

NGĀTI MANIAPOTO

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RELATIONSHIP AGREEMENT BETWEEN THE CULTURE AND HERITAGE AGENCIES AND TE NEHENEHENUI

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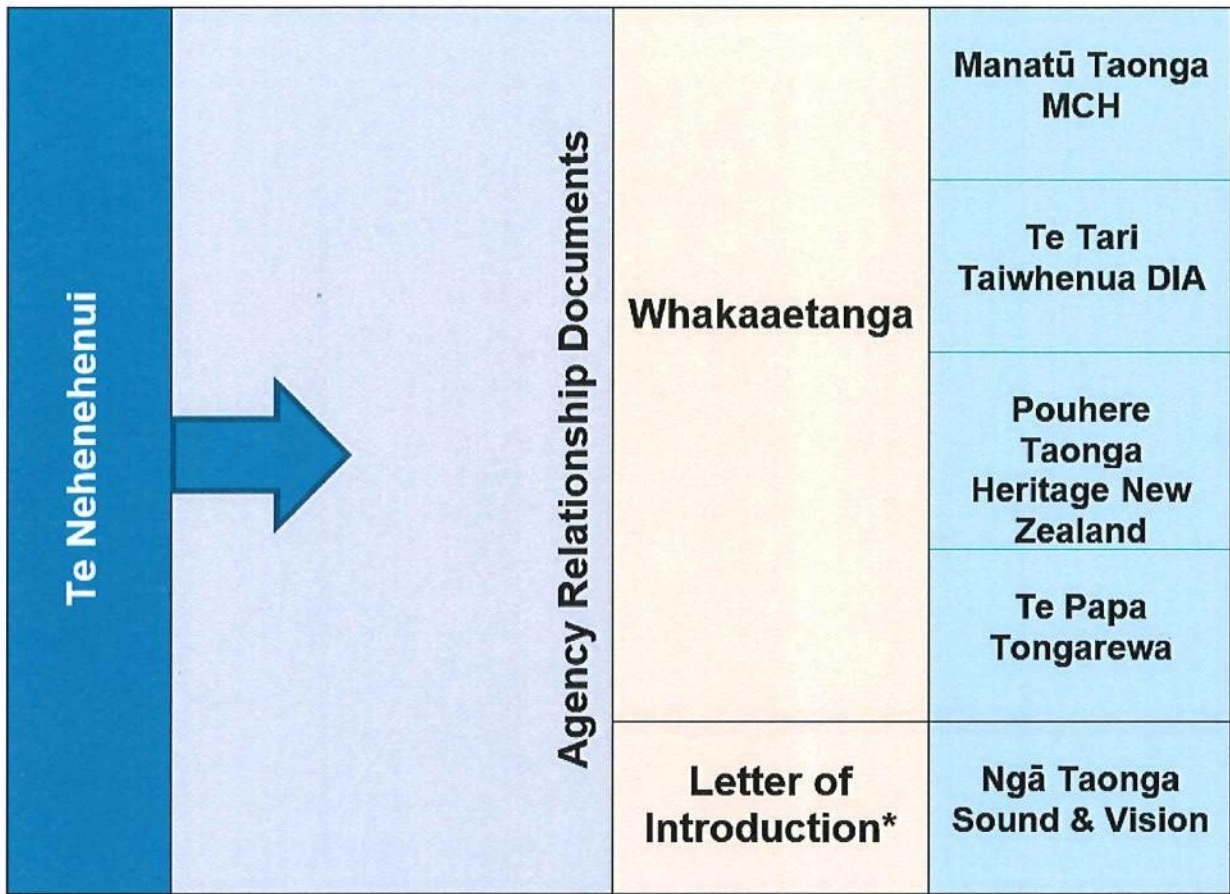
WHAKAAETANGA TIAKI TAONGA RELATIONSHIP AGREEMENT BETWEEN  
THE CULTURE AND HERITAGE AGENCIES AND TE NEHENEHENUI

