

Department of Conservation resolves impasse concerning ivory-key piano held by New Zealand Customs

Legislation	Ombudsmen Act 1975, Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)
Agency	Department of Conservation
Ombudsman	Sir Brian Elwood
Case number(s)	W40660
Date	1998

Refusal to release piano imported from United Kingdom—family heirloom from 1920s—need for approval of Department of Conservation under CITES because of ivory content—conflict between New Zealand legislation implementing CITES and European Community Regulations—impasse resolved by acceptance of statutory declaration by family—conflict to be raised with CITES Secretariat

A complaint was made concerning an impasse reached in attempts to uplift a piano from the New Zealand Customs Service. The complainants had arranged to have the piano, which had been in the family since the 1920s, shipped from the United Kingdom to New Zealand. An export certificate had not been applied for in the United Kingdom, as the complainants were not aware that this was necessary. When the piano arrived in New Zealand, the Service advised the complainants that it could not be released without the approval of the Department of Conservation, under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), as it was suspected that the piano keys contained ivory.

The Department of Conservation advised the complainants that they needed to obtain a formal certificate of exemption from CITES from the United Kingdom. However, on contacting the United Kingdom, the complainants were advised that it was not possible to issue a certificate retrospectively. They were also advised that as they were resident outside the European Union, they could take the piano to New Zealand as a personal or household effect without a re-export certificate, under European Community (EC) Regulations. In reporting on the complaint, the Department of Conservation advised that there was an impasse between the requirements of the New Zealand legislation implementing CITES, and the EC Regulations. It

was stated that as the piano had been in the family since the 1920s it would qualify as a pre-Convention Specimen and be exempt from the usual CITES trade documentation requirements. However, a certificate from the United Kingdom to that effect was required by both CITES and the New Zealand legislation implementing it.

In order to resolve the matter, the Department accepted a statutory declaration from the complainants confirming the age and status of the piano. While this did not comply with the CITES requirements, it allowed the Department to issue a CITES Certificate of Acquisition and thus ensure compliance with the New Zealand legislation. Written confirmation was then sent to the Service approving the release of the piano, and the investigation was concluded on the basis that the complaint had been resolved.

The Department also advised that it intended to approach the CITES Secretariat to seek a possible resolution of the conflict between the obligations of CITES and the way in which these obligations are implemented in the legislation of New Zealand and the European Union.

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