of species: industry-led initiative, or non-industry initiative (e.g. government-led), or if there are urgent grounds.

The NAIT Act also states the factors the Minister must have regard to before making a recommendation to do this; for example:

- the capacity of the NAIT scheme
- the need to be fair to all NAIT participants and the proposed new participants in matters of cost, benefits, and risks
- the integrity of the NAIT scheme.

Including other animal species could build on existing systems to improve the management of infectious disease risks. Covering more species may help meet international expectations that livestock producers and exporters will actively manage biosecurity risks through better animal tracing. Most international livestock tracing regimes, for example in the UK and Australia, require - as a minimum - information on all locations at which livestock are held. Some go further, and record animals at an individual level.

While our primary focus at this stage is on improving the current scheme for cattle and deer, we welcome views on the potential approaches for adding other species.



## Questions

- 8.3.1** Do you support other species being included in NAIT?
- 8.3.2** Which species do you think are the most important for NAIT to cover?
- 8.3.3** What traceability information do you think would be most useful to collect?  
For example, property details? mob-level information? or information on individual animals?
- 8.3.4** What would be the challenges of including other species in NAIT?
- 8.3.5** What are your views on the potential timing for including other species?

# 9

## Technical amendments

Drafting tidy-ups after the passing of a law are commonplace. The Government recently made some technical amendments that were urgently needed to assist MPI to undertake its compliance activities.

MPI has identified a number of other technical amendments to the NAIT Act that are necessary but not urgent. We have identified provisions requiring minor corrections to clarify intent or fix drafting omissions. These changes are solely aimed at making the legislation work better, not changing what was originally intended by Parliament.

### Amendments to align with the Search and Surveillance Act 2012

Many regulatory agencies have inspection and search powers linked to the Search and Surveillance Act (S&S Act). The NAIT Act was enacted and in force before the S&S Act was passed. The Select Committee report at the time the NAIT Bill was being considered envisaged that the two statutes would be aligned once the S&S Act came into force, but this didn't happen at the time. So while they are close, a number of provisions differ slightly.

A couple of technical changes to ensure consistency between the two Acts were made under urgency in August 2018. A number of further technical changes could be made to ensure NAIT Act provisions that relate to monitoring of compliance and the investigation and prosecution of offences align with the S&S Act. These are set out below.

Legislative reference	Proposal
<b>1. Section 56 of the Act</b>	<b>Relates to immunities:</b> Update to include the added protections finalised in the Search and Surveillance Act [sections 164 to 168], in particular stronger protection for the Crown from liability in tort for a servant's actions.
<b>2. Part 6 of the Act (sections 73 and 74)</b>	<b>Relates to reporting:</b> Amend reporting requirements of a person who exercises an entry or search power and the reporting requirements of the Director-General to be the same as those in the Search and Surveillance Act [sections 169 and 171].

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**3. Clause 69(1)(a) Schedule 2  
of the Act**

**Relates to protections of persons:**

Align this provision to the Search and Surveillance Act (section 145) by including “or exercises another search power” after the phrase “executes a search warrant”.

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**4. Clause 17(1) Schedule 2  
of the Act**

**Relates to Production Orders**

This is to align the two Acts and remove the requirement for a Production Order to be on a prescribed form.

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Alternatively, the NAIT Act inspection and search powers could be brought under the S&S Act. NAIT Act powers for NAIT Officers and Authorised Persons would be unchanged. The S&S Act would contain the procedures and rules for how powers are exercised.



## Amendments to capture locations not registered as NAIT locations

All locations where cattle and deer are held should be registered with NAIT. A number of provisions inadvertently fail to capture locations that have not been registered as NAIT locations. NAIT obligations and offences should apply regardless of whether or not locations have been registered with NAIT.

Legislative reference	Proposal
<b>5. Clause 82(1)(a) Schedule 2 of the Act</b>  Consequential amendment to Schedule 1 of the NAIT (Infringement Offences) Regulations	Amend to capture the obligation to register as a PICA at registered NAIT locations to include also non-NAIT locations.
<b>6. Clause 83(1) Schedule 2 of the Act</b>  Consequential amendment to Schedule 1 of the NAIT (Infringement and Offences) Regulations	Amend to capture the obligation on PICAs to tag NAIT animals at registered NAIT locations and also non-NAIT locations.
<b>7. Regulation 3 of the NAIT (Obligations and Exemptions) Regulations</b>	Amend the definitions of destination PICA and point of origin PICA to capture locations not registered as NAIT locations.
<b>8. Regulation 19(1) of the NAIT (Obligations and Exemptions) Regulations</b>	Amend the exemption applying to NAIT animals born at a NAIT location to capture locations not registered as NAIT locations.

