

# **Changes to NAIT laws and regulations – December 2019**

## **Questions and answers for farmers**

A Person in Charge of Animals (PICA) can use NAIT tags only at the specific location they were issued for. It is an offence to use a tag at a place it is not registered to.

There is a 12-month period before this offence comes into effect, so you have time to use up any stockpiled tags.

**Q. Why is this rule being introduced?**

- A. This change improves our ability to trace animals to their point of origin if, for some reason, the animal has not been properly registered in NAIT.

**Q. When does this come into effect?**

- A. December 2020 – 12 months after the other law changes come into effect.

**Q. What should I do with my current tags?**

- A. Over the next year, you should use up the tags that you have and try not to stockpile any more than you think you'll use at the NAIT location they are issued for.

**Q. Can I register my unused tags at a new location if I move farms?**

- A. NAIT Limited is working on a process to allow farmers to register their unused tags at a new NAIT location as long as the tag does not have the NAIT number printed on it.

**Q. What is the penalty associated with this new requirement?**

- A. There is an infringement fee of \$400 that comes into force from December 2020. A court judge can also impose larger penalties - a fine of up to \$10,000 per offence up to a maximum of \$100,000 for individuals, and up to \$20,000 per offence up to a maximum of \$200,000 for body corporates.

**Q. Do I need to do anything new in the NAIT system?**

- A. Not yet. NAIT will let you know when any changes are made.

The 'impracticable to tag' exemption is now called 'unsafe to tag'. There is only one reason you can apply for this exemption – that your safety is put at risk when trying to tag an animal. There will be a review in five years to check there is still a need for this exemption.

**Q. What is an unsafe to tag animal?**

A. An animal that poses a risk to your safety if you tried to re-tag it.

**Q. Who will conduct the review?**

A. The NAIT organisation will conduct the review, and provide a copy of the review and a recommendation to the Minister.

The timeframe for when a PICA must declare the movement of an 'unsafe to tag' animal has changed. Previously, the declaration had to be done 48 hours before moving the animal, but now it can be done at any time before the animal leaves the property. All 'unsafe to tag' animals must now be visibly identified (that is, clearly marked). Failing to do so is an offence.

**Q. What does this mean?**

A. We have changed the 48-hour timeframe for notifying NAIT of an 'unsafe to tag' animal, but you must still notify NAIT before moving the animal off the property.

**Q. How do I move an 'unsafe to tag' animal?**

A. The notification process is the same as now. Notify NAIT of the:

- NAIT number of the farm the animals are moving from
- NAIT number of the location (meat processor, game estate, safari park or zoo) the animals are moving to, or the name and information about the place the animals are moving to if the NAIT number is not known
- animal's sex, breed and approximate age
- start date of the movement.

Ensure the 'unsafe to tag' animal is clearly marked before it is moved. This is a new requirement. The law does not specify how you must do this, but it must be very obvious to everyone that the animal is a safety risk. We recommend you spray it down its back.

**Q. Can I move an 'unsafe to tag' animal to a saleyard or another farm?**

A. No. It is still an offence to move an 'unsafe to tag' animal to any location other than a meat processor, game estate, safari park or zoo.

If requested from a potential buyer, the seller of a NAIT animal can make the *location* history of a NAIT animal available.

**Q. What is this change about?**

A. This is about supporting farmers to make good decisions about the animals they bring on-farm. The Act has always permitted buyers to ask sellers for animal histories. The law change simply makes it very clear that there are no privacy reasons to withhold the information. As

you probably know, more farmers are asking for this after what's been learned from the *Mycoplasma bovis* outbreak.

**Q. How do I get a copy of the report?**

- A. You can run the report yourself in NAIT if you have the tag numbers, or you can simply ask the person in charge of the animals for the report.

**Q. Do I have to provide the report if I am asked for one?**

- A. No, but if you choose not to, it may be more difficult to sell your animals or could affect the sale price.

**Q. How do I get the report?**

- A. It's pretty easy to print the report from the NAIT system. Log into NAIT and click 'view reports' near the top of the home page. Select 'animal registration & movement history report' from the drop down list, and follow the instructions.

**Q. Will the report tell me who the PICA is and the address/location of the farm?**

- A. No, it will identify the NAIT number and the sub-region. NAIT are looking at ways for the report to provide more relevant information while still protecting farmers' personal information.

Court penalties have increased. The maximum penalty a judge can impose has increased for individuals to \$100,000 or \$10,000 per animal or instance of offending, and to \$200,000 or \$20,000 per instance of offending for body corporates.

**Q. Why have the penalties increased?**

- A. The penalties a judge can consider in a prosecution have been aligned with those in the Biosecurity Act and Animal Products Act, to make them more consistent with similar offences. This should act as a greater deterrent to those who fail to meet their NAIT obligations.

Infringement fees have increased. The fees for most offences rise from \$150 to \$400. Failing to register as a PICA rises from \$300 to \$800.

