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as at 10 July 2026

National Animal Identification and Tracing Act 2012

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Commencement	see section 2

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry for Primary Industries.

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the National Animal Identification and Tracing Act 2012.

2 Commencement

(1) Sections 26, 29, 30(1)(b), 31, 32, and 33 come into force on the earlier of the following:

(a) a date to be fixed by the Governor-General by Order in Council; and 1 or more Orders in Council may be made bringing these provisions into force on different dates:

(b) 1 November 2012.

(2) Section 30(1)(a) comes into force on 1 July 2012.

(3) Schedule 1, in relation to a species listed in that schedule, comes into force on the earlier of the following:

(a) the date to be fixed by the Governor-General by Order in Council made under section 67(1) in relation to the species:

(b) 1 March 2013.

(4) The rest of this Act comes into force on the day after the date on which it receives the Royal assent.

(5) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 2: sections 26, 29, 30(1)(b), 31, 32, and 33 and Schedule 1, but only in relation to cattle, brought into force, on 1 July 2012, by the National Animal Identification and Tracing Act Commencement Order 2012 (SR 2012/113).

Section 2: Schedule 1 brought into force for all purposes, on 1 March 2013, by section 2(3)(b).

Section 2(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Part 1
Preliminary provisions

3 Purpose

The purpose of this Act is to establish an animal identification and tracing system that—

(a) provides for the rapid and accurate tracing of individual, or groups of, NAIT animals from birth to death or live export; and

(b) provides information on the current location and movement history of individual, or groups of, NAIT animals; and

(c) improves biosecurity management; and

(d) manages risks to human health arising from residues in food, food-borne diseases, and diseases that are transmissible between animals and humans; and

(e) supports improved animal productivity, market assurances, and trading requirements.

3A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1AA have effect according to their terms.

Section 3A: inserted, on 14 December 2019, by section 4 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

4 Interpretation

In this Act, unless the context otherwise requires,—

animal exit declaration means a declaration to the NAIT organisation that an animal has—

(a) been slaughtered; or

(b) died or is lost; or

(c) been exported live from New Zealand

animal identification device means an ear tag, apparatus, or other mechanism that—

(a) is attached or applied to, or implanted or located within, an animal; and

(b) contains the animal identifier and other information

animal identifier means the unique identifier that applies to an individual NAIT animal or a single identifier that commonly applies to all NAIT animals within a herd, flock, or other grouping of animals and is unique to that grouping

animal movement means the movement of 1 or more NAIT animals between 2 locations, either of which is, or both of which are, a NAIT location or other location

animal movement declaration means the declaration provided to the NAIT organisation by a PICA about an animal movement containing prescribed information

biosecurity database has the same meaning as in section 2(1) of the Biosecurity Act 1993

body corporate, except in Part 4, means a company whether incorporated in New Zealand or elsewhere

contiguous, in relation to rating units, means rating units that share a boundary even if separated by roads, paper roads, streams with esplanade reserves, or other narrow zones of separation, provided that these features do not separate the rating units into separate management entities

conveyance has the meaning given in section 2(1) of the Biosecurity Act 1993

core data means information required to be provided under this Act, or regulations made under this Act, to the NAIT organisation

Director-General means the Director-General of the Ministry

entity dealing with NAIT animals means an individual or organisation that trades or processes NAIT animals

information provider means a natural person or a body corporate—

(a) that is accredited by the NAIT organisation under section 20 to link up with the NAIT scheme for the purpose of submitting information required to be submitted under this Act, or regulations made under this Act, on behalf of PICAs or PICA delegates; and

(b) that, in the case of a body corporate, either—

  (i) is incorporated in New Zealand; or

  (ii) has a place of business in New Zealand, although incorporated outside New Zealand

livestock means animals kept as part of an agricultural operation, whether for commercial purposes or for private use

meat processing facility means a place where NAIT animals are slaughtered and dressed for reward or trade

Minister means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

Ministry means the department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

NAIT means national animal identification and tracing

NAIT animal means an animal that belongs to a species or sub-group of species listed in Schedule 1

NAIT authorised person means a person appointed under section 52

NAIT device means an animal identification device manufactured or supplied in accordance with standards issued under section 14 or regulations made under this Act

NAIT identification system means an identification system approved by the NAIT organisation under section 15

NAIT information system means the information technology system established to receive and retain core data and non-core data

NAIT Limited or **National Animal Identification and Tracing (NAIT) Limited** means the company incorporated under company number 2481213

NAIT location has the meaning set out in section 5

NAIT officer means a person appointed as a NAIT officer under section 52

NAIT organisation means the organisation designated as the NAIT organisation by the Minister under section 8

NAIT scheme means the overall scheme established under this Act to provide for and support the identification and tracing of NAIT animals

non-core data means information held by the NAIT organisation under an agreement made under section 41

other identification system means an animal identification system other than an animal identification system approved under the Biosecurity Act 1993 or Animal Products Act 1999

other location means a place, other than a NAIT location, where 1 or more NAIT animals are kept or held

personal information has the same meaning as in section 7(1) of the Privacy Act 2020

PICA means a natural person or body corporate in day-to-day charge of a NAIT animal

PICA delegate means a natural person—

(a) nominated under section 26(2) to undertake specified procedures and obligations under this Act on behalf of a PICA; and

(b) registered as a PICA delegate in the manner provided for in section 27

place includes any land, building, conveyance, craft, or structure

public sector organisation means—

(a) an organisation named or specified in Schedule 1 of the Ombudsmen Act 1975:

(b) an organisation named in Schedule 1 of the Official Information Act 1982:

(c) a local authority or public body named or specified in Schedule 1 of the Local Government Official Information and Meetings Act 1987:

(d) a council-controlled organisation within the meaning of section 6 of the Local Government Act 2002

rating unit has the same meaning as in section 2 of the Rating Valuations Act 1998

registered location means, in relation to a NAIT device, the location that is registered with the NAIT organisation for that device

saleyard means any place where the core business is the sale of animals, including NAIT animals, by public sale

transit stop means a NAIT location where a NAIT animal is temporarily held during transport or droving between 2 NAIT locations

transition animal means a NAIT animal that was born before the species or sub-group of species to which it belongs was subject to the NAIT scheme

unidentified animal means a NAIT animal that—

(a) is not correctly identified by a NAIT device; or

(b) has not been registered with the NAIT organisation.

Section 4 **animal movement**: replaced, on 23 August 2018, by section 4(1) of the National Animal Identification and Tracing Amendment Act 2018 (2018 No 26).

Section 4 **other location**: inserted, on 23 August 2018, by section 4(2) of the National Animal Identification and Tracing Amendment Act 2018 (2018 No 26).

Section 4 **personal information**: amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Section 4 **PICA**: replaced, on 14 December 2019, by section 5(2) of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

Section 4 **public sector organisation**: inserted, on 14 December 2019, by section 5(1) of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

Section 4 **registered location**: inserted, on 14 December 2019, by section 5(1) of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

5 Meaning of NAIT location

(1) A **NAIT location** is a place—

(a) where 1 or more NAIT animals are kept or held; and

(b) that has been registered with the NAIT organisation; and

(c) that has been issued with a location identifier by the NAIT organisation.

(2) A NAIT location may comprise—

(a) a single rating unit; or

(b) 2 or more contiguous rating units; or

(c) 2 or more non-contiguous rating units, as long as each rating unit is within, or straddles, the circumference of a circle with a radius prescribed in regulations made under this Act; or

(d) a combination of contiguous and non-contiguous rating units each of which—

(i) is within the circle; or

(ii) straddles the circumference of the circle; or

(iii) is part of a group of contiguous rating units at least 1 of which is either within the circle or straddles the circumference of the circle.

6 Act binds the Crown

This Act binds the Crown.

Part 2
Governance

7 NAIT Limited or other entity to act as NAIT organisation for specified period

(1) NAIT Limited must perform the functions and duties, and exercise the powers, of the NAIT organisation specified in this Act or regulations made under this Act for the period—

(a) beginning with the commencement of this section; and

(b) ending on the date specified with the designation of an entity as the NAIT organisation under section 8.

(2) However, the Minister may, by notice in the *Gazette*, appoint another entity to replace NAIT Limited if—

(a) NAIT Limited ceases to exist or becomes bankrupt or insolvent; or

(b) the Minister believes, on reasonable grounds, that—

(i) NAIT Limited has failed, or is unable, to perform the functions and duties of the NAIT organisation; or

(ii) the continued involvement of NAIT Limited poses a significant risk to—

(A) the integrity and effective operation of the NAIT scheme; or

(B) New Zealand's trading reputation or economic interests.

(3) Before replacing NAIT Limited under subsection (2)(b), the Minister must consult with the persons (or representatives of those persons) that appear to the Minister likely to be substantially affected by the replacement.

8 Process for designating NAIT organisation

(1) The Minister must, on or before 1 July 2013 and by notice in the *Gazette*,—

(a) designate a suitable entity to be the NAIT organisation; and

(b) specify the date on which the entity must begin to perform the functions and duties, and exercise the powers, of the NAIT organisation, which date must be no later than 1 July 2013.

(2) The Minister must, before making the designation,—

(a) be satisfied that the entity—

(i) is a body corporate; and

(ii) has agreed in writing to operate as the NAIT organisation on a not-for-profit basis; and

(iii) has the capacity to perform the functions and duties, and exercise the powers, of the NAIT organisation from the date specified in the notice given under subsection (1); and

(b) must have regard to—

(i) whether the members or shareholders of the entity have given approval for the entity to become the NAIT organisation; and

(ii) the entity's—

(A) familiarity with the New Zealand livestock industry; and

(B) demonstrated success in business and service delivery; and

(C) existing or planned capacity to perform the functions and duties, and exercise the powers, of the NAIT organisation specified in this Act; and

(D) likely cost-efficiency in delivering services; and

(E) understanding of biosecurity, food safety, and market assurance objectives; and

(F) existing or planned mechanisms for participants in, or other persons with an interest in, the NAIT scheme to provide ongoing input into the organisation's decision making; and

(G) experience with databases, identification and tracing systems, and managing regulatory regimes; and

(iii) any other matter that the Minister considers relevant.

(3) Despite subsection (1), if the Minister is unable to designate an entity that meets the criteria specified in subsection (2), NAIT Limited must continue to

act as the NAIT organisation until such time as the Minister is able to designate an entity that meets the criteria.

(4) To avoid doubt, the Minister may, under subsection (1)(a), designate—

(a) NAIT Limited as the NAIT organisation; or

(b) an entity that NAIT Limited (whether or not dissolved)—

(i) has established; or

(ii) has become part of, whether by—

(A) joining an existing entity:

(B) establishing an entity with the participation of other persons.

9 Minister may appoint 1 or more persons to perform functions or duties, or exercise powers, of NAIT organisation

(1AAA) This section applies if the Minister has reasonable grounds to believe that—

(a) the continued involvement of the NAIT organisation poses a significant risk to the integrity and effective operation of the NAIT scheme or to New Zealand's trading reputation or economic interests; or

(b) a failure by the NAIT organisation to perform a function or duty under this Act poses a risk to the integrity and effective operation of the NAIT scheme or to New Zealand's trading reputation or economic interests.

(1) If this section applies, the Minister may—

(a) appoint, for a specified period, 1 or more suitable persons to—

(i) perform any or all of the functions or duties of the NAIT organisation under this Act or regulations made under this Act:

(ii) exercise any or all of the powers of the NAIT organisation under this Act or regulations made under this Act; or

(b) revoke the designation of the NAIT organisation and appoint 1 or more suitable persons in place of the NAIT organisation to—

(i) perform any or all of the functions or duties of the NAIT organisation under this Act or regulations made under this Act:

(ii) exercise any or all of the powers of the NAIT organisation under this Act or regulations made under this Act.

(2) An appointment made under—

(a) subsection (1)(a) must—

(i) be in writing; and

(ii) specify—

(A) the period of the appointment; and

(B) the functions and duties to be performed under this Act or regulations made under this Act; and

(C) the powers to be exercised under this Act or regulations made under this Act:

(b) subsection (1)(b) must be—

(i) by notice in the *Gazette*; and

(ii) in accordance with the requirements of section 8(2).

(3) Before making an appointment under subsection (1), the Minister must consult the NAIT organisation and any persons or representatives of persons substantially affected by the proposed appointment.

Section 9(1AAA): inserted, on 14 December 2019, by section 6(1) of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

Section 9(1): amended, on 14 December 2019, by section 6(2) of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

9A Minister may appoint person to attend meetings of board

(1) The Minister may appoint a person to perform the following functions:

(a) to observe the decision-making processes and decisions of the board; and

(b) to assist the board to understand Government priorities and expectations; and

(c) to advise the Minister on any matters relating to the NAIT organisation.

(2) Before making the appointment, the Minister must, after receiving advice from the Director-General, be satisfied that the person has the appropriate skills and expertise.

(3) The person appointed may attend any meeting of the board but may not vote.

(4) The board must give the person appointed sufficient notice of its meetings and copies of all documents and materials to be considered in relation to each meeting.

(5) The appointment must be made on terms and conditions agreed between the Minister and the person appointed.

(6) In this section, **board** means the board or governing body of the NAIT organisation.

Section 9A: inserted, on 14 December 2019, by section 7 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

9B Minister may notify Government priorities and expectations

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

Section 9B: inserted, on 14 December 2019, by section 7 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

10 Functions, duties, and powers of NAIT organisation

(1) The NAIT organisation must—

(a) meet its obligations under this Act and any regulations made under this Act, including (but not limited to)—

(i) the delivery of any services required to be provided by the NAIT organisation; and

(ii) the collection of any levies required to be paid to the NAIT organisation; and

(iii) the employment, or contracting, of the staff or services required to administer the NAIT scheme; and

(iv) the provision of the appropriate information, educational material, or training to inform parties of their obligations under the NAIT scheme; and

(v) the gathering of information about compliance with the NAIT scheme; and

(vi) the undertaking of compliance and enforcement functions; and

(vii) the establishment of any policies, standards, and rules necessary for the effective operation of the NAIT scheme; and

(viii) the establishment and maintenance of the appropriate financial management systems; and

(ix) the establishment and maintenance of the appropriate systems that ensure that persons who are participants in, or have an interest in, the NAIT scheme are able to provide ongoing input into the NAIT organisation's decision-making; and

(x) the development and implementation of a national operations plan that—

(A) sets strategic and operational goals; and

(B) sets objectives and priorities for the NAIT organisation and the NAIT scheme; and

(C) identifies the expectations of those persons who have an interest in the NAIT scheme; and

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

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

(b) modify its constitution or rules to—

(i) indicate that it is the NAIT organisation designated under this Act; and

(ii) indicate that its purpose or object includes meeting its obligations under this Act or any regulations made under this Act on a not-for-profit basis; and

(iii) reflect its obligations under this Act or any regulations made under this Act; and

(iv) enable it to meet its obligations under this Act or any regulations made under this Act; and

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

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

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

(2) The Minister may, after consulting the NAIT organisation and any other persons that the Minister considers appropriate, direct the NAIT organisation in writing to perform a function or duty, including a function or duty specified in subsection (1), provided the function or duty is consistent with the NAIT organisation's obligations under this Act or any regulations made under this Act.