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*Whakaaetanga Tiaki Taonga*

**Relationship Agreement between the Culture and Heritage agencies and  
Te Nehenehenui**

**Whakaaetanga Tiaki Taonga - Overarching Relationship Agreement**



**\*An agreement outside of Treaty settlement process.**

*This diagram explains the way we give effect to the relationship between iwi and the respective agencies. Some Culture and Heritage agencies come under this document, the Whakaaetanga Tiaki Taonga, and some have their own agreement. The constant is the relationship approach which is that agencies will work collaboratively to support iwi and their taonga aspirations.*

*Ngā Taonga Sound & Vision (Ngā Taonga) participates in the collective agency Te Ara Taonga approach, including meetings with other cultural agencies and with iwi. Due to its status as a charitable trust, Ngā Taonga is not a Whakaaetanga signatory. The Letter of Introduction is a formal invitation from the Crown to Ngā Taonga to develop, with Ngāti Maniapoto, a relationship similar to the Whakaaetanga, based on a mutually agreed set of principles which underpins the way we work together.*

## *Whakaaetanga Tiaki Taonga*

### **The Parties**

The Parties to this Whakaaetanga Tiaki Taonga ("**Whakaaetanga**") are:

- Te Nehenehenui, the post settlement governance entity ("**Te Nehenehenui**");
- Te Tari Taiwhenua, Department of Internal Affairs ("**DIA**"), the agency responsible for:
  - the National Library Te Puna Mātauranga o Aotearoa ("**National Library**"); and
  - Archives New Zealand Te Rua Mahara o Te Kāwanatanga ("**Archives New Zealand**")
- The Museum of New Zealand Te Papa Tongarewa ("**Te Papa**");
- Heritage New Zealand Pouhere Taonga ("**Pouhere Taonga**"); and
- Manatū Taonga, Ministry for Culture and Heritage ("**MCH**").

For the purposes of this Whakaaetanga Te Nehenehenui is the body representative of Ngāti Maniapoto who have an interest in the matters covered under this Whakaaetanga. This derives from the status of Ngāti Maniapoto as tāngata whenua in the iwi area of interest and is inextricably linked to whakapapa and has important cultural and spiritual dimensions.

For the purposes of this Whakaaetanga, the DIA (as the agency responsible for the National Library and Archives New Zealand), Te Papa, Pouhere Taonga and MCH are referred to as the "**Culture and Heritage Parties**".

A summary of the role and functions of each of the Parties is provided in the Appendices.

### **Introduction**

1. Under the Deed of Settlement dated 13 November 2021 between Ngāti Maniapoto and the Crown (the "Deed of Settlement"), the Parties agreed to the development of a Whakaaetanga between the Culture and Heritage Parties and Te Nehenehenui to facilitate:
  - 1.1. the care, management, access, use, development and revitalisation of Ngāti Maniapoto taonga; and
  - 1.2. the identification, protection, preservation and conservation of the historical and cultural heritage of Ngāti Maniapoto.
2. The Parties have entered into this Whakaaetanga consistent with the partnership principle underlying Te Tiriti o Waitangi/the Treaty of Waitangi.
3. The Parties wish to record in this Whakaaetanga their common commitment relating to the care and management, use, development and revitalisation of, and access to, Ngāti

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- Maniapoto taonga (whether held by Ngāti Maniapoto whānau and hapū, and Culture and Heritage Parties).
4. Pouhere Taonga wishes to record its commitment to the identification protection, preservation and conservation of the historical and cultural heritage of Ngāti Maniapoto.
  5. The Parties acknowledge that these common commitments are intended to support and promote the vision of Te Nehenehenui.
  6. For Ngāti Maniapoto, the aspirations outlined in this Whakaaetanga are founded on the principles of "mana tuku iho", the inherent wisdom of Ngāti Maniapoto tūpuna, who determined that the "mana whatu āhuru" would guide the generations of Ngāti Maniapoto and their many hapū and descendants to achieve prosperity and ongoing survival through a unity of purpose, the upholding of the language of Ngāti Maniapoto, cultural identity, kaitiaki responsibilities and whakapapa connections to achieve mana motuhake.
  7. Kia mau ki tēnā, kia mau ki te kawau mārō, whanake ake, whanake ake: Hold fast to that, the straight-flying cormorant. This was the ōhākī or dying instructions of the ancestor Maniapoto to his people which has come to be adopted as a pepeha or tribal maxim of Ngāti Maniapoto. This strength of purpose has characterised the historical interaction of Ngāti Maniapoto with the Crown.
  8. Te Ōhākī Tapu was a series of agreements between Ngāti Maniapoto and the Crown in the 1880s which laid the foundation for the ongoing relationship of the iwi with the Crown. The agreements reflected the Crown's pursuit of kāwanatanga and the Ngāti Maniapoto desire to preserve its rangatiratanga and mana whakahaere. A fuller description and understanding of Te Ōhākī Tapu is set out in the Historical Account in the Deed of Settlement. The agreements looked forward to a relationship of partnership for the benefit of both parties. Today, the Treaty settlement process heralds a new era of collaboration in partnership with Ngāti Maniapoto and Crown working together to contribute to the understanding, management and active protection of the cultural heritage and taonga of Ngāti Maniapoto, such as that reflected in this Whakaaetanga.

