

23 July 2018

J Walpole
fyi-request-7850-0b7039df@requests.fyi.org.nz

Dear J Walpole

I refer to your request under the Official Information Act 1982 (OIA), dated 2 July 2018, for the following information:

I would like to know the total number of prosecutions made pursuant to the Protected Objects Act pre-2006 and subsequent to the 2006 amendment act.

I would also like to know the total number of prosecutions in the Northland region, pre-2006 and post 2006 amendment act, if possible.

There have been no prosecutions brought under the Protected Objects Act 1975 since it came into force on 1 November 2006, superseding the Antiquities Act 1975.

Under the Antiquities Act 1975 (which was in force between 1 April 1976 and 31 October 2006), there was one prosecution: the case of *Department of Internal Affairs v The Poverty Bay Club Inc.* which was determined in 1989.

Department of Internal Affairs v The Poverty Bay Club Inc. (DCR [1989] 481) was a prosecution by the Department of Internal Affairs (which administered the Antiquities Act at that time) against the Poverty Bay Club Incorporated, under section 5 of the Antiquities Act 1975. The defendant was convicted of the charge of deliberately removing a letter written by Captain James Cook from New Zealand to Southeby's in London, without the necessary certificate of permission of the Secretary of Internal Affairs. I enclose an extract from the District Court Reports for 1989 which provides further detail on this case.

You may also be aware of the case *Attorney-General of New Zealand v Ortiz and others*, heard in the House of Lords in 1983 (the 'Motonui panels' case). This case was heard under the Historic Articles Act 1962 (the legislation that preceded the Antiquities Act 1975), although it was not a prosecution under that Act as such. For further detailed background on this case, please see the enclosed extract from the All England Law Reports [1983] 2 All ER. Neither of these two cases took place in the Northland region.

If you wish to discuss our response to your request with us, please feel free to contact Kartini Havell at kartini.havell@mch.govt.nz.

Yours sincerely



Imelda Bargas
Team Manager, Memorials and Taonga