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

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

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

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

(3) The NAIT organisation—

(a) may contract out the functions, duties, and powers specified in subsection (1)(a)(i) to (v) and (vii) to (x), but remains responsible and accountable for the performance of those functions and duties and the exercise of those powers; and

(b) may not contract out the compliance and enforcement functions specified in subsection (1)(a)(vi) unless—

(i) the functions are contracted out to the NAIT organisation's subsidiary or holding company; or

(ii) the functions are compliance functions that relate to the provision of information and training.

(3A) When contracting out compliance and enforcement functions under subsection (3)(b), the NAIT organisation remains responsible and accountable for the performance of those functions.

(3B) In subsection (3), **holding company** and **subsidiary** have the meanings given by section 5 of the Companies Act 1993.

(4) To avoid doubt, any compliance or enforcement function undertaken by the NAIT organisation under subsection (1)(a)(vi) does not displace or limit the compliance or enforcement functions of the Crown under this Act or any other enactment.

(5) The NAIT organisation—

(a) must, on an annual basis, review any national operations plan that is implemented under subsection (1)(a)(x); and

(b) must amend the plan if the NAIT organisation considers an amendment necessary or desirable in the light of the purpose of this Act; and

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

(6) Despite subsection (1)(a)(x) or (5), the Minister—

(a) may, at any time, review any national operations plan that is implemented under subsection (1)(a)(x); and

(b) may, after consulting the NAIT organisation, amend the plan if the Minister considers an amendment necessary or desirable in the light of the purpose of this Act.

(7) The NAIT organisation must, when performing its functions or duties or exercising its powers,—

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

(a) have regard to any policies that the Minister issues under section 12; and

(b) comply with any standards that the Minister issues under section 12.

(8) In the case of an inconsistency between this Act and any enactment under which the entity that became the NAIT organisation was established, this Act prevails.

Section 10(1)(a)(x)(D): inserted, on 14 December 2019, by section 8(1) of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

Section 10(1)(a)(x)(E): inserted, on 14 December 2019, by section 8(1) of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

Section 10(1)(c): replaced, on 14 December 2019, by section 8(2) of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

Section 10(1)(d): inserted, on 14 December 2019, by section 8(2) of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

Section 10(1)(e): inserted, on 14 December 2019, by section 8(2) of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

Section 10(2): amended, on 14 December 2019, by section 8(3) of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

Section 10(2A): inserted, on 14 December 2019, by section 8(4) of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

Section 10(2B): inserted, on 14 December 2019, by section 8(4) of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

Section 10(3)(b): replaced, on 26 March 2015, by section 4(1) of the National Animal Identification and Tracing Amendment Act 2015 (2015 No 26).

Section 10(3A): inserted, on 26 March 2015, by section 4(2) of the National Animal Identification and Tracing Amendment Act 2015 (2015 No 26).

Section 10(3B): inserted, on 26 March 2015, by section 4(2) of the National Animal Identification and Tracing Amendment Act 2015 (2015 No 26).

Section 10(5)(c): inserted, on 14 December 2019, by section 8(5) of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

Section 10(7)(aaa): inserted, on 14 December 2019, by section 8(6) of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

10A Additional reporting obligations

(1) The NAIT organisation must, for each financial year,—

(a) prepare a written report accounting for how any money appropriated by the Crown has been spent in the financial year; and

(b) provide the report to the Minister as soon as practicable after the end of the financial year.

(2) The NAIT organisation must—

(a) prepare a written report on how the NAIT organisation is addressing the Government's priorities and expectations relating to the organisation's performance of its functions and duties under this Act; and

(b) provide the report to the Minister at the end of the financial year and at any other time at the request of the Minister.

(3) The NAIT organisation must provide the Minister with the findings of the independent audit required under section 10(1)(d) as soon as practicable after the audit has been completed.

Section 10A: inserted, on 14 December 2019, by section 9 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

11 Board or governing body of NAIT organisation may delegate functions, duties, and powers

(1) The board or governing body of the NAIT organisation—

(a) may, by notice in writing and on any terms and conditions that the board or governing body of the NAIT organisation considers appropriate, delegate—

(i) any or all of its functions, duties, or powers (other than its power of delegation) to any suitable person:

(ii) any or all of the functions, duties, or powers of the NAIT organisation to any suitable person; but

(b) remains responsible for the performance of any delegated function or duty and the exercise of any delegated power.

(2) The board or governing body of the NAIT organisation may, by notice in writing, revoke any delegation at any time.

(3) A suitable person to whom a function, duty, or power is delegated may, subject to any terms and conditions imposed by the board or governing body of the NAIT organisation, perform the function or duty, or exercise the power, as if the person were the NAIT organisation or the board or governing body of the NAIT organisation (as the case may be).

(4) In the absence of proof to the contrary, a suitable person who acts under a delegation is presumed to act in accordance with the delegation.

(5) For the purposes of this section, **suitable person** means—

(a) the chief executive of the NAIT organisation:

(b) an employee or office holder of the NAIT organisation:

(c) any other person approved by the Minister.

12 Minister may issue, amend, or revoke policies and standards

(1) The Minister may issue, amend, or revoke policies and standards in relation to the performance of a function or duty, or the exercise of a power, under this Act or any regulations made under this Act.

(2) Before issuing, amending, or revoking a policy or standard, the Minister must consult the persons or class of persons who, in the opinion of the Minister, have an interest in the policy or standard.

(3) However, the Minister is not required to consult if the Minister is satisfied that—

(a) the policy or standard needs to be issued, amended, or revoked urgently; or

(b) the test in section 70B is met.

(4) If the Minister issues, amends, or revokes a policy, the Minister must give notice of the issue, amendment, or revocation—

(a) in the *Gazette*; and

(b) anywhere else that the Minister considers appropriate, including on (but not limited to) an Internet site maintained by or on behalf of the Ministry.

(5) The notice must—

(a) give a general indication of the nature of the policy; and

(b) specify where a copy of the policy may be obtained.

(6) A standard under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	The maker must: • notify it in the *Gazette* with a statement giving a general indication of the nature of the secondary legislation and specifying where copies of it can be obtained; and • give similar notice anywhere else the maker considers appropriate, including (but not limited to) a website maintained by or on behalf of the Ministry	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 12(3)(b): replaced, on 10 July 2026, by section 300 of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

Section 12(4): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 12(5)(a): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 12(5)(b): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 12(6): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

13 NAIT organisation must provide Minister with requested information

(1) The Minister may request the NAIT organisation to provide to the Minister, in a form the Minister specifies, any information relating to the performance of any of its functions or duties or the exercise of any of its powers under this Act or regulations made under this Act—

(a) that the Minister reasonably requires; and

(b) that is—

(i) in the possession of the NAIT organisation; or

(ii) capable of being obtained by the NAIT organisation without unreasonable difficulty or expense.

(2) The NAIT organisation must provide the requested information to the Minister as soon as is reasonably practicable.

(3) This section is subject to Part 4.

14 NAIT organisation may issue, amend, or revoke NAIT animal identification standards

(1) The NAIT organisation may issue, amend, or revoke a NAIT animal identification standard for any NAIT identification system.

(2) Without limiting the power of the NAIT organisation to issue, amend, or revoke a NAIT animal identification standard, a NAIT animal identification standard may specify requirements for—

(a) any identification device that forms part of any NAIT identification system:

(b) the operation of any NAIT identification system, including (but not limited to) any flock, mob, or herd identification system:

(c) the manufacture, supply, and importation of any animal identification device that forms part of any NAIT identification system:

(d) the registration of animal attributes, including (but not limited to) genetic information.

(3) Before issuing an animal identification standard, the NAIT organisation must—

(a) have regard to—

(i) the need to provide unique, clear, and lasting animal identification; and

(ii) any relevant international standards relating to animal identification; and

(iii) the need to avoid confusion with any other generally used system of identification; and

(b) consult those persons that the NAIT organisation reasonably considers to be representative of the interests of persons or classes of persons likely to be substantially affected by the NAIT animal identification standard; and

(c) be satisfied that the standard, in the context of the NAIT scheme, is efficient, effective, and appropriate.

(3A) Subsection (3) does not apply if the test in section 70B is met.

(4) However, the NAIT organisation is not required to consult under subsection (3)(b) if the NAIT organisation is satisfied that the NAIT animal identification standard needs to be issued, amended, or revoked urgently.

(5) Any consultation undertaken by NAIT Limited before the commencement of subsection (3)(b) in respect of a NAIT animal identification standard is to be treated as consultation by the NAIT organisation for the purposes of subsection (3)(b).

(6) A standard under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	The maker must notify it: • in the *Gazette*; and • anywhere else the maker considers appropriate, including (but not limited to) a website maintained by or on behalf of the maker	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 14(3A): inserted, on 10 July 2026, by section 301(1) of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

Section 14(4): replaced, on 10 July 2026, by section 301(2) of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

Section 14(6): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

15 NAIT organisation to approve identification systems

(1) The NAIT organisation may approve—

(a) an identification system of its own design that complies with the standards that the NAIT organisation has issued for a NAIT identification system:

(b) any other identification system—

(i) whose operators wish to link with the NAIT information system if the NAIT organisation is satisfied that—

(A) an identification device that forms part of the other identification system does not cause confusion with an identification device that forms part of the NAIT identification system; and

(B) the other identification system is capable of providing the information required by the NAIT information system, including (but not limited to) its form, content, and quality:

(ii) whose operators do not wish to link with the NAIT information system, provided the NAIT organisation is satisfied that an identification device that forms part of the other identification system does not cause confusion with an identification device that forms part of the NAIT identification system.

(2) An application for approval of an identification system must—

(a) be made in writing to the NAIT organisation; and

(b) be in the prescribed form; and

(c) be accompanied by the prescribed fee (if any).

(3) For the purpose of assessing an application for approval of an identification system, the NAIT organisation may require the applicant to supply information additional to that contained in the application.

(4) The NAIT organisation must, within 20 working days of the date on which the application was submitted,—

(a) determine the application; and

(b) inform the applicant of the determination in writing.

(5) The NAIT organisation may, in relation to any NAIT identification system, impose any conditions that the NAIT organisation considers appropriate to ensure that—

(a) an identification device that forms part of an identification system does not cause confusion with an identification device that forms part of a system specified in subsection (1)(a); and

(b) the identification system is capable of providing the information required by the NAIT information system, including (but not limited to) its form, content, and quality.

(6) Subsections (2) to (5) do not apply to any identification system of the NAIT organisation's own design that complies with the standards that the NAIT organisation has issued for a NAIT identification system.

(7) The NAIT organisation must give notice of any identification system that it approves—

(a) in the *Gazette*; and

(b) anywhere else that the NAIT organisation considers appropriate, including on (but not limited to) an Internet site maintained by or on behalf of the NAIT organisation.

16 NAIT organisation may suspend or revoke approval of NAIT identification system

(1) The NAIT organisation may—

(a) suspend or revoke the approval of any NAIT identification system if the applicant fails to meet any conditions that the applicant must meet before the identification system may commence:

(b) suspend or revoke the approval of any NAIT identification system if—

(i) the identification system fails to comply with an applicable standard; or

(ii) a significant proportion of persons who are using the identification system are not complying with the identification system.

(2) A suspension of the approval of a NAIT identification system may be indefinite or for a specified period.

(3) Before suspending or revoking the approval of a NAIT identification system, the NAIT organisation must—

(a) give written notice of the proposal to suspend or revoke the approval to the person who operates the NAIT identification system; and

(b) provide the person who operates the NAIT identification system with an opportunity to make written submission on the proposal.

(4) If the approval of a NAIT identification system is suspended or revoked, the NAIT organisation must give notice of the suspension or revocation of the approval—

(a) in the *Gazette*; and

(b) anywhere else that the NAIT organisation considers appropriate, including on (but not limited to) an Internet site maintained by or on behalf of the NAIT organisation.

(5) No person may use a suspended or revoked NAIT identification system unless the person owns or is in charge of an animal or a herd that, on or before the date of suspension or revocation, was identified by the identification system, in which case the person may continue to use the identification system for the animal or the herd.

17 NAIT organisation may review NAIT identification systems

(1) The NAIT organisation may,—

(a) at any time, review any NAIT identification system; and

(b) on the basis of the review,—

(i) amend or revoke any conditions that the NAIT organisation has imposed on the operation of the identification system (as the case may be):

(ii) in relation to any NAIT identification system, impose any additional conditions that the NAIT organisation considers appropriate to ensure that—

(A) an identification device that forms part of an identification system does not cause confusion with an identification device that forms part of a system specified in section 15(1)(a); and

(B) the identification system is capable of providing the information required by the NAIT information system, including (but not limited to) its form, content, and quality.

(2) Before amending, revoking, or imposing any conditions in relation to any NAIT identification system, the NAIT organisation must—

(a) give written notice of the proposal to amend, revoke, or impose any conditions to the person (other than the NAIT organisation) who operates the identification system; and

(b) provide the person (other than the NAIT organisation) who operates the identification system with an opportunity to make a written submission on the proposal.

18 Functions and duties of information providers

An information provider may, on behalf of a PICA, perform 1 or more of the following functions or duties of the PICA:

(a) carrying out animal registration obligations of the PICA; and

(b) providing animal movement declarations; and

(c) providing information to the NAIT organisation; and

(d) providing notification when NAIT animals die, are lost, or are exported live; and

(e) registering a person as a PICA or a PICA delegate.

19 NAIT organisation may issue, amend, or revoke accreditation standards

(1) For the purposes of this Part, the NAIT organisation may issue, amend, or revoke an accreditation standard for any matter specified in this Part.

(2) Without limiting the power of the NAIT organisation to issue, amend, or revoke an accreditation standard, an accreditation standard may specify the competencies required to be accredited to carry out any function.

(3) Before issuing an accreditation standard, the NAIT organisation must—

(a) consult those persons that the NAIT organisation reasonably considers to be representative of the interests of persons or classes of persons likely to be substantially affected by the accreditation standard; and

(b) be satisfied that the accreditation standard, in the context of the NAIT scheme, is efficient, effective, and appropriate.

(3A) Subsection (3) does not apply if the test in section 70B is met.

(4) However, the NAIT organisation is not required to consult under subsection (3)(a) if the NAIT organisation is satisfied that the accreditation standard needs to be issued, amended, or revoked urgently.

(5) Any consultation undertaken by NAIT Limited before the commencement of subsection (3)(a) in respect of an accreditation standard is to be treated as consultation by the NAIT organisation for the purposes of subsection (3)(a).

(6) An accreditation standard under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	The maker must notify it: • in the *Gazette*; and • anywhere else the maker considers appropriate, including (but not limited to) a website maintained by or on behalf of the maker	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 19(3A): inserted, on 10 July 2026, by section 302(1) of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

Section 19(4): replaced, on 10 July 2026, by section 302(2) of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

Section 19(6): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

20 NAIT organisation may accredit entities as information providers and entities dealing with NAIT animals

(1) The NAIT organisation may accredit—

(a) an entity as an information provider, if the entity meets the accreditation standards that the NAIT organisation has issued for entities that apply to be accredited:

(b) an entity dealing with NAIT animals, if the entity meets the accreditation standards that the NAIT organisation has issued for entities that apply to be accredited.