### **Purpose**

9. The Parties are seeking an ongoing relationship which facilitates the care and management, use, development and revitalisation of, and access to, Ngāti Maniapoto taonga, whether held by Ngāti Maniapoto whānau and hapū, and the Culture and Heritage Parties.
10. Those Parties who have responsibilities for taonga recognise the following, which will guide them in giving effect to the purpose of this Whakaaetanga and will be discussed as part of the development of the joint work plans:
  - 10.1. the significance of Ngāti Maniapoto taonga to the maintenance and development of Ngāti Maniapoto culture and to enriching the cultural life of New Zealand;
  - 10.2. that Ngāti Maniapoto taonga is held and looked after by Ngāti Maniapoto whānau and hapū, and also by the Culture and Heritage Parties to this Whakaaetanga;

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- 10.3. the cultural and spiritual authority of Ngāti Maniapoto in relation to Ngāti Maniapoto taonga;
  - 10.4. that active and meaningful engagement by the Culture and Heritage Parties with Ngāti Maniapoto in the care and management, use, development and revitalisation of, and access to, Ngāti Maniapoto taonga is required as agreed in the joint work plans;
  - 10.5. that innovative and technological solutions are required to provide opportunities for the youthful population of Ngāti Maniapoto, and the high percentage of that population who are living outside the traditional tribal rohe, to connect with the culture and identity of Ngāti Maniapoto; and
  - 10.6. the need for an enduring and collaborative relationship to be developed between Te Nehenehenui and the Culture and Heritage Parties.
11. Pouhere Taonga recognises the following which will guide it in giving effect to the purpose of this Whakaaetanga and will be discussed as part of the development of the work plans:
- 11.1. the significance that place-based taonga such as marae, wāhi tapu and wāhi tūpuna, ancestral footprints in archaeology, and others have for iwi/hapū and the cultural life of New Zealand;
  - 11.2. that said place-based taonga are looked after by Ngāti Maniapoto whānau and hapū;
  - 11.3. the cultural and spiritual authority of Ngāti Maniapoto in relation to said place-based taonga;
  - 11.4. that active and meaningful engagement by the Pouhere Taonga with Ngāti Maniapoto in the identification, protection, preservation and conservation of Ngāti Maniapoto place-based taonga are required as agreed in the work plans; and
  - 11.5. the need for an enduring and collaborative relationship to be developed between Te Nehenehenui and Pouhere Taonga.

### **Vision**

12. The Culture and Heritage Parties recognise and respect the vision of Te Nehenehenui which is for Ngāti Maniapoto to access and own their taonga and be involved in their care and management, use, development and revitalisation. Ngāti Maniapoto wish to be involved in the identification, protection, preservation and conservation of the historical and cultural heritage of Ngāti Maniapoto. Further, Ngāti Maniapoto are developing a 30-year vision and strategy based on "Maniapoto 2050" for achieving the social, economic and cultural aspirations for the individuals, whānau and hapū of Ngāti Maniapoto (Manaiapoto me ōna hapū maha, te whare o te Nehenehenui). Ngāti Maniapoto seek to develop a relationship with the Culture and Heritage Parties that will improve specific metrics that show that the Ngāti Maniapoto vision is being achieved.

