Taonga and the public interface of the Protected Objects Act 1975

Ko te mea tuatahi, māku e tuku atu he mihi ki ngā mate, kua wehe atu ki te pō i ngā rā kua pāhure. Haere, haere, haere atu rā. Ki a koutou te hunga ora e huhi mai nei i runga i te kaupapa o te kāhui tāngata, tēnā koutou, tēnā koutou, tēnā tātou katoa.

Firstly, I want to acknowledge the recent passing of some whānau members. Talking about taonga is impossible to do without acknowledging other aspects of te ao Māori. Carrying this māmē and pouri, pain and sadness, that is entwined within our whakapapa, adds to the physical and abstract complexity that is a taonga.

So, I hear you ask, how does a piece of legislation factor in to the complex nature of taonga Māori?

Enter the Protected Objects Act 1975. At the Ministry for Culture and Heritage, the Heritage Operations team administers the Act. In 2006, the Antiquities Act was repealed and replaced. Some of the changes included new and larger fines for breaching the Act and new measures were inserted that particularly pertained to taonga tūturu, Māori cultural objects. The Act, in its broader sense, helps to ensure, through the export application process, that New Zealand material culture isn’t lost overseas. In terms of taonga tūturu however, under the Act domestic trade is also monitored whereby people need to register as collectors through the Ministry to be able to buy and sell taonga that were found before 1976, otherwise known as Y-registered taonga. Newly-found taonga, like this waka, the Anaweka waka which was found in the top of the South Island in 2011, are notified to the Ministry and given a Z-registration number, we then carry out a notification process and claims for ownership are proceeded through the Māori Land Court.

What is a Protected Object? In the legislation this is defined as “an object forming part of the movable cultural heritage of New Zealand that—
(a) is of importance to New Zealand, or to a part of New Zealand, for aesthetic, archaeological, architectural, artistic, cultural, historical, literary, scientific, social, spiritual, technological, or traditional reasons; and
(b) falls within 1 or more of the categories of protected objects set out in Schedule 4.”

Category four of schedule four is Ngā Taonga Tūturu, defined in the legislation as: “an object that—
(a) relates to Māori culture, history, or society; and
(b) was, or appears to have been,—
(i) manufactured or modified in New Zealand by Māori; or
(ii) brought into New Zealand by Māori; or
(iii) used by Māori; and
(c) is more than 50 years old”

As evidence by the definition, it is a very broad category. Not only that, but as the years pass by, more and more taonga will be captured by the Act. The breadth of this definition has come up recently wherein the public perception of this category was commented on in one of the platforms that we use to communicate with, and educate people about the Act: Trade Me.

Trade Me is an online trading site, not unlike eBay, where sellers can buy and sell goods online. It is a predominantly domestic site though there are some Australian users. We monitor the site to ensure that potential protected New Zealand objects aren’t being sold overseas without export being cleared through the Ministry. We have alerts on certain keywords, for example ‘hei tiki’ and ‘adze’, so that we can let buyers and sellers know via the listing’s comment sections that they may be in breach of the Act. However, our forum for communication is a comment section, on a website, on the internet. I’m sure we’re all aware that the comment sections of websites are not always the most diplomatic of places. Though it isn’t the most ideal situation, due to privacy laws and Trade Me’s own rules and regulations, we are unable to contact buyers and sellers directly so the comments sections is the best option we have.

So, in Heritage Operations one of our catch cries is “Education not Enforcement” which is what we aim for when we comment on auctions. We offer information and contact details for people to engage with us and emphasise that we are here to help and that the processes are for the most part straightforward. In terms of the responses we receive after we comment, some people withdraw their auctions immediately, which is definitely not our intention. Others comply and make it so their taonga can only be sold registered collectors and ensure that potential buyers know that they may need to apply for export if that is what their ultimate intention is. Yet other sellers use some very colourful language and then blacklist us. It was during one of the auctions where we were blacklisted that I saw the seller and buyer engaging in a conversation about how ridiculous they thought the Act was, it went somewhere along the lines of “are you saying that if I did a haka in 1960 with a patu and then left that patu lying around, it would now be a protected object?” Then there was some talk about how PC and rubbish the Act was.