(2) An accreditation under subsection (1)(b) is for the purpose of enabling a PICA sending a NAIT animal to (or receiving a NAIT animal from) a PICA employed by the entity to qualify for any exemptions specified in regulations made under this Act with respect to the obligation to declare movement of the animal.

(3) An application for an accreditation under subsection (1) must—

(a) be made in writing to the NAIT organisation; and

(b) be in the prescribed form; and

(c) be accompanied by the fee required by regulations (if any).

(4) For the purpose of assessing an application, the NAIT organisation may require the applicant to supply information additional to that contained in the application.

(4A) The NAIT organisation may, if it thinks fit, waive the fee payable for an application, in whole or in part, or in any particular case or class of cases.

(4B) A waiver under subsection (4A) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to a particular case.

(5) The NAIT organisation must, within 20 working days of the date on which the application was submitted,—

(a) determine the application; and

(b) inform the applicant of the determination in writing.

(6) The NAIT organisation may, in relation to any entity it accredits under subsection (1),—

(a) impose any conditions that the entity must meet before operating or while operating as—

(i) an information provider; or

(ii) an accredited entity for the purpose of subsection (2):

(b) restrict the accreditation to a specified period.

(7) Before accrediting an entity under subsection (1), the NAIT organisation—

(a) must, having regard to the following factors, be satisfied that the entity is able to perform the required functions:

(i) the relevant competencies of the persons employed or contracted by the entity; and

(ii) the resources available to the entity, including (but not limited to) hardware and software systems; and

(iii) the requirements of any regulations and standards made under this Act, including (but not limited to) the applicable accreditation standards issued by the NAIT organisation:

(b) must be satisfied that the entity or person has signed a data-sharing agreement with the NAIT organisation that provides for data management, protection of personal privacy, and data security.

(8) An entity accredited under subsection (1) must—

(a) provide any information to the NAIT organisation that the NAIT organisation requests under section 23; and

(b) comply with any direction that the NAIT organisation gives under section 23.

(9) The accreditation of an entity dealing with NAIT animals may relate to—

(a) NAIT animals sent to the location operated by the entity:

(b) NAIT animals sent from the location operated by the entity.

(10) To avoid doubt,—

(a) the accreditation standards for an entity that is an individual and the accreditation standards for an entity that is an organisation may differ:

(b) the conditions, restrictions, or other requirements for an accredited entity that is an individual and the conditions, restrictions, or other requirements for an accredited entity that is an organisation may differ.

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	It is not required to be published	LA19 s 73(2)
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 20(3)(c): amended, on 14 December 2019, by section 10(1) of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

Section 20(4A): inserted, on 14 December 2019, by section 10(2) of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

Section 20(4B): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

21 NAIT organisation may suspend or revoke accreditation of information providers or entities dealing with NAIT animals

(1) The NAIT organisation may—

(a) suspend or revoke the accreditation of an information provider or an accredited entity dealing with NAIT animals if the information provider or the entity (as the case may be) fails to meet any conditions that the information provider or entity must meet before operating as an information provider or an accredited entity dealing with NAIT animals:

(b) suspend or revoke the accreditation of an information provider or an accredited entity dealing with NAIT animals if the information provider or entity (as the case may be) fails to comply with an applicable standard:

(c) revoke the accreditation of an information provider or an accredited entity dealing with NAIT animals if the information provider or entity (as the case may be) informs the NAIT organisation in writing that the information provider or entity no longer wishes to operate as an information provider or an accredited entity dealing with NAIT animals.

(2) A suspension—

(a) may be indefinite or for a specified period:

(b) may, where an information provider or entity dealing with NAIT animals operates at more than 1 location, be restricted to a particular location or locations:

(c) may impose conditions that must be met before the suspension may be lifted.

(3) A revocation may, where an information provider or entity that deals with NAIT animals operates at more than 1 location, be restricted to a particular location or locations.

(4) Before suspending or revoking the accreditation of an information provider or entity dealing with NAIT animals (as the case may be), the NAIT organisation must—

(a) give written notice of the proposal to suspend or revoke the accreditation to the information provider or entity; and

(b) provide the information provider or entity with an opportunity to make a written submission on the proposal.

22 NAIT organisation must keep register of information providers and accredited entities dealing with NAIT animals

(1) The NAIT organisation must keep a register of—

(a) all information providers; and

(b) all accredited entities dealing with NAIT animals.

(2) The register may be kept in the manner that the NAIT organisation considers appropriate.

(3) However, the register—

(a) must be accessible to the public, including on (but not limited to) an Internet site maintained by or on behalf of the NAIT organisation; and

(b) must, in relation to each information provider and each accredited entity dealing with NAIT animals (as the case may be), specify—

(i) the name and principal business address of the information provider or accredited person; and

(ii) the conditions (if any) that apply; and

(iii) the date and period of any suspension of accreditation; and

(iv) the date of any revocation of accreditation.

23 NAIT organisation to assess performance of information providers and accredited entities dealing with NAIT animals

(1) The NAIT organisation—

(a) may audit each year the following information:

(i) the quality of the information gathered by an information provider or an entity dealing with NAIT animals; and

(ii) the information-gathering and information-handling practices of an information provider or an accredited entity dealing with NAIT animals; and

(b) may audit each year any other matters concerning the information gathered or handled by an information provider or an accredited entity dealing with NAIT animals.

(2) The NAIT organisation may require an information provider or an accredited entity dealing with NAIT animals to provide any information reasonably necessary to carry out the audit.

(3) The NAIT organisation, when requesting information for an audit, must specify in writing—

(a) the information that—

(i) an information provider must provide to the NAIT organisation; and

(ii) an accredited entity dealing with NAIT animals must provide to the NAIT organisation; and

(b) the form in which the information must be provided; and

(c) the date by which the information must be provided.

(4) Every information provider and every accredited entity dealing with NAIT animals (as the case may be) must provide, at no cost, the staff necessary to assist the NAIT organisation with its audit of the information that the information provider or accredited entity has provided.

(5) The Privacy Commissioner may require the NAIT organisation to report on the information-gathering and information-handling practices of information providers and accredited entities dealing with NAIT animals who gather and handle personal information.

(6) Following an audit under this section, the NAIT organisation may direct an information provider or an accredited entity dealing with NAIT animals to implement changes in relation to the matters audited.

23A NAIT organisation must provide copy of core data at Minister's request

The NAIT organisation must, at the written request of the Minister, provide the Crown with a copy of all or part of the core data—

(a) in accordance with the Minister's specifications (if any); and

(b) at no cost to the Crown.

Section 23A: inserted, on 14 December 2019, by section 11 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

23B Provision of information to Government Statistician

Nothing in this Act limits, prevents, or permits a fee to be charged for, the provision of information to the Government Statistician for the production of official statistics or research under the Data and Statistics Act 2022.

Section 23B: inserted, on 1 September 2022, by section 107(1) of the Data and Statistics Act 2022 (2022 No 39).

Part 3
Obligations of persons participating in NAIT scheme

Overview

24 Key obligations

(1) This Part provides for the key obligations of persons in day to day charge of NAIT animals.

(2) Those obligations are (without limitation) to—

(a) register as a PICA with the NAIT organisation; and

(b) register with the NAIT organisation, as a NAIT location, any location where NAIT animals are to be kept or held; and

(c) identify a NAIT animal with a NAIT device and register the animal with the NAIT organisation; and

(d) declare the movement of NAIT animals from 1 NAIT location or other location to another; and

(e) declare the death, loss, or intended export of NAIT animals; and

(f) provide correct and up-to-date information to the NAIT organisation as required by or under this Act.

(3) These obligations apply to every PICA—

(a) to the extent that they are applicable in particular circumstances; and

(b) unless a matter qualifies for an exemption under regulations made for that purpose under this Act.

Section 24(2)(d): amended, on 23 August 2018, by section 5 of the National Animal Identification and Tracing Amendment Act 2018 (2018 No 26).

25 Application of obligations

(1) The obligations set out in this Part apply,—

(a) as far as they are applicable in particular circumstances, to every PICA, including—

(i) persons such as farmers, stock agents, livestock transport operators, livestock drovers, saleyard operators, meat processors, and organisers of school pet days; and

(ii) persons acting as delegates of PICAs; and

(b) subject to any exemption provided for in regulations made under this Act.

(2) A PICA may permit—

(a) a PICA delegate to act on behalf of the PICA in respect of any matter delegated by the PICA:

(b) an information provider to carry out functions and duties on behalf of the PICA under section 18.

(3) If subsection (2)(a) or (b) applies, the PICA remains responsible for compliance with this Act in respect of the action or duty.

(4) To avoid doubt, an entity accredited under section 20(1)(b) to deal with NAIT animals may employ 1 or more PICAs for whom the obligations set out in this Part apply under subsection (1)(a).

Subpart 1—Obligations on PICAs

Registration as PICA

26 Obligation to register as PICA

(1) A person who is in day-to-day charge of NAIT animals, whether continuously or intermittently,—

(a) must be registered as a PICA; and

(b) if not registered at the time of taking charge of NAIT animals, must register within the time specified in regulations made under this Act.

(2) A registered PICA may—

(a) nominate a delegate to undertake specified procedures and obligations under this Act on behalf of the PICA (a **PICA delegate**):

(b) appoint an information provider to carry out 1 or more of the functions referred to in section 18.

(3) A person nominated as a delegate must register as a PICA delegate with the NAIT organisation in the manner provided for in section 27.

27 Registration process

(1) To register as a PICA or as a PICA delegate with the NAIT organisation, the person wishing to register (or a person carrying out the registration on that person's behalf in accordance with section 26) must provide the prescribed information to the NAIT organisation.

(2) If an information provider is registering a PICA or PICA delegate, the information provider must comply with the requirements set out in regulations made under this Act.

28 Registration in respect of saleyard or meat processing facility

(1) This section applies to—

(a) the owner of a saleyard or the nominated representative of the owner; and

(b) the owner of a meat processing facility or the nominated representative of the owner.

(2) A person referred to in subsection (1) must be registered as a PICA.

Registration of NAIT location

29 Obligation to register NAIT location

(1) Each PICA must register with the NAIT organisation every location where that person is in charge of NAIT animals (**NAIT location**).

(2) In registering a NAIT location, a PICA must confirm that he or she is a PICA for the specified location.

(3) However, in the case of locations where events are held that involve NAIT animals, such as shows and rodeos, the event organiser must, before the event,—

(a) notify the event with the NAIT organisation; and

(b) register the location of the event as a NAIT location.

(4) A person who owns a transit stop must register the place as a NAIT location.

(5) An event organiser or transit stop owner is not required to be a PICA.

(6) If there are 2 or more PICAs with NAIT animals of the same species or sub-group of species registered for a particular NAIT location, each PICA must keep his or her NAIT animals separate from those of the other PICAs at the location.

(7) Subsection (6) does not apply in the case of a location that is operated—

(a) as a saleyard; or

(b) for meat processing; or

(c) by an accredited entity dealing with NAIT animals.

Animal identification and registration

30 Obligation to identify and register NAIT animals

(1) A PICA must ensure that the NAIT animals in his or her charge are—

(a) correctly fitted at all times with the NAIT device required for those animals in accordance with standards issued under section 14 or regulations made under this Act; and

(b) registered with the NAIT organisation.

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

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

Section 30(2): replaced, on 14 December 2019, by section 12 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

Section 30(3): inserted, on 14 December 2019, by section 12 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

Movement and compliance

31 Obligation to declare movement of NAIT animals

(1) Every PICA must declare every animal movement to the NAIT organisation.

(2) A declaration must be made both by—

(a) the PICA at the location from which the animals are moved (**point of origin**); and

(b) the PICA at the location to which they are moved (**destination**).

Section 31(1): replaced, on 23 August 2018, by section 7 of the National Animal Identification and Tracing Amendment Act 2018 (2018 No 26).

31A Obligation on person who moves NAIT animals

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

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

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

(i) fitted with the prescribed NAIT device; and

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

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

Section 31A: inserted, on 14 December 2019, by section 13 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

Subpart 2—Other obligations

Death, loss, or export of animals

32 Obligation to declare death, loss, or export

(1) A PICA must, as soon as practicable, make a declaration to the NAIT organisation if a NAIT animal dies or is lost (an **animal exit declaration**).

(2) If a PICA intends to export a NAIT animal from New Zealand, the PICA must make an animal exit declaration at the port of export.

(3) *[Repealed]*

Section 32(2): amended, on 14 December 2019, by section 14(1) of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

Section 32(3): repealed, on 14 December 2019, by section 14(2) of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

Certain livestock that are not NAIT animals

Heading: inserted, on 14 December 2019, by section 15 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

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

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

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

(a) are not NAIT animals; and

(b) are farmed or kept in captivity; and

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

Section 32A: inserted, on 14 December 2019, by section 15 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

Provision of information

33 Obligations relating to provision of information

Every PICA must ensure that information that must be provided to the NAIT organisation under this Act is—

(a) accurate at the time it is provided; and

(b) kept up to date; and

(c) provided in accordance with the time and any other requirements prescribed by regulations made under this Act.

34 When reporting time frames may be extended

(1) Despite section 33(c), the NAIT organisation may, after consulting the Ministry and, if applicable, the relevant agency, give notice of alternative time limits to those prescribed by regulations made under this Act for the provision of information by any PICA.

(2) Notice under subsection (1)—

(a) may only be given in the following circumstances:

(i) if a state of national or local emergency is declared under Part 4 of the Civil Defence Emergency Management Act 2002; or

(ii) if the NAIT organisation is satisfied on reasonable grounds that non-compliance with the time limits prescribed by regulations made under this Act is justified; and

(b) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements); and

(c) may be given anywhere else that the NAIT organisation considers appropriate, including on (but not limited to) an Internet site maintained by or on behalf of the NAIT organisation.

(3) If, before notice is given under subsection (1), a PICA has failed to comply with the time limits prescribed by regulations made under this Act, the NAIT organisation may extend the time for the PICA to comply with those time limits.

(4) However, subsection (3) applies only if the NAIT organisation is satisfied that the PICA's non-compliance was caused by, or is justifiable in, the circumstances leading to notice being given under subsection (1).

(5) The alternative time limits notified by the NAIT organisation under subsection (1) are enforceable by the NAIT organisation as if the time limits were prescribed by regulations made under this Act.

(6) In subsection (1), **relevant agency** means the agency that makes the declaration under Part 4 of the Civil Defence Emergency Management Act 2002.

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	The maker must publish it in the *Gazette*	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 34(2)(b): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 34(2)(c): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

35 Obligation on manufacturers of animal identification devices

(1) This section applies to every person who—

(a) manufactures or supplies animal identification devices in New Zealand for NAIT animals; or

(b) imports such devices into New Zealand.

