

Reprint
as at 14 December 2019



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

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 10th day of December 2012

Present:

His Excellency the Governor-General in Council

Pursuant to section 69 of the National Animal Identification and Tracing Act 2012, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council and on the recommendation of the Minister for Primary Industries, makes the following regulations.

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by the Ministry for Primary Industries.

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Regulations

1 Title

These regulations are the National Animal Identification and Tracing (Infringement Offences) Regulations 2012.

2 Commencement

These regulations come into force on 10 January 2013.

3 Interpretation

In these regulations, **Act** means the National Animal Identification and Tracing Act 2012.

4 Infringement offences and infringement fees

- (1) The offences specified in Schedule 1 are infringement offences under the Act.
- (2) The infringement fee payable for an infringement offence is the fee specified for the offence in Schedule 1.
- (3) A person (the **defendant**) charged with an alleged infringement offence has a defence to the infringement offence if the defendant proves that—
 - (a) the defendant took all reasonable steps to avoid committing the offence; or
 - (b) 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.
- (4) 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 (3); and
 - (b) specifying, as relevant,—
 - (i) for a defence under subclause (3)(a), the reasonable steps that the defendant claims to have taken;
 - (ii) for a defence under subclause (3)(b), the circumstances of an adverse event or emergency and the reasons why the act or omis-

sion was necessary for the preservation, protection, or maintenance of animal or human life or for animal welfare purposes.

- (5) A notice given under subclause (4) 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.

5 Infringement offence notice and reminder notice

Infringement offence notices and reminder notices issued under the Act must be in the applicable form set out in Schedule 2.

Schedule 1 Infringement offences

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Schedule 1: replaced, on 14 December 2019, by section 29(2) of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

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

Enactment	General description of offence	Infringement fee (\$)
Clause 17(1)(c), Schedule 2 of Act	A PICA for a NAIT location or other location who, contrary to the requirements prescribed by regulations made under the Act, fits a NAIT device prescribed for 1 species or sub-group of species to an animal of another species or sub-group of species	400
Clause 17(1)(d), Schedule 2 of Act	A PICA for a NAIT location or other location who uses a NAIT device on an animal in a location other than a registered location	400
Clause 17(1)(e), Schedule 2 of Act	A PICA for a NAIT location or other location who, contrary to the requirements prescribed by regulations made under the Act and without an exemption, when a NAIT animal arrives at that location without a NAIT device, fails either to return the animal to the PICA who consigned the animal to the location or to fit a replacement device to the animal and reregister it in the manner, and within the time, specified in regulations made under the Act	400
Clause 18(1), Schedule 2 of Act	A person who, without an exemption, moves from a location any NAIT animal that is not fitted with a NAIT device	400
Regulations 5(5A) and 27(1), National Animal Identification and Tracing (Obligations and Exemptions) Regulations 2012	The organiser of an event involving any NAIT animals who is required to notify the event and to register its location (if it is not currently registered) under section 29(3) of the Act and who fails, at least 72 hours before the event, to notify the NAIT organisation of the date of the event and the address of the location of the event and to register the location of the event with the NAIT organisation	400
Regulations 5(5B) and 27(1), National Animal Identification and Tracing (Obligations and Exemptions) Regulations 2012	The owner of a place where NAIT animals will be temporarily held during any animal movement who is required to register the place under section 29(4) of the Act and who fails, at least 24 hours before temporarily holding animals at the place, to register the place as a transit stop	400
Regulations 9 and 27(1), National Animal Identification and Tracing (Obligations and Exemptions) Regulations 2012	A PICA for a NAIT location who fails to state in an animal exit declaration under section 32(1) of the Act that a NAIT animal was slaughtered at that location or that the carcass of a NAIT animal that died at that location was disposed of at that location or sent to an animal rendering facility	400
Regulations 10(5) and 27(1), National Animal Identification and Tracing (Obligations and Exemptions) Regulations 2012	A PICA who has provided information to the NAIT organisation under section 33(b) of the Act and fails to inform the organisation of any change to the information within 30 days after the change occurs	400
Regulations 10(6) and 27(1), National Animal Identification and Tracing (Obligations and Exemptions) Regulations 2012	A PICA for a NAIT location or other location who fails to take all reasonable steps to ensure that information the PICA provides under section 33(a) of the Act to the NAIT organisation electronically or orally by phone is accurate and correct at the time it is provided	400

Enactment	General description of offence	Infringement fee (\$)
Regulations 25 and 27(1), National Animal Identification and Tracing (Obligations and Exemptions) Regulations 2012	A PICA who, contrary to the requirements prescribed by regulations made under the Act, fails to make (before the animal leaves New Zealand) an animal exit declaration at a port of export for a NAIT animal that is to be exported live from that port	400
Regulations 26(1) and 27(1), National Animal Identification and Tracing (Obligations and Exemptions) Regulations 2012	A person who is granted access to data in the NAIT information system by the administrator or the panel under section 45 or 46 of the Act and who fails to comply with conditions imposed under section 47(5)(a) of the Act that restrict the use to which the data may be put	1,000
Regulations 26(2) and 27(1), National Animal Identification and Tracing (Obligations and Exemptions) Regulations 2012	A person who is granted access to data in the NAIT information system by the administrator or the panel under section 45 or 46 of the Act and who fails to comply with conditions imposed under section 47(5)(b) that prohibit further disclosure of the data	1,000
Regulations 26(3) and 27(1), National Animal Identification and Tracing (Obligations and Exemptions) Regulations 2012	A person who is granted access to data in the NAIT information system by the administrator or the panel under section 45 or 46 of the Act and who fails to comply with conditions imposed under section 47(5) of the Act other than the conditions referred to in paragraphs (a) to (d) of that provision	1,000

Schedule 2

Forms

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Schedule 2: replaced, on 14 December 2019, by section 29(2) of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

Form 1

Infringement notice

Clause 24 of Schedule 2 of the National Animal Identification and Tracing Act 2012

(Front page)

Notice number:

Details of person served

Full name or company name:

*Date of birth:

Trading name (if different to company name):

Physical address:

Post code:

Business address (if different to physical address):

Electronic address:

*Omit if the notice is served on a company.