Despite the colourful language, they did raise a valid question which our team further debated, was this the original intention of the Act, for category 4 to
capture social history objects or is it aimed at protecting taonga made with pre-European tools? What will it mean if more objects are captured by the Act by virtue of age? In reality, the definition of a protected object under the Act has a fairly high bar to reach: “Is it of importance to NZ, or to a part of NZ, for aesthetic, archaeological, architectural, artistic, cultural, historical, literary, scientific, social, spiritual, technological, or traditional reasons.” So, no, that patu that was used in that haka once, possibly wouldn’t be captured under the Act.

To help determine whether objects are captured under the Act, we engage with our expert examiners. The Ministry keeps a register of expert examiners from around the country, most of whom are based in museums, who assist the Ministry in determining whether or not an object qualifies as a protected New Zealand object. Our experts are further called on when an object is being applied for export. In determining whether an object can be exported, they must determine whether it is “…of such significance…that its export would substantially diminish New Zealand’s cultural heritage.” It is an even higher bar to reach.

Through this engagement with experts however, we get another perception of the Act and it is one that we need to remain mindful of. A recent Trade Me auction was alerted to us and we asked our experts for an informal opinion on whether they thought it might be a protected object. Through this auction, we got an opinion that I had been anticipating but that I hadn’t yet encountered: a social history object that could possibly be captured under Category 4 Ngā Taonga Tūturu.

This is a 28th Māori Battalion Memorial Cross that was presented to the mother of Private Tiri Barlow, a soldier killed in action in World War II. The sale was alerted to us by a member of the public and by the time I saw it the seller had made a comment that, quote: “I have confirmed with the Waiouru Army Museum that this medal is not covered by the Protected Objects Act and can be sold outside NZ.” We were particularly alarmed at the sale because the highest bidder at the time appeared to be residing in Australia. I checked this with the Army Museum and as it happens, the seller had used some poetic license in regards to what the Army Museum had told him and they further confirmed that it is very rare to see Māori medals on the market as they are usually held as taonga by whānau. We then asked the curators at Te Papa for their opinion and the history curator, Michael Fitzgerald, and a Matauranga Māori curator Dougal Austin confirmed that these medals, despite numbering in the thousands, would not usually come up for auction as they are considered taonga by whānau. Dougal further stated that he thought the medal should be captured either under the social history category or category 4, a taonga tūturu. Curator Contemporary Māori Culture, Puawai Cairns then very amazingly and swiftly, managed to locate the whānau and alert them to the sale which was subsequently withdrawn.

So what does this mean moving forward? There is a possibility that the POA will be reviewed and one aspect that might need some attention is the definition of category 4, Ngā Taonga Tūturu. At the same time, there needs to be a recognition of the changing scope of a taonga to ensure that objects like this memorial cross are captured. What I am sure of is that defining taonga is an unenviable task and having to do so within a piece of legislation even more so. What the Ministry also needs to remain mindful of is the way in which people
engage with the Act whether it is as a trader of taonga, someone who connects with a taonga through their inalienable whakapapa links or whether they are expert examiners who provide advice in our decision-making process. These links splay out across the country and require time and effort to be maintained, and they are valuable resources that we enact to ensure that the work of the Ministry is carried out in an efficient manner. However, the most important thing we need to remember about working with these taonga every day is that behind each and every one of them are people and we are there to help facilitate connections.

**Biography**

Matariki Williams (Tūhoe, Ngāti Whakaue, Taranaki, Te Ati Awa, Ngāti Hauiti, Te Ati Hau).

Matariki graduated with her Masters in Museums and Heritage Studies in 2015 with a dissertation examining the Mana Taonga policy at the national museum, Te Papa. Prior to her Masters, Matariki gained a Bachelor of Arts in History and Māori Studies.

Matariki is the co-founder and co-editor of Tusk – Emergent Culture an online platform in which we welcome people at emerging stages of their careers and give them the chance to engage with the sector in different and refreshing ways.

Matariki has worked in publishing and museums. She is currently also the New Zealand contributor to American website Worn Through where she reviews textiles exhibitions and other movements relating to fashion and museums. Matariki works at the Ministry for Culture and Heritage.