(2) The persons referred to in subsection (1)—

(a) must ensure that animal identification devices manufactured or supplied for NAIT animals are NAIT devices; and

(b) must, in accordance with any requirements prescribed by regulations made, or standards issued, under this Act, provide information to the NAIT organisation about the devices they manufacture, import, or supply.

(3) In this section, **supply** does not include the sale of animal identification devices to a person who deals in, or buys, such devices to sell again.

36 Obligation on other identification system administrators

(1) This section applies to any person who administers an animal identification system approved under section 15(1)(b).

(2) A person to whom this section applies must—

(a) provide to the NAIT organisation any information about animal identification devices required by any regulations made under this Act:

(b) take into account any information about animal identification devices that the NAIT organisation provides to the person.

Exercise of regulation-making power in relation to this Part

37 Regulations exempting compliance with obligations

(1) The Minister must not recommend the making of regulations under this Act to exempt any person or class of persons, wholly, partly, or conditionally, from an obligation under this Part if the exemption would create a significant biosecurity risk.

(2) Before recommending the making of regulations to exempt persons from obligations under this Part, the Minister must have regard to—

(a) the need to protect NAIT animals from pests and unwanted organisms; and

(b) the desirability of facilitating market access for NAIT animals; and

(c) the desirability of maintaining consistency between the system of animal identification and tracing practised in New Zealand and the relevant standards, requirements, or recommended practices that are accepted internationally; and

(d) the relative cost of having an exemption against the cost of not having an exemption; and

(e) factors such as—

(i) who bears the costs; and

(ii) the negative and positive impacts of the exemptions on persons participating in the NAIT scheme; and

(f) other matters relevant to any exemption from an obligation otherwise applying under this Part.

(3) In this section, **pest** and **unwanted organism** have the same meanings as in section 2(1) of the Biosecurity Act 1993.

Part 4
NAIT information system

38 Definitions for this Part

In this Part,—

administrator means the NAIT information system administrator appointed under section 39(2)

industry body means a body corporate that—

(a) is constituted to represent livestock owners, managers, producers, or processors; and

(b) either—

(i) is incorporated in New Zealand; or

(ii) has a place of business in New Zealand, although incorporated outside New Zealand

panel means the NAIT information system access panel established by regulations made under section 69.

39 Establishment and management

(1) The NAIT organisation must maintain the NAIT information system.

(2) The NAIT organisation must appoint a NAIT information system administrator to manage access to the NAIT information system.

40 Purposes of holding core data

(1) Core data is held in the NAIT information system for the following purposes:

(a) to enable the NAIT organisation, a NAIT officer, or a NAIT authorised person to exercise their powers and carry out their functions and duties:

(b) to assist other persons with duties under this Act to carry out their duties:

(c) to facilitate the purposes of the Animal Products Act 1999, Animal Welfare Act 1999, Biosecurity Act 1993, Commodity Levies Act 1990, Primary Products Marketing Act 1953, and any other enactment relating to animals or animal health:

(d) to respond to the following human health issues:

(i) food residues associated with animals:

(ii) food-borne diseases associated with animals:

(iii) diseases transferable between animals and humans:

(e) to provide data supporting productivity, market assurance, and trading requirements:

(f) to respond to natural disasters or requests from emergency services when rapid access to data on animals and people is needed to manage risks to the lives and welfare of animals and people:

(g) to provide statistical data for policy development and related advice about the industries to which this Act applies:

(h) to enable the NAIT organisation to publish general agricultural statistics under section 49:

(i) to provide data to enable a potential purchaser of a NAIT animal to trace the location history of the animal over its life:

(j) to respond, or assist others with duties to respond, to inquiries about theft of NAIT animals, wandering NAIT animals, or NAIT animals found dead in public places.

(2) For the purpose of subsection (1),—

emergency services means—

(a) the services described in section 4 of the Civil Defence Emergency Management Act 2002; and

(b) animal control services of local authorities or other similar services relating to animal control

location history means information about the locations in which the animal was registered and the dates during which the animal resided in each location.

Section 40(1)(c): amended, on 14 December 2019, by section 16(1) of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

Section 40(1)(f): replaced, on 14 December 2019, by section 16(2) of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

Section 40(1)(i): amended, on 14 December 2019, by section 16(3) of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

Section 40(1)(j): inserted, on 14 December 2019, by section 16(4) of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

Section 40(2): inserted, on 14 December 2019, by section 16(5) of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

41 Non-core data held by agreement

(1) A person may request the NAIT organisation to make an agreement with the person to hold non-core data in the NAIT information system.

(2) The NAIT organisation may make the agreement if it is satisfied that—

(a) holding the data in the NAIT information system—

(i) is in the interests of the industry that the data is about; and

(ii) is consistent with the public good; and

(iii) does not compromise the operation of the NAIT information system; and

(b) the NAIT information system is the most efficient, effective, and appropriate place to hold the data; and

(c) the person who made the request has agreed to meet the full costs of holding the data in the NAIT information system.

(3) The agreement must specify the terms and conditions on which the data is to be held.

(4) The terms and conditions must include—

(a) the period for which the NAIT information system is to hold the data; and

(b) the persons who may have access to the data in addition to or instead of the person who made the agreement; and

(c) how the person who made the agreement, and the persons who may have access to the data in addition to or instead of the person who made the agreement, are to have access to the data; and

(d) the arrangements for the person who made the agreement to pay the full costs of holding the data.

42 Rules on holding and accessing data

(1) The NAIT information system must have the functionality to distinguish between core data and non-core data easily.

(2) The NAIT information system must be able to interact with—

(a) the biosecurity database; and

(b) any database established by the Crown for the purposes of the Animal Products Act 1999.

(3) Interaction as described in subsection (2) may take place only for a purpose in section 40.

(4) The NAIT information system must hold core data only for as long as reasonably necessary to achieve the purposes in section 40.

(5) The NAIT information system must hold non-core data for the period agreed under section 41(4)(a).

(6) The NAIT organisation must not make exclusive arrangements for access to data in the NAIT information system.

(7) Access to data in the NAIT information system is available as follows:

(a) the NAIT organisation, NAIT officers, and NAIT authorised persons have access to the data when they need it to exercise their powers and carry out their functions and duties:

(b) the persons described in section 41(4)(c) have access by the means provided for in the agreement:

(ba) a person authorised under section 48A has access to core data for a purpose specified in section 40:

(c) other persons must apply for access under section 43.

Section 42(7)(ba): inserted, on 14 December 2019, by section 17 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

43 Method of making applications

(1) An application under section 45 or 46 may be made in writing, electronically, or orally.

(2) The applicant must provide the prescribed information and the prescribed fee, if any, with the application to the extent to which it is possible to do so.

(3) To the extent to which the applicant cannot comply with subsection (2), the applicant must provide the prescribed information and the prescribed fee, if any, within 5 working days of making the application.

(4) An applicant making an application described in section 45(6) may provide additional information relevant to the application for use by the administrator in determining the application.

44 Handling of applications

(1) An application must be made to the administrator.

(2) The administrator may require an applicant to provide evidence of the applicant's identity in the form of a driver licence or other identification satisfactory to the administrator.

(3) The administrator must decide whether the administrator or the panel is to determine an application described in section 46, having regard to the significance of the application to the industry to whose data access is sought.

45 Determinations by administrator

(1) An application described in this section must be determined by the administrator.

(2) An applicant may apply for access to the following data:

(a) the applicant's personal information:

(b) information that—

(i) is about an animal for which the applicant is the PICA; and

(ii) is not another PICA's personal information.

(3) The administrator must grant the application if satisfied that the data is as described in subsection (2)(a) or (b).

(4) The administrator must decline the application if not satisfied as described in subsection (3).

(5) The following persons may make the application described in subsection (6):

(a) a New Zealand citizen:

(b) a permanent resident of New Zealand:

(c) a body corporate that is incorporated in New Zealand:

(d) a body corporate that is incorporated outside New Zealand but that has a place of business in New Zealand:

(e) a department or other Crown agency:

(f) a public sector organisation.

(6) The application is an application for confirmation that the person specified by the applicant is the registered PICA for a NAIT animal.

(7) The administrator must determine the application by confirming or denying that the person is the registered PICA for the animal.

Section 45(5)(f): inserted, on 14 December 2019, by section 18 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

46 Determinations by administrator or panel

(1) An application described in this section must be determined by the administrator or the panel, as decided by the administrator under section 44(3).

Core data: personal information

(2) The following persons may make the application described in subsection (3):

(a) a New Zealand citizen:

(b) a permanent resident of New Zealand:

(c) a body corporate that is incorporated in New Zealand:

(d) a body corporate that is incorporated outside New Zealand but that has a place of business in New Zealand.

(3) The application is an application for access to core data that is personal information.

(4) The administrator or the panel must grant the application, wholly or partly, if satisfied that—

(a) the applicant has express consent from the person to whose personal information the applicant seeks access to the applicant having access; or

(b) access to the data is reasonably necessary to achieve a purpose in section 40(b) or (c).

Core data: not personal information

(5) The following persons may make the application described in subsection (6):

(a) a New Zealand citizen:

(b) a permanent resident of New Zealand:

(c) a body corporate that is incorporated in New Zealand:

(d) a body corporate that is incorporated outside New Zealand but that has a place of business in New Zealand.

(6) The application is an application for access to core data that is not personal information.

(7) The administrator or the panel must grant the application, wholly or partly, if satisfied that access to the data is reasonably necessary to achieve a purpose in section 40.

Core data: personal information or not personal information

(8) A department or other Crown agency or a public sector organisation may make the application described in subsection (9).

(9) The application is an application for access to core data, whether or not it is personal information.

(10) The administrator or the panel must grant the application, wholly or partly, if satisfied that access to the data is reasonably necessary to achieve a purpose in section 40.

Non-core data: personal information or not personal information

(11) The following persons may make the application described in subsection (12):

(a) a New Zealand citizen:

(b) a permanent resident of New Zealand:

(c) a body corporate that is incorporated in New Zealand:

(d) a body corporate that is incorporated outside New Zealand but that has a place of business in New Zealand:

(e) a department or other Crown agency:

(f) a public sector organisation.

(12) The application is an application for access to non-core data, whether or not it is personal information.

(13) The administrator or the panel must grant the application, wholly or partly, if satisfied that the applicant has express consent from the person whose data it is to the applicant having access.

Link into and access

(14) An information provider may make an application for access to enable it to link into and access the NAIT information system for the purposes of inputting and editing core data relating to a particular PICA or particular PICAs.

(15) The administrator or the panel must grant the application, wholly or partly, if satisfied that—

(a) the information provider is currently accredited under section 20; and

(b) the information provider has been authorised by the relevant PICA or PICAs to act as their agent for the purposes of this Act; and

(c) the linking and access do not compromise the operation of the NAIT information system.

(16) An entity dealing with NAIT animals may make an application for access to enable a particular PICA or particular PICAs for the entity to link into and access the NAIT information system, individually or jointly, for the purposes of inputting and editing core data.

(17) The administrator or the panel must grant the application, wholly or partly, if satisfied that—

(a) the entity is currently accredited under section 20; and

(b) the linking and access do not compromise the operation of the NAIT information system.

(18) An industry body may make an application for access to enable it to link into and access core data.

(19) The administrator or the panel must grant the application, wholly or partly, if satisfied that—

(a) the industry body has express consent from the persons to whose personal information the body will have access to the body having access; and

(b) the linking and access do not compromise the operation of the NAIT information system.

(20) The administrator or the panel must decline the application if not satisfied as described in this section.

Section 46(8): amended, on 14 December 2019, by section 19(1) of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

Section 46(11)(f): inserted, on 14 December 2019, by section 19(2) of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

47 Method of, and conditions on, access

(1) This section applies when the administrator or the panel grants access to data under section 45 or 46.

(2) The administrator or the panel must specify the method by which access will be given.

(3) The method may be any method that the administrator or panel thinks fit.

(4) The administrator must not impose any conditions on a grant of access to data that is—

(a) the applicant's personal information; or

(b) information about an animal for which the applicant is the PICA.

(5) The administrator or the panel may impose any conditions that the administrator or the panel thinks fit on any other grant of access, including, but not limited to, conditions that—

(a) restrict the use to which the data may be put:

(b) prohibit further disclosure of the data:

(c) protect an individual's privacy:

(d) protect the commercial sensitivity of the data.

48 Notification of determinations

(1) The administrator or the panel must inform the applicant of a determination under section 45 or 46 as soon as practicable.

(2) A determination to decline an application must include reasons and must be accompanied by a copy of the complaints procedure established under section 50.

48A Authorised Ministry officers may access core data

(1) The Director-General may authorise an employee or agent of the Ministry to access core data in the NAIT information system in accordance with this section.

(2) A person authorised under this section may access core data in the NAIT information system without making an application under section 45 or 46 if the Director-General is satisfied that access to the data is reasonably necessary to achieve a purpose in section 40.

(3) The NAIT organisation must ensure that core data is able to be accessed at any time by a person authorised under this section.

Section 48A: inserted, on 14 December 2019, by section 20 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

49 Publication of statistics

The NAIT organisation may publish general agricultural statistics based on core data and non-core data.

50 Complaints procedure

The NAIT organisation must establish and publish a complaints procedure for use by applicants dissatisfied with—

(a) decisions or determinations by the administrator; or

(b) determinations by the panel.

51 Relationship with other laws

(1) Nothing in the Official Information Act 1982 applies to data in the NAIT information system.

(2) For the purposes of the rules of evidence, the contents of the NAIT information system are proved by the production of a certificate indicating its contents signed by the administrator or a person acting under a delegation from the administrator.

(3) For the purposes of the rules of evidence, the information in a NAIT device and the manner in which the information is conveyed from the device to the NAIT information system are proved by the production of a certificate—

(a) indicating the information and the manner of conveyance; and

(b) signed by the administrator or a person acting under a delegation from the administrator.

Section 51(3): inserted, on 14 December 2019, by section 21 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

Part 5
Compliance and enforcement, immunities, cost recovery, regulation-making powers, and transitional, repeal, and amendment provisions

Appointments

52 Appointment of NAIT officers and NAIT authorised persons

(1) The Director-General must appoint, as necessary for the purpose of monitoring compliance with and enforcing this Act, fit and proper persons to be—

(a) NAIT officers; and

(b) NAIT authorised persons.

(2) Persons appointed under this section must have the appropriate experience, qualifications, and technical competence relevant to the functions of a NAIT officer or NAIT authorised person, as the case may be.

(3) Persons appointed under this section as NAIT officers or as NAIT authorised persons may (but need not) be employed by the Director-General under the Public Service Act 2020.

(4) Subject to subsection (2), the following may be appointed as a NAIT officer:

(a) an inspector appointed under section 103 of the Biosecurity Act 1993:

(b) an animal product officer appointed under section 78 of the Animal Products Act 1999.

(5) Without limiting the discretion of the Director-General under subsection (1), the NAIT organisation may recommend suitable persons for appointment as NAIT authorised persons.

