

**Questionnaire on the implementation of Resolution Conf. 9.14 (Rev. CoP17) and
measures to prevent and combat rhinoceroses poaching and trafficking in rhinoceros horn**

Please provide as much information as possible in answer to the questions below. Where specified within the questions, please report on any actions taken since the 17th meeting of the Conference of the Parties (CoP17, Johannesburg, 2016). In all other questions, information requested is not time bound.

Country	New Zealand
Function of agency completing this questionnaire	Department of Conservation (CITES Management Authority, Scientific Authority and Enforcement Authority)
Contact details of agency/agencies completing this questionnaire	Department of Conservation, 18-32 Manners Street, Wellington, New Zealand
Contact person (name, email, job title, function)	Mr Dylan Swain, dswain@doc.govt.nz , Principal Compliance Officer, Compliance/Law Enforcement/Wildlife Crime

Question 1.	INVESTIGATIONS, (Please do NOT provide any nominal or other sensitive information that might jeopardise or impede ongoing or future investigations or prosecutions)
1.1.	<p>Has your country developed and implemented any law enforcement strategies to combat, as applicable, rhinoceros poaching and illegal trade in rhinoceros horn?</p> <p>No – we have not implemented any law enforcement strategies to specifically target the illegal trade in rhino horn, however it is included in our broader strategies for enforcement relating to the illegal trade in CITES listed products. New Zealand does not experience a high enough trade (legal or illegal) to justify a separated strategy relating to rhino horn.</p>

1.2.	<p>Has your country adopted legislation or drawn upon existing legislation to facilitate the use of specialized investigation techniques such as controlled deliveries and covert investigations, where appropriate, in support of conventional investigation techniques, in particular for offences related to the illegal killing of rhinoceroses and the trafficking of rhinoceros horns?</p> <p>No specific legislation related to rhino related crime, however we have broad powers to conduct covert investigations as part of a wider suite of powers under the Search and Surveillance Act 2012.</p>
------	--

1.3	<p>Has your country used any other legislative tools and regulations, such as anti-money laundering and asset forfeiture legislation, in support of wildlife legislation, to address rhinoceros poaching and illegal trade in rhinoceros horn and other parts or derivatives, as applicable to your country?</p> <p>Proceeds of crime (asset forfeiture) legislation is available for use relating to any criminal act in New Zealand for which the maximum penalty of the crime is a term of imprisonment of at least 5 years. Trading in CITES-listed specimens carries a maximum term of imprisonment of 5 years for all Appendix One species, and therefore proceeds of crime legislation can be used if deemed appropriate.</p>
1.4	<p>Has your country shared information and cooperated with other source, transit or destination countries, or international law enforcement organizations, and was any mechanisms such as those provided for in the United Nations Convention against Transnational Organized Crime (UNTOC) and the United Nations Convention Against Corruption (UNCAC) mobilized to address individuals or groups suspected of involvement in rhinoceros poaching or the illegal trade in rhinoceros parts and derivatives, including conducting cross-border investigations?</p> <p>No – New Zealand has not conducted any cross-border investigations relating to wildlife crime.</p>

Question 2.	LEGISLATION
2.1	<p>Has your country enacted and implemented comprehensive legislation and enforcement controls, including internal trade restrictions and penalties aimed at reducing illegal trade in rhinoceros parts and derivatives, and including any specimen that appears from an accompanying document, the packaging, a mark or label, or any from any other circumstances, to be a rhinoceros part or derivative?</p> <p>Yes – the Trade in Endangered Species Act 1989 implements controls on the trade in CITES-listed species, including rhino horn. This covers international trade, however we have no restrictions on domestic/internal trade. The maximum penalty for trading in rhino horn (being an appendix one species) without the appropriate permit is a term of imprisonment not exceeding 5 years and/or a fine of up to \$100,000. For companies convicted, the maximum sentence is a fine not exceeding \$200,000. Possession of specimens where the person/company knew or should have known they have been traded illegally is punishable by the same penalties.</p> <p>Link: http://legislation.govt.nz/act/public/1989/0018/latest/DLM145966.html#DLM147027</p>
2.2	<p>Has your country enacted legislation that prohibits possession of rhinoceros parts and derivatives acquired in violation of the Convention?</p> <p>Yes – For situations where a person knew, or should have known, specimens were illegally imported/exported, the Trade in Endangered Species Act 1989 allows penalties of a term of imprisonment not exceeding 5 years and/or a fine of up to \$100,000. For companies convicted, the maximum sentence is a fine not exceeding \$200,000.</p> <p>Link: http://legislation.govt.nz/act/public/1989/0018/latest/DLM145966.html#DLM147027</p>

Question 3.	PROSECUTIONS
3.1.	<p>Please provide details of prosecutions that have been initiated in your country <u>since October 2016</u> related to the illegal killing of rhinoceroses or illegal possession of and trade in rhinoceros horns, including dates, quantities and types of specimens involved, outcomes (successful or not), penalties imposed, prosecution rates, etc.</p> <p>New Zealand has not prosecuted anyone relating to rhino crime in the timeframe listed.</p>
3.2	<p>If any measures have been implemented in your country that contributed to an increase in the number of successful prosecutions concerning the illegal killing of rhinoceroses or illegal possession of and trade in rhinoceros horns, please share information about these measures.</p> <p>N/A</p>
3.3	<p>Please outline below any barriers or obstacles there may be in securing successful prosecutions or deterrent penalties in your country concerning the illegal killing of rhinoceroses or illegal possession of and trade in rhinoceros horns, and any support that might be needed to overcome them.</p> <p>No barriers. New Zealand has limited to no wildlife crime in relation to rhino horn, however appropriate legislative and enforcement provisions are in place should they be required.</p>

Question 4.	DNA FORENSICS
4.1.	<p>Does your country routinely collect samples from rhinoceros parts and derivatives seized for forensic analysis?</p> <p>No.</p>
4.2.	<p>Has your country to date in any way used the Form for collection and sharing of data on rhinoceros horn seizures and on samples for forensic analysis provided in the Annex to Resolution Conf. 9.14 (Rev. CoP17) Conservation of and trade in African and Asian rhinoceroses, to collect and share information about seizures of rhinoceros specimens?</p> <p>No.</p>
Question 5.	RHINO HORN STOCK MANAGEMENT
5.1.	<p>Does your country have legislation, regulations or administrative measures in place to ensure that stocks of rhinoceros horn are identified, marked, registered and secured, pursuant to Resolution Conf. 9.14 (Rev. CoP17) on Conservation of and trade in African and Asian rhinoceroses?</p> <p>No. New Zealand does not have sufficient quantities of trade in rhino horn to justify introducing such measures.</p>

5.2.	<p>Has your country declared these stocks to the Secretariat in accordance with the provisions of Resolution Conf. 9.14 (Rev. CoP17), paragraph 2. a)?</p> <p>N/A</p>
5.3	<p>Has your country implemented national level measures for the management of imported rhinoceros trophies, including addressing the issue of alteration and transfer of such trophies, to ensure the rhinoceros horns acquired as legal hunting trophies remain in lawful possession pursuant to Resolution Conf. 9.14 (Rev. CoP17) on Conservation of and trade in African and Asian rhinoceroses?</p> <p>No.</p>