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13. This vision is intended to facilitate access to Ngāti Maniapoto taonga and their care and management, use, development and revitalisation and to facilitate the identification, protection, preservation and conservation of the historical and cultural heritage of Ngāti Maniapoto.
14. The vision of Te Nehenehenui is built upon the already existing relationships between Ngāti Maniapoto and the Culture and Heritage Parties. The Parties recognise the common role shared by the Culture and Heritage Parties in collecting, preserving and providing access to the nation's art, culture and heritage collections and resources and in identifying, protecting and preserving wāhi tapu, wāhi tūpuna and land based Māori heritage. The Parties recognise the importance of this existing relationship as contributing towards the role of the Culture and Heritage Parties.

**Principles**

15. The Parties acknowledge the following relationship principles that will guide the implementation of this Whakaaetanga:
  - 15.1. working consistently with Te Tiriti o Waitangi/the Treaty of Waitangi and its principles;
  - 15.2. working with a 'no surprises' approach;
  - 15.3. working in a spirit of co-operation;
  - 15.4. acknowledging that the relationship is flexible and evolving;
  - 15.5. respecting the independence of the Parties and their individual mandates, roles and responsibilities; and
  - 15.6. recognising and acknowledging that the Parties benefit from working together by sharing their vision, knowledge and expertise.
16. Te Nehenehenui and the Culture and Heritage Parties have entered into this Whakaaetanga in good faith and in the spirit of partnership. Te Nehenehenui and the Culture and Heritage Parties agree to act in good faith and work fairly, reasonably and honourably towards each other with respect to the commitments identified below.

**Effect**

17. The requirements of the Whakaaetanga are aspirational. The Parties acknowledge that while this Whakaaetanga is not intended to constitute a legally binding contract that is enforceable in law between the Parties, the Parties are committed to working together in good faith in accordance with this Whakaaetanga and in a manner that supports the vision of Maniapoto.
18. Nothing in this Whakaaetanga precludes any of the Parties from agreeing to explore opportunities beyond the express terms of this agreement.
19. Appendix B (The Role of Manatū Taonga - Ministry for Culture and Heritage in relation to Taonga Tūturu) of the Whakaaetanga is issued pursuant to section 30 of the Maniapoto Claims

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Settlement Act 2022 ("the Settlement Legislation") that implements the Deed of Settlement, and is subject to the Settlement Legislation and the Deed of Settlement. Appendix B is legally enforceable under the Settlement Legislation.

20. For the avoidance of doubt the legally enforceable parts of the Whakaaetanga are contained in Appendix B and apply to MCH only.
21. Resourcing of activities under this Whakaaetanga will be within the existing resource limits and align with the Government priorities of the day.
22. Te Nehenehenui acknowledges that all agreements and commitments contained in this Whakaaetanga are subject to legislative rights and obligations under which the respective Culture and Heritage Parties operate and the terms upon which specific taonga are held by the Culture and Heritage Parties and/or Te Nehenehenui.

**Relationship redress provided in other agreements**

23. On 27 September 2010 the Crown and the Maniapoto Māori Trust Board signed:
  - 23.1. a Deed of Settlement in relation to the co-governance and co-management of the Waipā River; and
  - 23.2. the Waiwaia Accord.
24. The Whakaaetanga should be read in conjunction with the relationship redress agreed through the Ngāti Maniapoto Waipa River Deed of Settlement 2010. This included a Taonga Tūturu Portfolio Accord signed on 15 December 2011 (MCH). While this agreement is designed to align and compliment the Taonga Tūturu Portfolio Accord, where issues arise that relate to the area covered by the Taonga Tūturu Portfolio Accord, the Taonga Tūturu Portfolio Accord will take precedence over this Whakaaetanga.

**Development of specific pieces of work**

25. When requested by Te Nehenehenui, each of the Culture and Heritage Parties will confirm joint work plans (work plans) with Te Nehenehenui, in relation to matters consistent with the purpose of this Whakaaetanga of specific pieces of work to be undertaken which may:
  - 25.1. provide the detail of the commitments agreed by Te Nehenehenui and each respective Culture and Heritage Party;
  - 25.2. set out a timetable and milestones for delivering on any agreed commitments;
  - 25.3. confirm the responsibilities for the various parties in meeting the agreed commitments;
  - 25.4. identify a process for resolving any issues or disputes;
  - 25.5. identify key contact persons for the parties;
  - 25.6. provide for mutually agreed outcomes; and



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- 25.7. provide for the work plans to be reviewed at the annual meeting.
26. Final topics for the work plans will be mutually agreed by Te Nehenehenui and each respective Culture and Heritage Party and will reflect the priorities, resources and the specific functions and duties of the parties.
27. When developing work plans Culture and Heritage Parties may invite any other party to be involved in discussions about the work plan. The Culture and Heritage Parties will engage with Te Nehenehenui before issuing any such invitation.