(6) To avoid doubt, if the Director-General delegates the power of appointment of NAIT officers or NAIT authorised persons to another Director-General under clauses 2 and 3 of Schedule 6 of the Public Service Act 2020, references in this section to the Director-General must be read as references to the Director-General to whom the power of appointment is delegated.

Section 52(3): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 52(6): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

53 Authorisation of officers

(1) The Director-General must supply every NAIT officer and every NAIT authorised person with a warrant of authorisation stating the powers and functions of the relevant officer or authorised person.

(2) A NAIT officer or a NAIT authorised person, in exercising a power under this Act, must carry and produce, if required to do so,—

(a) his or her warrant of authorisation; and

(b) evidence of his or her identity.

(3) A warrant must be surrendered to the Director-General on the termination of an appointment.

Functions and powers generally

54 Functions and powers of NAIT officers and NAIT authorised persons

(1) The purpose of the powers conferred by this Act is to enable a NAIT officer or a NAIT authorised person, as necessary, to ascertain any breach of a NAIT obligation or of any matters prohibited by or under this Act, to give advice on compliance with this Act, and undertake any necessary enforcement of this Act, whether or not NAIT animals are involved.

(2) The functions of a NAIT officer and a NAIT authorised person are to—

(a) ascertain whether persons participating in the NAIT scheme are complying with the obligations placed on those persons by or under this Act; and

(b) undertake the enforcement of this Act.

(3) Persons appointed as NAIT officers or as NAIT authorised persons—

(a) have and may exercise powers conferred by or under this Act as necessary to perform the functions of a NAIT officer or a NAIT authorised person, as the case may be; and

(b) may be authorised to exercise all the powers and perform all the functions of their office under this Act or only those powers and functions specified in the warrant of authorisation.

(4) In addition to the powers expressly conferred on NAIT authorised persons, a NAIT authorised person has, and may exercise, any other powers that a NAIT officer has under this Act for ascertaining or monitoring compliance with this Act, if such powers are expressly provided for in the warrant of authorisation issued to that person under section 53.

55 Compliance and enforcement provisions

Schedule 2 contains provisions relevant to—

(a) the administration of the NAIT scheme; and

(b) compliance with, and enforcement of, obligations under this Act.

Protection from civil and criminal liability

56 Immunities

(1) This section applies to the following persons:

(a) the Director-General:

(b) an employee or agent of the Ministry:

(c) a NAIT officer:

(d) a NAIT authorised person:

(e) an employee or agent of the NAIT organisation:

(f) any other person exercising powers or carrying out duties or functions under this Act.

(2) The person is protected from civil and criminal liability for any act that the person does or omits to do—

(a) under this Act; or

(b) in the exercise or intended exercise of the person's powers or the carrying out or intended carrying out of the person's duties or functions under this Act, done—

(i) in good faith; and

(ii) with reasonable cause.

(3) No action may be brought against the persons referred to in subsection (1) for any loss or damage resulting from reliance on information—

(a) received from 1 of those persons; or

(b) collected or held by 1 of those persons, whether accessed directly or indirectly or lawfully or unlawfully.

Cost recovery

57 Costs must be recovered

(1) The Minister must carry out the duties in subsections (3) and (4) in the following years for the following periods:

(a) in the first full financial year after the commencement date of this section, for the next period of 3 financial years:

(b) in the final financial year of each subsequent set of 3 financial years, for the next period of 3 financial years.

(2) The Minister must carry out the duties in subsections (3) and (4) in conjunction with the NAIT organisation.

(3) The Minister must estimate the amount of costs to which the following apply:

(a) they will arise in the forthcoming period; and

(b) they are the expected direct and indirect costs of administering this Act; and

(c) they are not recoverable under another provision of this Act; and

(d) they will not be appropriated by Parliament for the purpose.

(4) The Minister must then recommend the making of regulations under section 61 or 62 to recover one-third of the amount in each of the financial years in the period.

(5) The reference in subsection (4) to recovering one-third of the amount is modified in that—

(a) a shortfall in cost recovery in a period may be recovered in the subsequent period; and

(b) an over-recovery of costs in a period may be counted towards the recovery of costs in a subsequent period.

(6) The Minister must ensure that the regulations are made before the start of the period to which they apply.

(7) The Minister may recommend the amendment of the regulations in the period to which they apply if the Minister is satisfied that—

(a) actual costs in the period are likely to vary significantly from the estimate of costs under subsection (3) on which the regulations were based; and

(b) the persons likely to be substantially affected by the amendment, or their representatives, have been consulted.

(8) An amendment under subsection (7) applies to the remaining full financial years in the period to which the regulations apply.

(9) The Minister may also recommend the amendment of the regulations in the period to which they apply if the Minister is satisfied that—

(a) the addition to or removal from Schedule 1 of a species or sub-group of species requires a reallocation of costs among NAIT participants; and

(b) the persons likely to be substantially affected by the amendment, or their representatives, have been consulted.

(10) An amendment under subsection (9) applies from the date on which the species is added or removed.

58 Principles

In making decisions under section 57, the Minister must have regard to the following principles:

(a) equity, in that funding for a service should generally be sourced from the users or beneficiaries of the service at a level commensurate with their use of or benefit from it and with the risks associated with the activities they carry out, but without strict apportionment according to use or benefit having to be observed:

(b) efficiency, in that the allocation of costs should generally aim at the provision of maximum services at minimum cost:

(c) justifiability, in that costs should generally be recovered to meet only the actual and reasonable costs of the provision of services:

(d) transparency, in that—

(i) both budget projections and actual costs should generally be transparent; and

(ii) costs should generally be identified for, and allocated as closely as practicable to, tangible service provision in the recovery period in which the service is provided:

(e) ease of administration, in that the costs of collection should generally be kept as low as possible:

(f) flexibility, in that the method of recovering costs should generally be able to—

(i) adapt to changes in species or sub-groups of species covered by the Act; and

(ii) cope with variations in costs to be recovered; and

(iii) encourage the provision of complete and accurate data.

59 Methods

(1) The methods by which costs may be recovered by regulations made under section 61 or 62 are as follows:

(a) fees or charges of fixed amounts:

(b) fees or charges based on a scale:

(c) fees or charges determined on a time-unit basis:

(d) fees or charges calculated using a formula, which may or may not specify values attributed to components of the formula:

(e) fees or charges calculated using a method of calculation other than a formula:

(f) fees or charges determined by calculations involving an averaging of costs:

(g) fees or charges consisting of the actual and reasonable costs of providing a service:

(h) fees or charges based on estimated costs and paid before the provision of the service, followed by reconciliation and an appropriate further payment or refund after the provision of the service:

(i) refundable or non-refundable deposits paid before the provision of the service:

(j) fees or charges that differ depending on whether or not a special or an urgent service is provided:

(k) fees or charges that include more than 1 level of fee or charge for the same service provided in different ways, or provided in or for different places:

(l) fees or charges that differ for otherwise similar services provided in different ways:

(m) fees or charges that differ depending on the amount of service required or the components of the service required for the particular person or class of persons:

(n) fees or charges imposed on all users of services, classes of users of services, all beneficiaries of services, or classes of beneficiaries of services:

(o) levies.

(2) The methods may be used individually or in combination.

60 Consultation

(1) The Minister must be satisfied that subsections (2) to (4) have been complied with before the Minister makes a recommendation under section 57(4).

(2) The persons likely to be substantially affected, or their representatives, must be consulted.

(3) The NAIT organisation must carry out the consultation.

(4) The consultation must be about regulations proposed under section 61 or 62.

(5) Regulations made under section 61 or 62 are not invalid on the grounds that—

(a) subsections (2) to (4) were not complied with before the Minister recommended the making of the regulations; or

(b) the consultation carried out was about a specific amount of a fee, charge, or levy that is not the amount set in the regulations.

61 Regulations may impose fees or charges

(1) The Governor-General may, by Order in Council and on the recommendation of the Minister, make regulations prescribing—

(a) fees or charges of a kind or kinds described in section 59(1)(a) to (n):

(aa) a method for calculating a fee payable under section 20(3):

(b) the persons liable for the payment of the fees or charges:

(c) the persons, if any, exempt from paying the fees or charges.

(2) If an exemption is provided under subsection (1)(c), the reasons for it must be set out in the regulations' explanatory note.

(3) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 61(1)(aa): inserted, on 14 December 2019, by section 22 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

Section 61(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

62 Regulations may impose levies

(1) The Governor-General may, by Order in Council and on the recommendation of the Minister, make regulations providing for the payment of a levy.

(2) The regulations must—

(a) specify that the levy is payable to—

(i) the NAIT organisation; or

(ii) the organisation that collects the levy on behalf of the NAIT organisation:

(b) specify how the levy is to be spent by the NAIT organisation:

(c) specify the maximum levy rate or rates:

(d) specify that the NAIT organisation sets the actual levy rate or rates:

(e) specify that the NAIT organisation must consult with those affected by the payment or collection of the levy before setting the actual levy rate or rates:

(f) specify the persons or classes of persons responsible for paying the levy:

(g) specify the persons or classes of persons, if any, exempt from paying the levy:

(h) specify, if the levy is to be paid at different rates, the places, services, species, sub-group of species, or other things to which the different rates apply:

(i) specify how the levy rate or rates are calculated:

(j) specify how the levy rate or rates and variations of the rate or rates are to be notified:

(k) specify when and how the levy is to be paid:

(l) specify the persons responsible for collecting the levy:

(m) state whether or not the persons collecting the levy are entitled to recover the cost of collection and, if the persons are entitled to do so, specify the maximum rate of collection costs:

(n) for the purpose of ascertaining whether or not the regulations are being complied with,—

(i) require the keeping of accounts, statements, and records of a specified class or description by all or any of the NAIT organisation, the persons responsible for collecting the levy, and the persons responsible for paying it; and

(ii) require the retention of the accounts, statements, or records for a specified period:

(o) provide for the establishment of a dispute resolution process for disputes relating to levies, including—

(i) the appointment of persons to resolve the disputes; and

(ii) the procedures to be followed by the persons; and

(iii) the remuneration of the persons.

(3) The regulations may specify—

(a) the returns to be made to the NAIT organisation or some other person or body for the purpose of enabling or assisting the determination of amounts of levy payable:

(b) the circumstances in which, and conditions subject to which, persons may be allowed extensions of time for paying the levy:

(c) a method of paying the levy that may be used by persons who object on conscientious or religious grounds to paying the levy in the manner provided in the regulations:

(d) a requirement for the funds from which the collectors of levy payments are to make payments to the NAIT organisation to be held on trust in a separate account.

(4) If an exemption is provided under subsection (2)(g), the reasons for it must be set out in the regulations' explanatory note.

(5) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 62(5): replaced, on 10 July 2026, by section 303 of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

63 NAIT organisation to account for levy

(1) As soon as practicable after the end of a financial year in which a levy has been paid to the NAIT organisation, the organisation must prepare the following for the year:

(a) a statement of the money paid to the organisation as levy in the year:

(b) a statement of the assets the organisation has at the end of the year as a result of money paid as levy in the year:

(c) a statement of the organisation's receipt and expenditure of money paid as levy in the year:

(d) all other statements necessary to show fully—

(i) the organisation's financial position as a result of money paid as levy in the year; and

(ii) the financial results of all of the organisation's activities involving the use of the money paid as levy in the year or the use of assets the organisation has at the end of the year as a result of money paid as levy in the year.

(2) The NAIT organisation must ensure that the statements are audited within 5 months after the end of the year.

(3) The NAIT organisation must provide the Minister with—

(a) a copy of the statements as soon as practicable after they have been prepared; and

(b) the findings of the audit as soon as practicable after the audit is completed.

Section 63(3): inserted, on 14 December 2019, by section 23 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

64 Levy regulations are confirmable instruments

[Repealed]

Section 64: repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

65 Failure to pay

(1) This section applies if a fee, charge, or levy imposed by regulations made under section 61 or 62 is wholly or partly unpaid 20 working days after a request for payment.

(2) The amount unpaid is liable for compound interest at 10% per annum.

(3) The NAIT organisation may waive all or part of the amount of the interest if it is satisfied that the failure or refusal of a person to pay the original debt is a result of a genuine dispute between the person and the organisation as to the person's liability to pay the debt.

(4) The NAIT organisation may recover a fee, charge, or levy, and unpaid interest, from a person responsible for paying it as a debt due in a court of competent jurisdiction.

66 Charges for services outside this Act

(1) This section applies if the NAIT organisation provides services other than the services required by this Act.

(2) Sections 57 to 65 do not apply to the services.

(3) The NAIT organisation must keep income from and expenditure for the services separate from income from and expenditure for the services required by this Act.

Other regulation-making powers

67 Regulations affecting Schedule 1

(1) The Governor-General may, on the recommendation of the Minister,—

(a) make an Order in Council bringing Schedule 1 into force for both species in it; or

(b) make a separate Order in Council for each species in Schedule 1 bringing the schedule into force for the particular species.

(2) The Governor-General may, by Order in Council and on the recommendation of the Minister, amend Schedule 1 by—

(a) adding a species or sub-group of species of animal; or

(b) removing a species or sub-group of species of animal.

(2A) An order under subsection (1) or (2) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

(2B) *[Repealed]*

(3) The Minister must take the following steps to consult on the Minister's proposal to make the recommendation, before making it:

(a) for the NAIT organisation, current NAIT participants, the industry concerned, and persons affected by the addition or removal,—

(i) ensure that they, or their representatives, are given notice of it; and

(ii) give them, or their representatives, a reasonable opportunity to make submissions to the Minister on it; and

(iii) consider any submissions received from them; and

(b) at least 28 days before making the recommendation, publish a notice in the *Gazette* containing information about the proposal and the reasons for it; and

(c) ensure that a copy of the proposal is available for any person to read before the regulations are made.

(4) Before recommending the addition of a species or sub-group of species to the schedule, the Minister must apply 1 of the following:

(a) subsection (5); or

(b) subsection (6).

First scenario: industry-led initiative

(5) For the purposes of subsection (4), the Minister must—

(a) be satisfied that the addition was proposed by an industry group that has a business case, and the mandate of its members, for the addition, regardless of whether or not the addition is necessary for a purpose specified in section 3; and

(b) have regard to—

(i) the capacity of the NAIT scheme; and

(ii) the need to be fair to all NAIT participants and the proposed new participant in matters of costs, benefits, and risks; and

(iii) the integrity of the NAIT scheme.

Second scenario: not industry-led initiative

(6) For the purposes of subsection (4), the Minister must—

(a) be satisfied that the addition is necessary for 1 or more of the purposes specified in section 3; and

(b) have regard to—

(i) the capacity of the NAIT scheme; and

(ii) the need to be fair to all NAIT participants and the proposed new participant in matters of costs, benefits, and risks; and

(iii) the integrity of the NAIT scheme; and

(iv) the regulatory burden on the sector affected by the addition and the impact on the NAIT organisation and existing NAIT participants; and

(v) whether the regulatory burden of the addition is reasonable in comparison to the risks of and benefits from the addition; and

(vi) the likelihood of the sector joining the NAIT scheme voluntarily; and

(vii) the risks posed to New Zealand's market reputation and biosecurity status by not making the addition; and

(viii) the need to be able to respond to the human health issues relating to food residues associated with animals, food-borne diseases associated with animals, and diseases transferable between animals and humans.

