

Departmental Disclosure Statement

National Animal Identification and Tracing Amendment Bill

The departmental disclosure statement for a government Bill seeks to bring together in one place a range of information to support and enhance the Parliamentary and public scrutiny of that Bill.

It identifies:

- the general policy intent of the Bill and other background policy material;
- some of the key quality assurance products and processes used to develop and test the content of the Bill;
- the presence of certain significant powers or features in the Bill that might be of particular Parliamentary or public interest and warrant an explanation.

This disclosure statement was prepared by the Ministry for Primary Industries.

The Ministry for Primary Industries certifies that, to the best of its knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

7 August 2018

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Part One: General Policy Statement

This Bill makes technical amendments to the National Animal Identification and Tracing Act 2012 (the NAIT Act) to align its provisions with existing policy and legislative intent. The Bill does not represent new policy.

The amendments clarify certain existing obligations, search and inspection powers, and offence provisions, and are important for the investigation and management of non-compliance with the NAIT Act. The amendments are necessary to support the *Mycoplasma bovis* response and eradication programme.

The NAIT Act provides the legislative framework for the NAIT scheme, which links people, property and livestock in New Zealand. The NAIT scheme is pivotal to animal and disease tracing, and is also important for food safety and quality assurance programmes. It has become apparent over the course of the *Mycoplasma bovis* response that changes to the NAIT Act are required to support compliance with NAIT requirements. It is vital that people comply with NAIT requirements to help ensure there can be timely responses to biosecurity incursions like *Mycoplasma bovis*.

Specifically, the Bill:

- removes the requirement for a search warrant under the NAIT Act to be in a particular form; and
- aligns the powers under the NAIT Act for warrantless inspections and searches with those in the Search and Surveillance Act 2012; and
- clarifies two inconsistent provisions in the NAIT Act to make clear that all animal movements from one location to another location must be declared to NAIT, whether or not that other place is a registered NAIT location, and ensures the existing corresponding offence provision clearly covers the failure to declare movements of animals to another location even where it is not a registered NAIT location.

Part Two: Background Material and Policy Information

Published reviews or evaluations

2.1. Are there any publicly available inquiry, review or evaluation reports that have informed, or are relevant to, the policy to be given effect by this Bill?	NO
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Relevant international treaties

2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty?	NO
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Regulatory impact analysis

2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?	NO
<p>The Bill does not give effect to new policy. It contains technical amendments that clarify existing policy and legislative intent. The Bill is exempt from the regulatory impact analysis requirements, and a regulatory impact assessment is not required.</p> <p>A regulatory impact statement was prepared to inform the policy decisions that led to the NAIT Act. A copy of the statement can be found at: https://www.mpi.govt.nz/law-and-policy/legal-overviews/regulatory-impact-statements/</p>	

Extent of impact analysis available

2.4. Has further impact analysis become available for any aspects of the policy to be given effect by this Bill?	NO
2.5. For the policy to be given effect by this Bill, is there analysis available on:	
(a) the size of the potential costs and benefits?	NO
(b) the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth?	NO
The Bill is not giving effect to new policy.	

2.6. For the policy to be given effect by this Bill, are the potential costs or benefits likely to be impacted by:	
(a) the level of effective compliance or non-compliance with applicable obligations or standards?	NO
(b) the nature and level of regulator effort put into encouraging or securing compliance?	NO
The Bill is not giving effect to new policy.	

Part Three: Testing of Legislative Content

Consistency with New Zealand's international obligations

3.1. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with New Zealand's international obligations?

The Bill is not giving effect to new policy.

Consistency with the government's Treaty of Waitangi obligations

3.2. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with the principles of the Treaty of Waitangi?

The Bill is not giving effect to new policy.

Consistency with the New Zealand Bill of Rights Act 1990

3.3. Has advice been provided to the Attorney-General on whether any provisions of this Bill appear to limit any of the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990?

NO

Offences, penalties and court jurisdictions

3.4. Does this Bill create, amend, or remove:

(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalty regimes)?

NO

(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?

NO

The Bill makes technical amendments to existing offence provisions in the NAIT Act and associated regulations, but does not to give effect to new policy. Rather, the Bill simply clarifies that the provisions cover the failure to declare movements of animals to another location even if it is not a registered NAIT location.

Specifically, the Bill amends the NAIT Act, the National Animal Identification and Tracing (Infringement Offences) Regulations 2012, and the National Animal Identification and Tracing (Obligations and Exemptions) Regulations 2012.

3.4.1. Was the Ministry of Justice consulted about these provisions?

YES

Yes.

Privacy issues

3.5. Does this Bill create, amend or remove any provisions relating to the collection, storage, access to, correction of, use or disclosure of personal information?

NO

External consultation

3.6. Has there been any external consultation on the policy to be given effect by this Bill, or on a draft of this Bill?	NO
In the course of the <i>Mycoplasma bovis</i> response stakeholders have asked the Ministry for Primary Industries and the Government to take stronger action against non-compliance with NAIT Act obligations. The amendments in the Bill clarify certain existing obligations, search and inspection powers, and offence provisions, which will ensure non-compliance can be more effectively dealt with.	

Other testing of proposals

3.7. Have the policy details to be given effect by this Bill been otherwise tested or assessed in any way to ensure the Bill's provisions are workable and complete?	NO
Not applicable. The amendments are technical only.	

Part Four: Significant Legislative Features

Compulsory acquisition of private property

4.1. Does this Bill contain any provisions that could result in the compulsory acquisition of private property?	NO
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Charges in the nature of a tax

4.2. Does this Bill create or amend a power to impose a fee, levy or charge in the nature of a tax?	NO
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Retrospective effect

4.3. Does this Bill affect rights, freedoms, or impose obligations, retrospectively?	NO
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Strict liability or reversal of the usual burden of proof for offences

4.4. Does this Bill:	
(a) create or amend a strict or absolute liability offence?	NO
(b) reverse or modify the usual burden of proof for an offence or a civil pecuniary penalty proceeding?	NO

Civil or criminal immunity

4.5. Does this Bill create or amend a civil or criminal immunity for any person?	NO
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Significant decision-making powers

4.6. Does this Bill create or amend a decision-making power to make a determination about a person's rights, obligations, or interests protected or recognised by law, and that could have a significant impact on those rights, obligations, or interests?	NO
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Powers to make delegated legislation

4.7. Does this Bill create or amend a power to make delegated legislation that could amend an Act, define the meaning of a term in an Act, or grant an exemption from an Act or delegated legislation?	NO
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4.8. Does this Bill create or amend any other powers to make delegated legislation?	NO
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Any other unusual provisions or features

4.9. Does this Bill contain any provisions (other than those noted above) that are unusual or call for special comment?	NO
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