**Work plan topics shared by all Parties**

28. Potential topics for each of the respective Culture and Heritage Parties' work plans may include, but are not limited to, the topics identified below.
- 28.1. Care and management of Ngāti Maniapoto taonga held by Culture and Heritage Parties and of land based Māori heritage structures and monuments:
- a. to provide access, advice and guidance on taonga and cultural heritage issues;
  - b. to work collaboratively with Te Nehenehenui, as far as reasonably practicable, to develop and maintain inventories for Ngāti Maniapoto taonga;
  - c. to work collaboratively with Te Nehenehenui to research Ngāti Maniapoto taonga;
  - d. to work with Te Nehenehenui to develop metadata for Ngāti Maniapoto taonga;
  - e. to work collaboratively with Te Nehenehenui on taonga care, management, and storage;
  - f. to develop mutually beneficial research projects that enhance the understanding of Ngāti Maniapoto taonga and Ngāti Maniapoto culture; and
  - g. to work collaboratively with Te Nehenehenui on the identification, preservation and protection of their land based Māori heritage, structures and monuments.
- 28.2. Sharing knowledge and expertise associated with Ngāti Maniapoto cultural heritage in order to:
- a. share access to databases and/or catalogues specific to collections and taonga, subject to licence and contractual arrangements concerning the databases and/or catalogues;
  - b. share information on database use and research methodologies specific to, or that can be applied towards, Ngāti Maniapoto taonga;
  - c. work together on exhibition planning processes and related activities specific to Ngāti Maniapoto taonga;

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- d. seek advice from Te Nehenehenui regarding specific policy and tikanga guidance as it relates to Ngāti Maniapoto taonga; and
  - e. share information on the preservation and protection of land based Māori heritage, structures and monuments.
- 28.3. Opportunities for increased learning and capacity building relating to Ngāti Maniapoto taonga through:
- a. conservation and training in taonga and structure preservation;
  - b. collection management systems;
  - c. digitisation initiatives; and
  - d. training and development, with possible internships.
- 28.4. Care and management of Ngāti Maniapoto taonga and cultural heritage under the control of Ngāti Maniapoto.
29. Final topics for the work plans will be mutually agreed by Te Nehenehenui and each respective Culture and Heritage Party and will reflect the priorities, resources and the specific functions and duties of the Parties. Appendix A and B of this Whakaaetanga includes potential topics for work plans between Te Nehenehenui and each of the Culture and Heritage Parties.

**Ongoing Relationships**

- 30. The Parties agree to meet ("hui of the Parties") if requested by either party, at a date to be mutually agreed.
- 31. The Parties will jointly take responsibility for confirming the hui of the Parties and the hui agenda.
- 32. Each party will meet its own cost of attending the hui of the Parties.

**Communication**

- 33. The Parties commit to:
  - 33.1. maintain effective communication with one another on any concerns and issues arising from this Whakaaetanga and its implementation;
  - 33.2. as far as reasonably practicable, provide opportunities for meetings of relevant management and staff at the relevant level, in order to progress the relationship and any agreed joint work to advance the vision of Ngāti Maniapoto;
  - 33.3. as far as reasonably practicable, train relevant employees of the Parties to ensure that they are made aware of this Whakaaetanga and the practical tasks which flow from it;

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- 33.4. as far as reasonably practicable, inform other organisations with whom they work, central government agencies and stakeholders about this Whakaaetanga and future amendments; and
  - 33.5. subject to the Privacy Act 1993, include a copy of this Whakaaetanga on the Culture and Heritage Parties' websites.
34. It is agreed by the Parties that any issue regarding the interpretation of clauses in this Whakaaetanga shall be resolved between the Parties by giving special consideration to the vision and principles of Te Nehenehenui.