(7) Subsections (3) to (5) do not apply if the Minister is satisfied on reasonable grounds that urgent action under subsection (2)(a) is required for the purposes of this Act.

(8) Before recommending the removal from Schedule 1 of a species or sub-group of species that was added under subsection (5), the Minister must—

(a) have regard to—

(i) the need to be fair to all NAIT participants in matters of costs, benefits, and risks; and

(ii) the costs to be reallocated among remaining participants; and

(b) be satisfied that—

(i) at least 5 years have passed since the species or sub-group of species was added to the schedule; and

(ii) the presence of the species or sub-group of species in the schedule is not necessary to meet any of the purposes specified in section 3; and

(iii) the industry has requested the removal.

(9) Before recommending the removal from the schedule of a species or sub-group of species that was added under subsection (6), the Minister must—

(a) have regard to—

(i) the need to be fair to all NAIT participants in matters of costs, benefits, and risks; and

(ii) the costs to be reallocated among remaining participants; and

(b) be satisfied that—

(i) at least 5 years have passed since the species or sub-group of species was added to the schedule; and

(ii) the presence of the species or sub-group of species in the schedule is no longer necessary to meet any of the purposes specified in section 3.

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 67(2A): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 67(2B): repealed, on 10 July 2026, by section 304 of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

68 Orders are confirmable instruments

[Repealed]

Section 68: repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

69 Other regulations

(1) The Governor-General may, by Order in Council and on the recommendation of the Minister, make regulations for any of the purposes set out in subsection (3).

(2) Before the Minister makes a recommendation,—

(a) the following consultation requirements must be complied with:

(i) consultation must be carried out with the persons likely to be substantially affected or their representatives; and

(ii) the consultation must be about the regulations proposed under this section; and

(b) the reasons for an exemption proposed to be provided under subsection (3)(g) must be identified and prepared for inclusion in the regulations' explanatory note.

(3) The purposes are—

(a) prescribing standards for the purposes of the definition of **NAIT device** in section 4:

(b) prescribing the radius of the circle for the purposes of the definition of **NAIT location** in section 5:

(c) prescribing information and requirements for the purposes of section 27:

(d) prescribing devices for the purposes of section 30(1):

(e) prescribing requirements for the purposes of section 33(c):

(f) prescribing requirements for the purposes of section 35(2):

(g) providing exemptions for the purposes of section 37:

(h) prescribing the particulars that must be provided in an application or other document under this Act:

(i) prescribing information that must be provided with an application or other document under this Act:

(j) prescribing the form and manner in which an application or other document must be submitted under this Act:

(k) prescribing forms:

(l) providing for—

(i) the establishment of the NAIT information system access panel:

(ii) the appointment and removal of members of the panel:

(iii) the panel's remuneration, functions, duties, powers, procedures, employees, administration, operation, and reporting requirements:

(m) prescribing offences for breaching or not complying with regulations made under this Act and the penalties for the offences, up to a maximum of $1,000:

(n) prescribing the offences against or under this Act that are infringement offences:

(o) prescribing the form of an infringement notice for an infringement offence:

(p) prescribing any additional particulars required in an infringement notice for an infringement offence:

(q) prescribing an infringement fee no greater than $1,000 payable for each infringement offence:

(r) providing for matters that are contemplated by this Act or necessary to give it full effect or necessary for its administration.

(4) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 69(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

70 Incorporation of material by reference

(1) Regulations and standards made under this Act may incorporate by reference all or any part of the following kinds of written material:

(a) frameworks, codes of practice, standards, requirements, or recommended practices of international or national organisations:

(b) frameworks, codes of practice, standards, requirements, or recommended practices prescribed in any country or jurisdiction:

(c) material that is from any other source, deals with technical matters, and is too large to include in, or print as part of, the regulations or standards:

(d) material that is from any other source and deals with technical matters and that it would be impracticable to include in, or print as part of, the regulations or standards:

(e) the current edition of a work of reference that the Director-General or the NAIT organisation considers is accepted internationally or by an industry as a standard one to refer to on the subject matter of the particular work:

(f) a specific edition of a work of reference that the Director-General or the NAIT organisation considers is accepted internationally or by an industry as a standard one to refer to on the subject matter of the particular work:

(g) a register established by or under this Act.

(2) If material is incorporated by reference in regulations or standards made under this Act, Schedule 3 applies to that material.

(3) However, if the incorporated material is a New Zealand Standard (as defined in section 4(1) of the Standards and Accreditation Act 2015), that Act applies.

Section 70(3): amended, on 1 March 2016, by section 45(1) of the Standards and Accreditation Act 2015 (2015 No 91).

Consolidation of secondary legislation or published instruments

Heading: inserted, on 30 November 2022, by section 80 of the Statutes Amendment Act 2022 (2022 No 75).

70A Certain secondary legislation or published instruments may be consolidated

Secondary legislation made by same maker and with same publishing requirements

(1) The Minister or the NAIT organisation (the **maker**) may at any time apply this section to any secondary legislation that—

(a) the maker has made, or may make, under a provision of this Act, or of regulations made under this Act, by satisfying the same requirements for publishing the secondary legislation; and

(b) is not drafted by the PCO (*see* section 67 of the Legislation Act 2019).

Other instruments made by same maker with same publishing requirements

(2) The Minister, the Director-General, or the NAIT organisation (the **maker**) may at any time apply this section to any instruments that—

(a) the maker has made, or may make, under any provisions of this Act, or of regulations made under this Act, by satisfying the same requirements for publishing the instruments; and

(b) are not secondary legislation.

Once this section is applied to specific instruments

(3) The powers of the maker to amend or replace the specific instruments (whether given by a specific empowering provision, section 48 of the Legislation Act 2019, or otherwise) authorise the maker to—

(a) revoke any specific instruments that have been made (a **revoked instrument**); and

(b) make an instrument under any of the specific empowering provisions (the **new instrument**) that—

(i) has the same effect that all or part of the revoked instrument or instruments had immediately before being revoked; and

(ii) otherwise has any further effect (if any) authorised by the specific empowering provisions (the **new or amended parts**).

(4) For each part of the new instrument (the **replacement part**) that has the same effect as part of a revoked instrument (the **revoked part**),—

(a) the replacement part must be treated as being made under the specific empowering provision under which the revoked part was made; and

(b) any requirements for making the replacement part or for revoking the revoked part, other than the requirements for publication, must be treated as being satisfied to the extent that the requirements for making the revoked part were satisfied when it was made.

(5) To avoid doubt,—

(a) the new or amended parts of the new instrument (if any) are made under the relevant specific empowering provisions; and

(b) any requirements of the relevant specific empowering provisions must be satisfied in making those parts.

(6) A revoked instrument continues to have effect, as if it had not been revoked, in relation to any matter in a period to which the revoked instrument applied.

(7) In this section,—

instrument has the meaning given in section 5 of the Legislation Act 2019

maker, in relation to an instrument, means the person empowered to make it, as defined by subsection (1) or (2)

specific empowering provisions means the provisions of this Act, or of regulations, that—

(a) empower the making of the specific instruments; and

(b) are referred to in the subsection under which the maker applies this section to the specific instruments

specific instruments means the 1 or more instruments to which the maker applies this section, whether the instruments—

(a) have been made (and are to be revoked); or

(b) are able to be made.

Section 70A: inserted, on 30 November 2022, by section 80 of the Statutes Amendment Act 2022 (2022 No 75).

Making instruments that make minor amendments or correct minor or technical errors

Heading: inserted, on 10 July 2026, by section 305 of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

70B Making instruments that make minor amendments or correct minor or technical errors

(1) The test in this section is met if the maker of an instrument is satisfied that—

(a) the instrument that is to be made (the **new instrument**) amends or replaces an instrument made under this Act (the **affected instrument**); and

(b) the amendment or replacement of the affected instrument is minor in effect or corrects a minor or technical error.

(2) However, if the maker considers that 1 or more parts of the new instrument do not meet the test in subsection (1)(b), the full requirements for making the instrument apply in respect of those parts only.

Section 70B: inserted, on 10 July 2026, by section 305 of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

Transitional provisions

71 Previously approved identification systems may continue

(1) This section applies to a NAIT animal identified at the commencement of this Act in accordance with an identification system approved under section 158 of the Animal Products Act 1999 or section 50 of the Biosecurity Act 1993.

(2) The animal may continue to be identified in accordance with the system.

(3) The animal must also be identified with a NAIT device in accordance with regulations made under this Act.

72 First recovery period

(1) The first period for which costs must be recovered after this Act has commenced (**first recovery period**) is the period starting on the commencement date of this section and ending at the end of the first full financial year after the commencement date.

(2) The Minister may carry out the duties in section 57(3) and (4) for the first recovery period before or after the commencement date of this section, but the regulations recommended need recover only the amount necessary to cover the direct and indirect costs of administering this Act in the first recovery period.

73 Pre-commencement consultation

(1) Section 60(2) to (4) are satisfied by consultation of the kind described in those subsections carried out before their commencement.

(2) Section 69(2)(a) is satisfied by consultation of the kind described in that paragraph carried out before its commencement.

Miscellaneous

74 Repeal of Animal Identification Act 1993

The Animal Identification Act 1993 is repealed.

75 Amendments to other enactments

The enactments specified in Schedule 4 are amended in the manner shown in that schedule.

76 Exemption from Act for local authorities and rangers acting under Impounding Act 1955

This Act does not apply to any actions carried out under the Impounding Act 1955 by a local authority or a ranger appointed by the local authority.

Section 76: inserted, on 14 December 2019, by section 24 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

Schedule 1AA
Transitional, savings, and related provisions

s 3A

Schedule 1AA: inserted, on 14 December 2019, by section 25 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

Part 1
Provisions relating to National Animal Identification and Tracing Amendment Act 2019

Schedule 1AA Part 1: inserted, on 14 December 2019, by section 25 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

1 Defined terms

In this Part,—

commencement date means the date on which the National Animal Identification and Tracing Amendment Act 2019 comes into force

transition period means the period starting on the commencement date and ending 12 months after the commencement date.

Schedule 1AA clause 1: inserted, on 14 December 2019, by section 25 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

2 NAIT devices purchased before commencement date

A PICA who purchased animal identification devices before the commencement date may, despite section 30(2) and (3), use those devices on NAIT animals under the PICA's charge at any location during the transition period.

Schedule 1AA clause 2: inserted, on 14 December 2019, by section 25 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

3 Delayed application of section 31A and clause 18 of Schedule 2 to transport operators and drovers

Section 31A and clause 18 of Schedule 2 do not apply to transport operators and drovers until the date that is 6 months after the commencement date.

Schedule 1AA clause 3: inserted, on 14 December 2019, by section 25 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

Schedule 1
NAIT animals

s 4

Cattle	All members of the subfamily Bovinae (including bison and buffalo) that are farmed or kept in captivity
Deer	All members of the family Cervidae that are farmed or kept in captivity

Schedule 1 Cattle: replaced, on 10 July 2026, by section 306 of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

Schedule 2
Compliance and enforcement

s 55

Schedule 2: replaced, on 14 December 2019, by section 26 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

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Part 1
Powers relevant to administration of NAIT scheme

Schedule 2 Part 1: replaced, on 14 December 2019, by section 26 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

Requirements for information

Heading: replaced, on 14 December 2019, by section 26 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

1 Production of information

(1) A NAIT officer or a NAIT authorised person may direct any person, including a person who is otherwise exempted from obligations by regulations made under section 69(3)(g),—

(a) to provide personal information about that individual, including identifying information such as the person's name, date of birth, gender, place of residence, and place of business:

(b) to produce information or documents:

(c) to answer relevant questions.

(2) The matters that may be required under subclause (1) must be reasonably necessary for the purpose of—

(a) determining whether—

(i) a person is duly registered as a PICA in respect of 1 or more specified NAIT locations; or

(ii) a person is complying with this Act, regulations made under it, or standards issued under it; or

(iii) a NAIT officer, a NAIT authorised person, or the Director-General should exercise other powers under this Act for the purpose of ascertaining and ensuring compliance with this Act; or

(b) ascertaining the movements of NAIT animals.

(3) This clause is subject to section 138 of the Search and Surveillance Act 2012 (which provides for a privilege against self-incrimination).

Compare: 2012 No 2 Schedule 2 cl 2

Schedule 2 clause 1: replaced, on 14 December 2019, by section 26 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

2 Inspection and audit of core data

(1) A NAIT officer or a NAIT authorised person may, at any time, inspect or audit core data for the purpose of ascertaining compliance with—

(a) the obligations set out in Part 3 of this Act:

(b) any requirements of this Act, of regulations made under it, or of standards issued under it.

(2) A fee or charge may be charged to recover the cost of the inspection or audit.

(3) A fee or charge may be charged under subclause (2) only if, before commencing an inspection or audit, the NAIT officer or NAIT authorised person notifies the PICA, the PICA's delegate, and the PICA's information provider (if any) that—

(a) an inspection or audit (as the case may require) is to be carried out; and

(b) the inspection or audit may be conducted on a cost-recovery basis; and

(c) the PICA, the PICA's delegate, or the PICA's information provider may make a written submission before an adverse report is issued on the basis of the inspection or audit.

(4) This clause is subject to section 138 of the Search and Surveillance Act 2012 (which provides for a privilege against self-incrimination).

Compare: 2012 No 2 Schedule 2 cl 3

Schedule 2 clause 2: replaced, on 14 December 2019, by section 26 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

Schedule 2 clause 2(3): replaced, on 10 July 2026, by section 307(1) of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

3 Power to determine status of person as PICA

(1) If there is no PICA registered for a NAIT location or other location, a NAIT officer must determine who the PICA is for that location.

(2) The NAIT officer must take into account the following factors:

(a) if a person (**person A**) is actually in charge of NAIT animals and is employed by another person (**person B**), whether person B agrees to person A being the PICA for the NAIT location; and

(b) whether person A has the authority and ability to carry out the obligations arising under this Act, including—

(i) the obligation to register as the PICA for the location; and

(ii) the obligations of a PICA, such as—

(A) obtaining and fitting NAIT devices for the species or subgroups of species of NAIT animals at the location; and

(B) declaring the movement of NAIT animals to or from the location.

(3) Subclause (2) does not limit the matters that a NAIT officer may take into account in making a determination under subclause (1).

(4) A NAIT officer may require evidence from person A to establish the matters required by subclause (2).

(5) If a NAIT officer determines that person A is a PICA in accordance with the factors specified in subclause (2), the NAIT officer must—

(a) give notice of that determination in writing to the person; and

(b) advise the person of—

(i) the requirements for registration as the PICA for the location; and

(ii) the obligations that apply to that person as the PICA for that location; and

(iii) the offences and penalties that apply for breaches of this Act or of regulations made under it.