## Other corrections and clarifications

The following are other technical amendments that we have identified through MPI's administration of the NAIT Act.

Legislative reference	Proposal
<b>9. Section 32 of the Act</b>	Amend to reflect that exported animals do not go through a transitional facility but via a port of export.
<b>10. Section 40(c) of the Act</b>	Add to the list of applicable Acts, the Animal Welfare Act 1999. The list of applicable Acts includes the words “other enactment relating to animals or animal health.” The addition of the Animal Welfare Act is to clarify that Act is included.
<b>11. Section 40(f) of the Act</b>	Clarify in section 40(f) that the phrase “risks to life and welfare” relates to both people and animals. Clarify that ‘emergency services’ is used in the broadest sense and includes animal control officers and other similar officers.
<b>12. Section 48(2) of the Act</b>	To correct a drafting error. Replace reference to ‘clause 41’ with reference to ‘clause 40’.
<b>13. Schedule 1 of the Act</b>	To correct a drafting error. Under the reference to “Cattle” the closing bracket should be after the word “buffalo” and not after the word “captivity”.

<b>14. Clause 3 Schedule 2 of the Act</b>	To clarify that an audit of core data ‘may’ be on a cost recovery basis (instead of having to be, as currently drafted) and clarify that this refers to a formal audit situation as opposed to an investigation based audit.
<b>15. Clause 75 Schedule 2 of the Act</b>	<p>To correct a drafting error. Amend clause 75 to include reference to a NAIT Authorised Person.</p> <p>The power to stop vehicles and to require a vehicle to remain stopped [clause 53 Schedule 2 of the Act] may be exercised by both NAIT Officers and NAIT Authorised Persons. However the subsequent offence provision at clause 75 Schedule 2 of the Act specifies that it is an offence to fail to comply with only a NAIT Officer’s requirement.</p>
<b>16. Schedule 2: Form 1 and Form 2 of the NAIT (Infringement Offences) Regulations</b>	<p>Replace the Infringement Offence Notice (Form 1) and Reminder Infringement Offence Notice (Form 2) with the similar forms specified in the Animal Welfare (Forms) Regulations 1999.</p> <p>The current forms are adequate but can be improved. Changes will help ensure consistency across the infringement schemes operated by MPI.</p> <p>The Animal Welfare forms were updated and replaced on 1 August 2016. They are the most up-to-date forms and should be used as the template for consistency reasons.</p>



## Question

- Do you have any comments on the above technical amendments? Please identify which proposed amendment numbered from 1 to 16 your comment relates to.

# 10 | Implementation

An Amendment Bill would be required to enact some of the proposals contained in this document. Other proposals would require changes to regulations. All regulatory changes resulting from the proposals in this document will be considered by Government at the same time, as a whole package.

The potential timing for an Amendment Bill depends on a number of factors. Government needs to agree to support it and authorise its drafting. It would then go through Parliament, including a Select Committee process that involves further public consultation.

Most proposals in this consultation document would be relatively straightforward to implement after any Bill is passed. MPI and OSPRI will work together to ensure changes are implemented effectively.



## Question

10. Do you have any comment on the proposed approach to implement proposals for change to the NAIT Act or regulations?

# 11

## Monitoring, evaluation, and review

MPI oversees the biosecurity system, of which the NAIT scheme is a part. The Ministry will monitor the implementation of any changes resulting from this consultation as part of its:

- ongoing monitoring and evaluation of biosecurity legislation
- annual regulatory scanning and planning
- regular stakeholder engagement forums.

Both MPI and the OSPRI Board are responsible for ongoing monitoring of feedback from system participants on how changes are working and whether they are fit for purpose.

OSPRI will also be re-developing its performance monitoring framework, including a new series of key performance indicators for the NAIT scheme. This will help measure how NAIT is working, including the effectiveness of the changes made.



### Question

- 11.** Do you agree with the proposed approach to monitoring, evaluation, and review?  
Please provide evidence to support your view.

**Ministry for Primary Industries**  
Manatū Ahu Matua

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