**Consultation and changes to policy and legislation affecting this Whakaaetanga**

35. In addition to the specific commitments in this Whakaaetanga, the Culture and Heritage Parties will consult, wherever practicable, with Te Nehenehenui on legislative and policy development or review where general consultation with the public or with Māori generally might impact on the purpose of the Whakaaetanga or where it potentially affects Ngāti Maniapoto taonga. This provides Te Nehenehenui the opportunity to be consulted and to contribute to these developments or review in a genuine and meaningful way. The basic principles that will be followed in consulting with Te Nehenehenui trustees in each case are:
- 35.1. ensuring that Te Nehenehenui trustees are consulted as soon as reasonably practicable following the identification and determination by the Chief Executive of the Culture and Heritage Party of the proposal or issues to be the subject of the consultation;
  - 35.2. providing Te Nehenehenui trustees with sufficient information to make informed submissions in relation to any of the matters that are the subject of the consultation;
  - 35.3. ensuring that sufficient time is given for the participation of Te Nehenehenui trustees in the decision-making process including the preparation of submissions by Te Nehenehenui trustees in relation to any of the matters that are the subject of the consultation;
  - 35.4. ensuring that the Culture and Heritage Party will approach the consultation with Te Nehenehenui trustees with an open mind, and will genuinely consider the submissions of Te Nehenehenui trustees in relation to any of the matters that are the subject of the consultation; and
  - 35.5. reporting back to Te Nehenehenui trustees, either in writing or in person, in regard to any decisions made that relate to that consultation.

**Dispute Resolution**

36. In the event that the Parties cannot agree on the interpretation or implementation of this Whakaaetanga, or agree revised terms following a review of the Whakaaetanga, then a meeting will be convened between Te Nehenehenui and the Chief Executive of, or relevant Minister for, the Culture and Heritage Party (or, in the case of Te Papa and Pouhere Taonga,

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the Chairperson of the Board). Any Party that makes a request for a meeting will give one months' notice to the other Parties.

37. Where the dispute has not been resolved within a reasonable period of time through a meeting under clause 36 then either Party may require the dispute to be referred to mediation as follows:
- 37.1. the party requiring the dispute to be referred to mediation must provide written notice to the other Party or Parties;
- 37.2. the parties will seek to agree upon a mediator and, failing agreement within 15 working days of the date of the notice described in clause 37.1, a mediator will be appointed by the President for the time being of Te Kāhui Ture o Aotearoa (The New Zealand Law Society). The mediator will be:
- a. experienced in tikanga based dispute resolution; and
  - b. independent of the dispute.
- 37.3. the mediator will not have the power to determine the dispute, but may offer advice of a non-binding nature.
38. Where a mediator is appointed through the process described in clause 37, the costs of the mediation will be met jointly by the Parties.

**Review Provision**

39. This Whakaaetanga will be reviewed by the Parties from time to time as agreed by the Parties, including where there is a change or a proposed change to the legislation or policy relevant to the Culture and Heritage Parties that have the potential to affect the matters included in this Whakaaetanga. This review will take place at the hui of the Parties, to ensure that the vision, principles and commitments entered into in the Whakaaetanga remain relevant and continue to capture the purpose of the Whakaaetanga.
40. The Parties will negotiate any amendments to provisions at a hui of the Parties referred to at clause 30 and may sign an amended Whakaaetanga that reflects the changes which will take effect upon signing.

**Definitions**

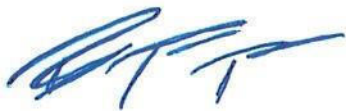
"the Area"	means the Ngāti Maniapoto Area of Interest as defined at Appendix D
"Culture and Heritage parties"	has the same meaning given to it in "the Parties" section of this Whakaaetanga,
"Deaccessioned"	means the permanent removal of an item from the collections of Te Papa