Compare: 2012 No 2 Schedule 2 cl 4

Schedule 2 clause 3: replaced, on 14 December 2019, by section 26 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

4 Power to give directions

(1) A NAIT officer or a NAIT authorised person may, if he or she considers it necessary,—

(a) give directions to a PICA, a PICA delegate, or an information provider to ensure that a NAIT animal is identified and registered in the manner and within the time required by or under this Act:

(b) give any other reasonable direction to ensure compliance with this Act, regulations made under this Act, or standards issued under it.

(2) Directions must be given in writing but, if it is impracticable to do so in the circumstances, may be given orally. An oral direction must be followed by a written direction as soon as practicable after it has been given.

Compare: 2012 No 2 Schedule 2 cl 5

Schedule 2 clause 4: replaced, on 14 December 2019, by section 26 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

5 Power to act if person defaults

(1) This clause applies to a person who is directed under clause 4 to take some specified action.

(2) If the person fails to comply with the direction within the time specified in the notice or, if no time was specified in a notice under clause 4(2), within a reasonable time, a NAIT officer or a NAIT authorised person may take action, or cause action to be taken, that is reasonably necessary and appropriate for achieving the purposes of the notice.

(3) If a specified action is required to be carried out on Māori land, the notice given to the owners must comply with section 181 of Te Ture Whenua Maori Act 1993.

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

Compare: 2012 No 2 Schedule 2 cl 6

Schedule 2 clause 5: replaced, on 14 December 2019, by section 26 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

Part 2
Powers applying in relation to all livestock

Schedule 2 Part 2: replaced, on 14 December 2019, by section 26 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

6 Recovery of straying livestock

(1) This Part applies to all livestock, whether or not they are NAIT animals.

(2) If a livestock owner (**person A**) believes on reasonable grounds that livestock of that person have strayed onto land occupied by another person (**person B**) or are in the possession of person B, for the purpose of identifying and recovering any livestock,—

(a) person A may apply in writing to a NAIT officer requesting that written notice be given to person B about the straying livestock; and

(b) the NAIT officer may give notice to person B, requiring that person, on the date specified in the notice,—

(i) to muster his or her livestock of the kind to which the application relates; or

(ii) if person B is not holding such livestock on land in his or her occupation, to allow any livestock whose identity is in question to be mustered in a yard or pen.

(3) The NAIT officer, if he or she considers it appropriate to do so, may—

(a) enter the land and carry out the muster of livestock on person B's land; and

(b) on the application of person B, postpone the date fixed to muster the livestock.

(4) Person B may recover from person A—

(a) the reasonable expenses incurred in mustering, delivering, or holding the livestock if so ordered by a NAIT officer; and

(b) compensation for any unavoidable damage suffered in complying with a notice given under subclause (2).

(5) Subclause (6) applies if the NAIT officer—

(a) is unable for good reason to deal with an application made under subclause (2) without delay; and

(b) believes on reasonable grounds that livestock may be removed from the land or otherwise disposed of in the meantime.

(6) The NAIT officer may, if requested to do so by person A, order livestock to be held in the manner that the NAIT officer thinks appropriate until the application is dealt with or the expiration of 7 days, whichever is the earlier.

(7) If person B refuses or fails to comply with a notice given under subclause (2) or an order given under subclause (6), person B commits an offence and is liable on conviction to a fine not exceeding $1,000.

Compare: 2012 No 2 Schedule 2 cl 12

Schedule 2 clause 6: replaced, on 14 December 2019, by section 26 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

7 Removal of straying livestock

(1) If an occupier of land (**person A**) believes on reasonable grounds that livestock owned by another person (**person B**) have strayed onto person A's land,—

(a) person A may apply in writing to a NAIT officer requesting that written notice be given to person B, requiring that person to remove livestock that belong to person B at that person's expense; and

(b) the NAIT officer may give notice to person B, requiring that person, on the date specified in the notice, to remove the livestock.

(2) If a person who is a party to a covenant established to protect any of the values specified in subclause (3) (**person C**) believes that there are, on the covenanted land, livestock owned by person B that are likely to adversely affect the values being protected,—

(a) person C may apply in writing to a NAIT officer for, and the NAIT officer may give, written notice to person B requiring the livestock to be removed or destroyed by the date specified in the notice; and

(b) person C or the NAIT officer may, if the notice is not complied with by the specified date, impound the livestock at the cost of person B, until that person complies with the notice.

(3) The values are—

(a) the viability of threatened species or sub-groups of species of organisms:

(b) the survival and distribution of indigenous plants or animals:

(c) the sustainability of natural and developed ecosystems, ecological processes, and biological diversity:

(d) soil resources or water quality:

(e) human health or enjoyment of the recreational value of the natural environment:

(f) the relationship of Māori and their culture and traditions with their ancestral lands, waters, sites, wāhi tapu, and taonga.

(4) If person B refuses or fails to comply with a notice given under this clause, that person commits an offence and is liable on conviction to a fine not exceeding $1,000.

Compare: 2012 No 2 Schedule 2 cl 13

Schedule 2 clause 7: replaced, on 14 December 2019, by section 26 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

Part 3
Search and inspection powers

Schedule 2 Part 3: replaced, on 14 December 2019, by section 26 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

8 Who may carry out duties

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

Compare: 2012 No 2 Schedule 2 cl 22

Schedule 2 clause 8: replaced, on 14 December 2019, by section 26 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

9 Restrictions on issue of search warrant

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

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

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

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

(3) The provisions of Part 4 of the Search and Surveillance Act 2012 (except for sections 118 and 119) apply.

Compare: 2012 No 2 Schedule 2 cl 34

Schedule 2 clause 9: replaced, on 14 December 2019, by section 26 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

Schedule 2 clause 9(3): inserted, on 10 July 2026, by section 307(2) of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

10 Power of entry without warrant for inspection

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

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

(a) with the consent of the occupier; or

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

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

Compare: 2012 No 2 Schedule 2 cl 49

Schedule 2 clause 10: replaced, on 14 December 2019, by section 26 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

11 Disposal of property seized under search warrant

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

Compare: 2003 No 114 s 68

Schedule 2 clause 11: replaced, on 14 December 2019, by section 26 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

Part 4
Offences and penalties

Schedule 2 Part 4: replaced, on 14 December 2019, by section 26 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

Offences other than infringement offences

Heading: replaced, on 14 December 2019, by section 26 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

12 Offences relating to exercise of powers

(1) Every person commits an offence who intentionally—

(a) threatens, assaults, obstructs, or hinders a person in the exercise of a power or the performance of a function or duty prescribed by or under this Act:

(b) impersonates or falsely represents himself or herself as a NAIT officer or a NAIT authorised person.

(2) Every person who commits an offence against this clause is liable on conviction,—

(a) in the case of an individual, to imprisonment for a term not exceeding 6 months or a fine not exceeding $100,000:

(b) in the case of a body corporate, to a fine not exceeding $200,000.

Compare: 2012 No 2 Schedule 2 cl 77

Schedule 2 clause 12: replaced, on 14 December 2019, by section 26 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

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

(1) Every person commits an offence who knowingly provides information that is materially false or misleading to—

(a) the NAIT organisation; or

(b) a NAIT officer or a NAIT authorised person exercising powers under this Act.

(2) A PICA for a NAIT location or other location commits an offence who knowingly provides a materially false or misleading declaration that a NAIT animal consigned for transport or droving has been identified and registered with the NAIT organisation in accordance with this Act.

(3) Every person commits an offence who, contrary to the provisions of this Act, knowingly accesses, uses, or discloses information on the NAIT information system that is—

(a) personal information within the meaning of the Privacy Act 2020; or

(b) commercially sensitive within the meaning of section 9(2)(b)(ii) of the Official Information Act 1982.

(4) Every person commits an offence who, in the circumstances set out in subclause (5),—

(a) uses, in the course of business or trade,—

(i) the name NAIT organisation; or

(ii) any other trading name used by the NAIT organisation; or

(iii) a logo, mark, or design that identifies the NAIT organisation; or

(b) forms an association using the name NAIT organisation, or any other trading name used by the NAIT organisation.

(5) The circumstances referred to in subclause (4) are as follows:

(a) the action is carried out knowingly and without the prior written approval of the NAIT organisation:

(b) the action is carried out in a manner that misleads a person or misleadingly suggests that it was carried out with the approval of the NAIT organisation.

(6) Every person who commits an offence against this clause is liable on conviction,—

(a) in the case of an individual, to imprisonment for a term not exceeding 6 months or a fine not exceeding $100,000:

(b) in the case of a body corporate, to a fine not exceeding $200,000.

Compare: 2012 No 2 Schedule 2 cl 78

Schedule 2 clause 13: replaced, on 14 December 2019, by section 26 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

14 Obligation to maintain confidentiality

(1) This clause applies to NAIT officers and NAIT authorised persons exercising powers or performing functions under this Act.

(2) A person to whom this clause applies must not disclose any information that comes into the person's knowledge while the person is exercising powers or performing functions under this Act, except—

(a) with the consent of the person to whom the information relates; or

(b) to the extent that the information is already in the public domain; or

(c) to the extent that the information is used for the purposes of, or in connection with, the exercise of powers conferred by this Act; or

(d) as provided for, by, or under this Act; or

(e) in connection with an investigation or inquiry concerning proceedings for an offence against this Act (including any regulations made or standards issued under this Act) or any other Act.

(3) A person who contravenes subclause (2) commits an offence and is liable on conviction,—

(a) in the case of an individual, to imprisonment for a term not exceeding 6 months or a fine not exceeding $100,000:

(b) in the case of a body corporate, to a fine not exceeding $200,000.

Compare: 2012 No 2 Schedule 2 cl 79

Schedule 2 clause 14: replaced, on 14 December 2019, by section 26 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

Schedule 2 clause 14(2)(e): replaced, on 10 July 2026, by section 307(3) of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

15 Offences relating to registration, declarations, and provision of information

(1) Every person commits an offence who—

(a) is, or has been determined to be, a PICA for a NAIT location or other location by a NAIT officer; and

(b) in breach of section 26 or 27, fails to register as a PICA in accordance with this Act.

(2) A PICA for a NAIT location or other location commits an offence who fails, unless an exemption applies,—

(a) to register a NAIT animal at that location in accordance with this Act:

(b) to comply with section 31 in relation to animal movements:

(c) to comply with section 32 in relation to a NAIT animal that dies, is lost, or is exported live.

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

(a) in the case of an individual, to a fine not exceeding $100,000:

(b) in the case of a body corporate, to a fine not exceeding $200,000.

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

(a) in the case of an individual, to a fine—

(i) not exceeding $100,000; or

(ii) not exceeding $10,000 for each animal to which the offence relates, up to a maximum of $100,000:

(b) in the case of a body corporate, to a fine—

(i) not exceeding $200,000; or

(ii) not exceeding $20,000 for each animal to which the offence relates, up to a maximum of $200,000.

Compare: 2012 No 2 Schedule 2 cl 82

Schedule 2 clause 15: replaced, on 14 December 2019, by section 26 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

16 Offence relating to declaration required under section 32A

(1) A PICA commits an offence who fails to provide the declaration required under section 32A.

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

(a) in the case of an individual, to a fine not exceeding $100,000:

(b) in the case of a body corporate, to a fine not exceeding $200,000.

Schedule 2 clause 16: replaced, on 14 December 2019, by section 26 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

17 Offences relating to fitting NAIT devices

(1) A PICA for a NAIT location or other location commits an offence who, contrary to the requirements prescribed by this Act or regulations made under this Act,—

(a) fails to fit a NAIT device to a NAIT animal born in that location before the animal is first moved from the location or within the time specified in regulations made under this Act, whichever is the sooner, unless an exemption applies:

(b) in a case where a NAIT device is lost or becomes detached from a NAIT animal in that location, before the animal is moved from that location, fails—

(i) to apply a replacement device; and

(ii) to reregister that animal:

(c) fits a NAIT device prescribed for 1 species or sub-group of species to an animal of another species or sub-group of species:

(d) fits a NAIT device on an animal outside the registered location for the device:

(e) unless an exemption applies, when a NAIT animal arrives at that location without a NAIT device, fails either to—

(i) return the animal to the PICA who consigned the animal to the location; or

(ii) fit a replacement device to the animal and reregister it in the manner, and within the time, specified in regulations made under this Act.

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

(a) in the case of an individual, to a fine—

(i) not exceeding $100,000; or

(ii) not exceeding $10,000 for each device to which the offence relates, up to a maximum of $100,000:

(b) in the case of a body corporate, to a fine—

(i) not exceeding $200,000; or

(ii) not exceeding $20,000 for each device to which the offence relates, up to a maximum of $200,000.

Compare: 2012 No 2 Schedule 2 cl 83

Schedule 2 clause 17: replaced, on 14 December 2019, by section 26 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

Schedule 2 clause 17(1): amended, on 10 July 2026, by section 307(4) of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

Schedule 2 clause 17(1)(d): replaced, on 10 July 2026, by section 307(5) of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

18 Offence relating to transporting NAIT animals that are not fitted with NAIT devices

(1) A person commits an offence who moves from a location any NAIT animal that is not fitted with a prescribed NAIT device, unless an exemption applies.

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

(a) in the case of an individual, to a fine—

(i) not exceeding $100,000; or

(ii) not exceeding $10,000 for each animal to which the offence relates, up to a maximum of $100,000:

(b) in the case of a body corporate, to a fine—

(i) not exceeding $200,000; or

(ii) not exceeding $20,000 for each animal to which the offence relates, up to a maximum of $200,000.

Schedule 2 clause 18: replaced, on 14 December 2019, by section 26 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

19 Offences relating to alteration, removal, reuse, and supply of NAIT devices

(1) Every person commits an offence who—

(a) alters or defaces a NAIT device:

(b) unless the person is, or has been authorised by, a NAIT officer or a NAIT authorised person, removes a NAIT device from a live animal:

(c) fits to a NAIT animal (whether dead or alive) a NAIT device removed from another NAIT animal, whether dead or alive:

(d) manufactures or supplies a device that does not comply with the requirements of regulations made, or standards issued, under this Act, while purporting that it is a NAIT device:

(e) without the prior written approval of the NAIT organisation, sells or trades a NAIT device supplied by a manufacturer or an importer of NAIT devices:

(f) without the prior written approval of the NAIT organisation, reuses, sells, or trades a radio-frequency identification device component extracted from a NAIT device.

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

(a) in the case of an individual, to a fine—

(i) not exceeding $100,000; or

(ii) not exceeding $10,000 for each device to which the offence relates, up to a maximum of $100,000:

(b) in the case of a body corporate, to a fine—

(i) not exceeding $200,000; or

(ii) not exceeding $20,000 for each device to which the offence relates, up to a maximum of $200,000.

(3) There is no offence under subclause (1)(b) in the case of removal of a NAIT device at, or immediately before, slaughter.

Compare: 2012 No 2 Schedule 2 cl 84

Schedule 2 clause 19: replaced, on 14 December 2019, by section 26 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

20 Offence of failing to comply with directions

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

(a) clause 1; or

(b) clause 4.

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

(a) in the case of an individual, to a fine not exceeding $100,000; or

(b) in the case of a body corporate, to a fine not exceeding $200,000.