**Q. Why have you increased the infringement penalties?**

- A. The infringement fees have been aligned with the penalties for similar offences under the Biosecurity Act. This helps to ensure consistency across the biosecurity system and reflect the seriousness of NAIT offending. They should be a greater deterrent to people not meeting their NAIT obligations.

**Q. What are the infringement offences?**

- A. A list of the infringement offences and the fines is available at [www.ospri.co.nz](http://www.ospri.co.nz)

It is an offence for any person to transport untagged animals that do not have an exemption. Transport operators and drivers are exempt from the offence if they carry (physically or electronically) a declaration from the PICA stating that the animals are identified and registered with the NAIT organisation, during the transportation. This provision and its related offences commence in June 2020.

**Q. Why can't transport operators play a greater role and record animal movements?**

A. It is the responsibility of the PICA to ensure their animals are tagged and registered with NAIT. While transport operators play an important role in traceability, it does not remove responsibility from the PICA. This new requirement ensures that transport operators are not transporting non-compliant animals. And if they do, they may get an infringement notice.

**Q. What is this new declaration and who needs to fill it out?**

A. The new declaration must be filled out by the PICA who is declaring that all the animals in the consignment are identified (tagged, or visibly marked if untagged) and registered with NAIT. It will need to be given to the transporter before the animals are moved.

**Q. When does this come into effect?**

A. From early June 2020.

**Q. How do I complete the declaration?**

A. MPI, NAIT Limited and animal industry organisations are currently developing the declaration. We will update PICAs on the process early in 2020.

**Q. What happens if I don't fill out the declaration?**

A. Your transport operator may refuse to transport your animals.

**Q. What happens if someone knowingly makes a false or misleading declaration?**

A. This offence is very serious and has a penalty of up to six months' imprisonment or a fine of up to \$25,000 for an individual or \$50,000 for a body corporate.

PICAs must annually report the presence and estimated numbers of non-NAIT animals that are farmed or captive at a NAIT location. The regulations specify the animals that must be reported.

**Q. Why do I need to do this?**

A. Many PICAs already declare their non-NAIT animals voluntarily. This new requirement will give us a better idea of where animals of different species are being farmed together, which is essential for managing any disease outbreaks that cross between species, such as foot and mouth disease.

**Q. How were the animals to be reported chosen?**

A. All cloven-hoofed species that currently require movement recording using Animal Status Declarations (ASD forms) were chosen, due to their risk of contracting foot and mouth disease.

**Q. How and when do I need to do this?**

- A. Farmer feedback was taken on board. The reporting date aligns to the period that farmers report stock numbers to their accountant. NAIT will modify the system to allow farmers to easily record the other species at the end of July each year.

**Q. Do people who don't have cattle and deer have to provide this information?**

- A. No, it applies only to farmers with NAIT animals.

The definition of PICA specifically includes body corporates.

**Q. Why was this changed?**

- A. To ensure that corporation farms and owners of farms are able to be held accountable for upholding the integrity of the NAIT system.

**Q. What do I need to do if I am a PICA employed on a farm?**

- A. You will be asked to name your employer when updating your details. NAIT will contact all PICAs and let them know how to do this.

Core data can now be used to help emergency services and other officers respond to stock theft, wandering stock, and NAIT animals found dead in a public place.

**Q. Why was this change made?**

- A. Farmers complained that it was too hard to identify PICAs responsible for wandering stock or for NAIT to help police investigate stock theft. This change will help animal control officers, Police, and emergency services to easily identify and make contact with the registered PICA or to access records for stolen animals.

The public sector organisations that may apply to NAIT for access to core data for the purposes of the Act are now defined.

**Q. Why do public sector organisations need access to NAIT?**

- A. These organisations have always been able to apply to NAIT to access data for the purposes set out in the Act. However, the term "Crown agency" was used, which had no legal meaning. The change defines the agencies, to avoid confusion.

**Q. What can they use the information for?**

- A. Public sector organisations can apply to NAIT for access to data only for one of the purposes set out in the Act.

**Q. Who owns the data?**

- A. The NAIT Act is currently silent on data ownership and this has not changed. The NAIT organisation (currently NAIT Ltd) is the custodian of the data but does not own it.

MPI employees or agents approved by the Director-General will be able to access data and to help other authorities use it in urgent situations.

**Q. Why do MPI employees need access to NAIT data?**

- A. This is about making it possible to respond quickly to disease incursions and emergency situations.

MPI will establish a process for its employees and agents to apply to MPI's Director-General for access to the appropriate data for one of the purposes set out in the NAIT Act. Confidentiality requirements will be part of the safeguards to be put in place.

**Q. What can approved MPI staff or agents use the information for?**

- A. Only for one of the purposes set out in the NAIT Act.

It is clarified that local authority animal control officers are exempt from NAIT obligations when they are operating under the Impounding Act.

**Q. Why don't local authorities have to meet NAIT obligations when impounding stock?**

- A. Animal control officers have specific duties and powers when working under the Impounding Act, which is sufficient for them to do their jobs. They should not also have to operate under the NAIT Act.