Alleged infringement offence

Date of offence:

Time:

Location:

Fee payable to Director-General: \$[*amount*]

This is an infringement offence against [*section or regulation number*] of the [*Act or regulation name*].

Charge text: [*narrative of events*]

Issuing details

Date served:

Issuing inspector's warrant number:

Method infringement notice served by:

Procedure for payment of infringement fee

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

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

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

[*Deposit slip is printed here.*]

(Back page)

Information about infringement offences

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

1 Payment of infringement fee

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

2 Further action

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

3 Defences

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

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

4 Right to request hearing

- (1) You have the right to request a hearing. A request for a hearing must be made in writing, be signed by you, and be delivered to [*the prosecutor*] at the address shown in the note at the end of this information within 28 days after the service of this notice. If you request a hearing, you may deny liability for the offence or admit liability and make submissions as to penalty or any other matter.
- (2) If you deny liability for the offence, [*the prosecutor*] will serve you with a notice of hearing setting out the place and time at which the matter will be heard by the court (unless [*the prosecutor*] decides not to commence court proceedings).

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

- (3) If you admit liability for the offence but want the court to consider your submissions, you should, in your request for a hearing,—
- (a) admit the offence; and
 - (b) set out the written submissions you wish the court to consider. [*The prosecutor*] will then file your letter with the court (unless [*the prosecutor*] decides not to commence court proceedings) and indicate if you wish to appear.

Note: Any costs will be imposed in addition to any fine.

5 Consequences of taking no action

If you do not pay the infringement fee and do not request a hearing within 28 days after the service of this notice, you will be served with a reminder notice (unless [*the prosecutor*] decides otherwise).

If you do not pay the infringement fee and do not request a hearing in respect of the alleged infringement offence within 28 days after the service of the reminder notice, you will become liable to pay costs in addition to the infringement fee (unless [*the prosecutor*] decides not to commence court proceedings against you).

6 Questions and other correspondence

In any correspondence, please include—

- (a) the date of the infringement notice; and
- (b) the infringement notice number; and
- (c) the course of action you are taking in respect of the alleged offence; and
- (d) your full address for replies.

Note: All queries and all correspondence regarding this notice must be directed to [*specify full address*]. Further details of your rights and obligations are set out in clauses 22 to 24 of Schedule 2 of the National Animal Identification and Tracing Act 2012 and section 21 of the Summary Proceedings Act 1957.

Schedule 2 form 1: replaced, on 14 December 2019, by section 29(2) of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

Form 2
Reminder notice

Clause 24 of Schedule 2 of the National Animal Identification and Tracing Act 2012

(Front page)

Notice number:

Details of person served

Full name or company name:

*Date of birth:

Trading name (if different to company name):

Physical address:

Post code:

Business address (if different to physical address):

Electronic address:

*Driver licence:

Other identification (if no driver licence):

Telephone number:

*Omit if the notice is served on a company.

Alleged infringement offence details

Date of offence:

Time:

Location:

Fee payable to Director-General: \$[*amount*]

This is an infringement offence against [*section or regulation number*] of the [*Act or regulation name*].

Charge text: [*narrative of events*]

Service details (to be provided for filing in court)

Date infringement notice served:

Issuing inspector's warrant number:

Reminder notice served by [*method of service*] on [*date of service*].

The last day for payment is [*date*], being 28 days from the date of service of the infringement notice recorded on this notice.

Procedure for payment of infringement fee

Infringement fees may be paid to the Director-General of the Ministry for Primary Industries by any of the following methods: [*specify payment options*]

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

[*Deposit slip is printed here.*]

(Back page)

Information about infringement offences

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1 Payment of infringement fee

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

2 Further action

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

3 Defences

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

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

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

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If you do not pay the infringement fee and do not request a hearing in respect of the alleged infringement offence within 28 days after the service of this notice, you will become liable to pay costs in addition to the infringement fee (unless [*the prosecutor*] decides not to commence court proceedings against you).

6 Questions and other correspondence

In any correspondence, please include—

- (a) the date of the infringement notice; and
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- (c) the course of action you are taking in respect of the alleged offence; and
- (d) your full address for replies.

Note: All queries and all correspondence regarding this notice must be directed to [*specify full address*]. Further details of your rights and obligations are set out in clauses 22 to 24 of Schedule 2 of the National Animal Identification and Tracing Act 2012 and section 21 of the Summary Proceedings Act 1957.

Schedule 2 form 2: replaced, on 14 December 2019, by section 29(2) of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

Michael Webster,
for Clerk of the Executive Council.

Reprints notes

1 *General*

This is a reprint of the National Animal Identification and Tracing (Infringement Offences) Regulations 2012 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

National Animal Identification and Tracing Amendment Act 2019 (2019 No 74): section 29