



Cabinet Environment, Energy and Climate Committee

Summary

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Proposed Regulations to Control Trade in Extinct Species: Discussion Document

Portfolio Conservation

Purpose This paper seeks agreement to release the attached public discussion document on proposed regulations to control trade in extinct species.

Previous Consideration None.

Summary Since the emergence of online trading websites approximately 20 years ago there has been a proliferation in the trade of moa bone (in particular) and other remains of extinct species. This trade has been of increasing concern to researchers nationwide. To date, museum experts have documented more than 350 occasions when moa bones and eggshells have been offered for sale since 2010. The key problems are that many sellers are obtaining this material freshly from the ground or from caves, and this material is often obtained unlawfully from places where they are legally protected.

Section 72(2)(1) of the Wildlife Act 1953 provides for the making of regulations to prohibit or regulate the purchase and sale of moa bones and eggshells, and the remains of other extinct species. Situations where sale would be allowed or might be authorised are detailed in **paragraphs 19-25**.

There are some significant collections of moa bone and other recently extinct species specimens held by private collectors, and many individual items are held in private ownership. To minimise impacts on people who already hold extinct species, the proposal seeks to exclude from the proposed prohibition on sale, trade in items that do not create impacts on archaeological and natural sites caused by people seeking items to sell (for example, taxidermied specimens of huia). Ancient Māori artefacts (ngā taonga tūturu) already managed under the Protected Objects Act 1975 are also excluded from coverage under the proposals.

The Minister of Conservation (the Minister) is proposing consultation with Māori, and targeted public consultation, for a minimum of 6 weeks, to help develop recommendations for the making of new regulations, if appropriate, to govern the sale of the remains of moa and other extinct wildlife. The consultation document is attached.

Regulatory Impact Analysis	The attached discussion document substitutes for a Regulatory Impact Assessment. The Department of Conservation (DoC) has reviewed the discussion document and has confirmed that it is likely to lead to effective consultation.
Baseline Implications	None for this paper.
Legislative Implications	None for this paper. The Minister will report back to ENV in regard to any proposed new regulations under the Wildlife Act following public consultation.
Timing Issues	None indicated.
Announcement	A media statement will be released. The discussion document will be published on the DoC website and copies will be provided to targeted interest groups seeking their feedback. DoC Officials will write to and contact Māori groups and organisations directly, in accordance with existing relationship arrangements with them, inviting them to present their views and to meet if requested.
Proactive Release	The attached paper will be proactively released.
Consultation	<p>Paper prepared by DoC. MCH (Arts, Culture and Heritage), Treasury, TPK and Te Arawhiti were consulted. DPMC (Prime Minister) was informed.</p> <p>The Minister of Conservation indicates that the Prime Minister, the Deputy Prime Minister, the Associate Minister of Education (Hon Kelvin Davis), the Minister of Finance, the Associate Minister for Arts, Culture and Heritage (Hon Grant Robertson), the Attorney-General, the Minister for Small Business, the Minister for Biosecurity, the Associate Minister of Transport (Hon Shane Jones), the Associate Minister of Finance (Hon James Shaw), the Minister for Economic Development and the Associate Minister for Trade and Export Growth (Hon Nanaia Mahuta) were consulted.</p> <p>The Minister also indicates that New Zealand First and the Green Party and the Labour Party were consulted.</p>

The Minister of Conservation recommends that the Committee:

- 1 note that people are taking remains of moa and other extinct wildlife from protected and other sites in order to sell them for commercial gain, thereby harming Māori cultural values and destroying potential scientific information;
- 2 note that the Minister of Conservation intends to release the draft discussion document, attached to the paper under ENV-20-SUB-0012, to facilitate consultation with Māori, plus targeted public consultation, on proposed regulations to control the trade of extinct New Zealand species;

- 3 agree to the release of the discussion document attached to the paper under ENV-20-SUB-0012;
- 4 agree that minor edits and design changes can be made to the draft document prior to publication;
- 5 note that the Minister of Conservation will report back to the Cabinet Environment, Energy and Climate Committee in regard to any proposed new regulations following Māori and public consultation.

Vivien Meek
Committee Secretary

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Released by the Minister of Conservation