Compare: 2012 No 2 Schedule 2 cl 85

Schedule 2 clause 20: replaced, on 14 December 2019, by section 26 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

Infringement offences

Heading: replaced, on 14 December 2019, by section 26 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

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

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

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

(3) If an infringement notice is served,—

(a) proceedings for an offence may be commenced in accordance with section 21 of the Summary Proceedings Act 1957; and

(b) section 21 of that Act applies with the necessary modifications.

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

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

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

Compare: 2012 No 2 Schedule 2 cl 86

Schedule 2 clause 21: replaced, on 14 December 2019, by section 26 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

22 Service and cancellation of infringement notices

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

(a) observes the person committing an infringement offence; or

(b) reasonably believes that the person is committing an infringement offence; or

(c) reasonably believes that the person has committed an infringement offence.

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

(a) the interests of justice require cancellation; and

(b) neither the particulars of a reminder notice nor a notice of hearing relating to the infringement notice has been filed in the District Court.

(3) An infringement notice is cancelled by the service of a cancellation notice.

(4) An infringement notice or a cancellation notice may be served by a NAIT officer or a NAIT authorised person personally delivering it to the person alleged to have committed the infringement offence, though a different NAIT

officer or NAIT authorised person from the one who issued the notice may deliver the notice, and the notice served may be a copy.

(5) Alternatively, an infringement notice or a cancellation notice may be served by post addressed to,—

(a) if the person is a natural person,—

(i) the address of the person's last-known place of residence; or

(ii) the address on the person's driver licence; or

(iii) the person's address on the latest electoral roll; or

(iv) the person's last-known registered address, if the person has or has had a registered address for any purpose; or

(v) the person's address in the latest telephone directory; or

(vi) the address of the person's last-known place of business; or

(b) if the person is not a natural person,—

(i) the person's last-known registered address, if the person has or has had a registered address for any purpose; or

(ii) the person's address in the latest telephone directory; or

(iii) the address of the person's last-known place of business.

(6) For the purposes of the Summary Proceedings Act 1957, an infringement notice or a cancellation notice served under subclause (5) is treated as having been served on the person at the time when it was posted.

Compare: 2012 No 2 Schedule 2 cl 87

Schedule 2 clause 22: replaced, on 14 December 2019, by section 26 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

22A Modifications to clause 22 while epidemic notice in force for COVID-19

[Repealed]

Schedule 2 clause 22A: repealed, on 20 October 2022, by clause 22A(4).

23 Form of infringement notice

(1) An infringement notice must be in the form prescribed by regulations made under section 69.

(2) The prescribed form must contain the following details:

(a) sufficient information for the person served with the notice of the time, place, and nature of the alleged infringement offence; and

(b) the amount of the infringement fee prescribed for the infringement offence; and

(c) the time within which the infringement fee must be paid; and

(d) the address of the place at which the infringement fee must be paid; and

(e) a statement of the person's right to ask for a hearing; and

(f) a statement of the person's right to ask for cancellation of the notice; and

(g) a statement of what will happen if the person does not pay the infringement fee or ask for a hearing or for cancellation of the notice; and

(h) a summary of the provisions of section 21(10) of the Summary Proceedings Act 1957.

Compare: 2012 No 2 Schedule 2 cl 88

Schedule 2 clause 23: replaced, on 14 December 2019, by section 26 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

24 Payment of infringement fees

All infringement fees paid for infringement offences must be paid to the Ministry.

Compare: 2012 No 2 Schedule 2 cl 89

Schedule 2 clause 24: replaced, on 14 December 2019, by section 26 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

General provisions applying to offences under Act

Heading: replaced, on 14 December 2019, by section 26 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

25 Time for filing charging document

Despite anything to the contrary in section 25 of the Criminal Procedure Act 2011, a charging document for any offence against this Act must be filed within 2 years after the date on which the matter giving rise to the charge first became known, or should have become known, to the Ministry or the NAIT organisation.

Compare: 2012 No 2 Schedule 2 cl 90

Schedule 2 clause 25: replaced, on 14 December 2019, by section 26 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

26 Liability of body corporate

(1) This clause applies when—

(a) a body corporate is charged with an offence against this Act; and

(b) for the purpose of the prosecution, it is necessary to establish the body corporate's state of mind.

(2) It is sufficient to show that a director, an employee, or an agent of the body corporate, acting within the scope of his or her actual or apparent authority, had the state of mind.

Compare: 2012 No 2 Schedule 2 cl 91

Schedule 2 clause 26: replaced, on 14 December 2019, by section 26 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

27 Liability of principals and agents

(1) Subclause (2) applies if an offence is committed against this Act by a person (**person A**) acting as the agent or employee of another (**person B**).

(2) Person B is liable for the offence as if person B had personally committed it, if it is proved that person B—

(a) authorised, permitted, or consented to the act constituting the offence; or

(b) knew the offence was, or was to be, committed and failed to take all reasonable steps to prevent or stop it.

(3) Subclause (2) does not prejudice the liability of person A.

Compare: 2012 No 2 Schedule 2 cl 92

Schedule 2 clause 27: replaced, on 14 December 2019, by section 26 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

28 Liability of director or manager of body corporate

If a body corporate is convicted of an offence against this Act, a director or manager of the body corporate is also guilty of the offence if it is proved that the director or manager—

(a) authorised, permitted, consented, or participated in the act or omission that constituted the offence; or

(b) knew, or could reasonably be expected to have known, that the offence was to be, or was being committed and failed to take all practicable steps to prevent or stop it.

Compare: 2012 No 2 Schedule 2 cl 93

Schedule 2 clause 28: replaced, on 14 December 2019, by section 26 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

29 Defences must be notified to prosecutor

(1) In a prosecution for an offence against clause 15, 16, 17, 18, 19, or 20, it is a defence if the defendant proves—

(a) that the defendant took all reasonable steps to avoid committing the offence; or

(b) that the act or omission constituting the offence—

(i) took place in circumstances of an adverse event or an emergency; and

(ii) was necessary for the preservation, protection, or maintenance of animal or human life or for animal welfare purposes.

(2) A defence is available only if the defendant provides to the prosecutor a written notice—

(a) stating that the defendant intends to rely on a defence under subclause (1); and

(b) specifying, as relevant,—

(i) for a defence under subclause (1)(a), the reasonable steps that the defendant claims to have taken:

(ii) for a defence under subclause (1)(b), the circumstances of the adverse event or emergency and the reasons why the act or omission was necessary for the preservation, protection, or maintenance of animal or human life or for animal welfare purposes.

(3) A notice given under subclause (2) must be provided to the prosecutor—

(a) not later than 7 working days after the summons has been served on the defendant; or

(b) with the leave of the court, within any further time that the court allows.

Compare: 2012 No 2 Schedule 2 cl 94

Schedule 2 clause 29: replaced, on 14 December 2019, by section 26 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

30 Evidence in proceedings

(1) In proceedings for an offence against this Act, a certificate or document that purports to be signed by the Director-General or delegate stating that a named person was, at or within the specified date or period, a NAIT officer or a NAIT authorised person—

(a) is admissible in evidence; and

(b) unless the contrary is proved, is sufficient evidence of the contents of the certificate or document.

(2) A certificate or document referred to in subclause (1) includes an electronic copy of the certificate or document.

Compare: 2012 No 2 Schedule 2 cl 95

Schedule 2 clause 30: replaced, on 14 December 2019, by section 26 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

31 Service of orders or notices

(1) If an order or a notice is to be given to a person for the purposes of this Act, it may be given—

(a) by delivering it personally to the person; or

(b) by delivering it at the usual or last-known place of residence or business of the person, including by fax or by electronic mail; or

(c) by sending it by prepaid post addressed to the person at the usual or last-known place of residence or business of the person.

(2) If an order or a notice is to be served on a body corporate for the purposes of this Act, service on an officer of the body corporate or on the registered office of the body corporate in accordance with subclause (1) is deemed to be service on the body corporate.

(3) If an order or a notice is to be served on a partnership for the purposes of this Act, service on any one of the partners in accordance with subclause (1) or (2) is deemed to be service on the partnership.

(4) If an order or a notice is sent by post to a person in accordance with subclause (1)(c), the order or notice is deemed, in the absence of proof to the contrary, to have been given on the third day after the day on which it was posted.

(5) This clause is subject to any other provision of this Act that provides differently for the service of orders or notices.

Compare: 2012 No 2 Schedule 2 cl 96

Schedule 2 clause 31: replaced, on 14 December 2019, by section 26 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

Schedule 3
Provisions applying where material is incorporated by reference in regulations made under section 70

s 70(2)

1 Incorporation of material by reference in regulations or standards

(1) Material incorporated by reference in regulations or standards made under this Act may be incorporated—

(a) in whole or in part; and

(b) with modifications, additions, or variations specified in the regulations or standards.

(2) The material incorporated by reference has legal effect as part of the regulations or standards.

2 Effect of amendments to, replacement of, and expiry of, material incorporated by reference

(1) An amendment to, or replacement of, existing material incorporated by reference into regulations or standards made under this Act has legal effect as part of the regulations or standards only if the regulations or standards—

(a) provide that a reference to that particular existing material includes a reference to the material as subsequently amended or replaced; or

(b) are amended to refer to the material as amended or replaced.

(2) If material that is incorporated by reference expires or ceases to have effect, and is not replaced, the material continues to have effect for the purpose of the regulations or standards unless or until the regulations or standards are amended in a way that means the material is no longer incorporated by reference.

3 Proof of material incorporated by reference

(1) A copy of material incorporated by reference in regulations or standards made under this Act, including any amendment to or replacement of the material, must be—

(a) certified as a correct copy of the material by the Director-General or, in the case of standards made by the NAIT organisation, by the chief executive of that organisation; and

(b) retained by the Director-General or the chief executive of the NAIT organisation, as the case requires.

(2) The production in proceedings of a certified copy of the material is, in the absence of evidence to the contrary, sufficient evidence of the incorporation of the material in the regulations or standards.

Schedule 3 clause 3(1)(a): amended, on 10 July 2026, by section 308(1) of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

Schedule 3 clause 3(1)(b): amended, on 10 July 2026, by section 308(2) of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

4 Requirement to consult

(1) Subclause (2) does not apply if, in relation to particular material (including amendment or replacement material) proposed to be incorporated by reference into regulations or standards made under this Act,—

(a) the material would amend or replace existing material incorporated by reference, and the regulations or standards provide that references to that existing material include references to any amendment to or replacement of the material; or

(b) the Minister is satisfied that the NAIT organisation already uses, or has been adequately consulted on, the material proposed to be incorporated by reference.

(2) Before regulations or standards are made that incorporate material by reference (including amendment or replacement material), the Director-General must—

(a) make copies of the material available for inspection during working hours for a reasonable period, free of charge, at the head office of the Ministry or of the NAIT organisation, as the case requires; and

(b) ensure that copies of the material are available for purchase; and

(c) give notice in the *Gazette* of where and when the material may be inspected free of charge, and how it may be purchased; and

(d) allow a reasonable opportunity for persons to comment on the proposal to incorporate the material by reference; and

(e) consider any comments made.

(3) Subclause (2) applies to the chief executive of the NAIT organisation in the case of standards made by that organisation.

(4) A failure to comply with subclause (2) does not invalidate regulations or standards that incorporate material by reference.

Schedule 3 clause 4(2): amended, on 10 July 2026, by section 308(1) of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

5 Access to material incorporated by reference

(1) The Director-General or the chief executive of the NAIT organisation, as the case requires,—

(a) must make any material that is incorporated by reference into regulations or standards made under this Act available for inspection at the head office of the Ministry or of the NAIT organisation, as the case requires, during working hours, free of charge; and

(b) must ensure that copies of the material are available for purchase; and

(c) may make copies of the material available in any other way that the Director-General or the chief executive of the NAIT organisation, as the case requires, considers appropriate (for example, on an Internet site); and

(d) must give notice in the *Gazette*—

(i) stating that the material is incorporated in the regulations or standards and giving the date on which they were made; and

(ii) setting out where and when the material may be inspected free of charge, and how it may be purchased.

(2) A failure to comply with subclause (1) does not invalidate the regulations or standards that incorporate the material by reference.

Schedule 3 clause 5(1): amended, on 10 July 2026, by section 308(2) of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

Schedule 3 clause 5(1)(c): amended, on 10 July 2026, by section 308(3) of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

6 Application of Legislation Act 2019 to material incorporated by reference

Subpart 1 of Part 3 and section 114 of the Legislation Act 2019 do not apply to material that is incorporated by reference in regulations merely because it is incorporated.

Schedule 3 clause 6: replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

7 Application of Regulations (Disallowance) Act 1989

[Repealed]

Schedule 3 clause 7: repealed, on 5 August 2013, by section 77(3) of the Legislation Act 2012 (2012 No 119).

Schedule 4
Enactments amended

s 75

Animal Products Act 1999 (1999 No 93)

Section 161(5)(a)(viiia): repeal and substitute:

(viiia) the National Animal Identification and Tracing Act 2012:

Ombudsmen Act 1975 (1975 No 9)

Part 2 of Schedule 1: insert the following in its appropriate alphabetical order:

National Animal Identification and Tracing Organisation

Wild Animal Control Act 1977 (1977 No 111)

Section 2(1): definition of **wild animal**: omit "an identification system registered under section 3 of the Animal Identification Act 1993" from paragraph (a)(iii)(B) and substitute "an animal identification device approved under the National Animal Identification and Tracing Act 2012".

Section 9(2)(d)(i): repeal and substitute:

(i) approved under the National Animal Identification and Tracing Act 2012; or

Section 12(2): omit "the branding thereof as provided for pursuant to section 3 of the Animal Identification Act 1993" and substitute "the identification of it under the National Animal Identification and Tracing Act 2012".

Section 12A(8): omit "registered under section 3 of the Animal Identification Act 1993" and substitute "approved under the National Animal Identification and Tracing Act 2012".

Section 12B(4): omit "registered under section 3 of the Animal Identification Act 1993" and substitute "approved under the National Animal Identification and Tracing Act 2012".

Notes

1 General

This is a consolidation of the National Animal Identification and Tracing Act 2012 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41): Part 16

Statutes Amendment Act 2022 (2022 No 75): Part 25

Data and Statistics Act 2022 (2022 No 39): section 107(1)

Secondary Legislation Act 2021 (2021 No 7): section 3

Public Service Act 2020 (2020 No 40): section 135

Privacy Act 2020 (2020 No 31): section 217

National Animal Identification and Tracing Amendment Act 2019 (2019 No 74)

National Animal Identification and Tracing Amendment Act 2018 (2018 No 26)

Standards and Accreditation Act 2015 (2015 No 91): section 45(1)

National Animal Identification and Tracing Amendment Act 2015 (2015 No 26)

Legislation Act 2012 (2012 No 119): section 77(3)

National Animal Identification and Tracing Act Commencement Order 2012 (SR 2012/113)

National Animal Identification and Tracing Act 2012 (2012 No 2): section 2(3)(b), Schedule 2 clause 22A(4)

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