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"Found"	has the same meaning as in section 2 of the Protected Objects Act 1975
"Inventories"	means list of information
"Whakaaetanga"	means this Whakaaetanga Tiaki Taonga
"National Library"	includes the Alexander Turnbull Library
"Settlement Date"	has the same meaning as in the Deed of Settlement.
"Taonga"	Taonga includes (but is not limited to) artefacts, modified human remains, manuscripts, archives, records, information and data, including multi-media formats such as sound, still and moving images, wāhi tapu, wāhi tapu areas, wāhi tūpuna/wāhi tīpuna, historic places and historic areas of interest to Māori. Te Papa includes natural environment collections in its definition of taonga.
"Tiaki Taonga"	means the care and management, use, development and revitalisation of, and access to, taonga; whether held by iwi, whānau and hapū or the Crown parties

Signing parties



Bella Luana Takiari-Brame

Chair

Te Nehenehenui

Date: 3 Nov 2022.



Name:

Occupation: CEO

Address:



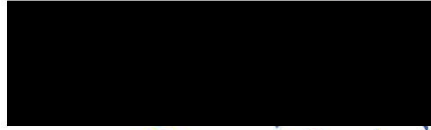
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NEHENEHENUI

Paul James  
Chief Executive  
Te Tari Taiwhenua Department of Internal Affairs

Date: 22/11

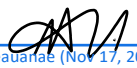


Name: Hamiora Bowhett

Occupation: Public Servant

Address:



  
Mac Leauanae (Nov 17, 2022 13:58 GMT+13)

Laulu Mac Leauanae  
Chief Executive  
Manatū Taonga Ministry for Culture and Heritage

Date: Nov 17, 2022

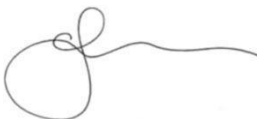
WITNESS

Name: Bridie Cooper

Occupation: Executive Assistant

Address:

Nov 17, 2022



Courtney Johnston  
Tumu Whakarae, Chief Executive  
Museum of New Zealand Te Papa Tongarewa

Date: 24 November 2022

WITNESS

Name: Asha Nath

Occupation: Executive Assistant

Address:



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Arapata Hakiwai  
Kaihautū  
Museum of New Zealand Te Papa Tongarewa

Date: 24 November 2022



Andrew Coleman  
Chief Executive  
Heritage New Zealand Pouhere Taonga

Date: 11/22/2022

WITNESS



Name: Asha Nath

Occupation: Executive Assistant

Address:



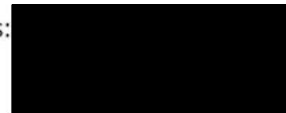
WITNESS



Name: Tatum Hoskin

Occupation: Governance Administrator

Address:



### **Appendix A: Work plan topics specific to Culture and Heritage Parties**

Potential topics for Culture and Heritage Parties' respective work plans may include, but are not limited to, the topics identified below.

#### **Te Tari Taiwhenua Department of Internal Affairs**

##### **National Library Te Puna Mātauranga o Aotearoa**

1. Collaborative care and management of Taonga:
  - a) to work with Te Nehenehenui to develop processes to record what material relating to Ngāti Maniapoto taonga is being accessed from the collections;
  - b) to work with Te Nehenehenui to develop protocols concerning use of and access to material relating to Ngāti Maniapoto taonga;
  - c) to work with Te Nehenehenui to develop exhibition opportunities relating to Ngāti Maniapoto Settlement taonga; and
  - d) to provide Te Nehenehenui the opportunity to share their mātauranga regarding key activities and events at National Library.
2. Sharing knowledge and expertise associated with Ngāti Maniapoto taonga:
  - a) to share knowledge and expertise on Ngāti Maniapoto taonga held overseas; and
  - b) to broker relationships with New Zealand and international libraries and heritage organisations.

##### **Archives New Zealand Te Rua Mahara o Te Kāwanatanga**

3. Collaborative care and management of Taonga:
  - a) to work with Te Nehenehenui to develop processes to record what material relating to Ngāti Maniapoto taonga is being accessed from the collections;
  - b) to work with Te Nehenehenui to develop protocols concerning use of and access to materials relating to Ngāti Maniapoto taonga;
  - c) the Chief Archivist will facilitate, where possible, the engagement of public offices with Ngāti Maniapoto to identify and arrange for the discharge of any taonga records relevant to Ngāti Maniapoto which are scheduled for disposal and are not required for retention as part of the permanent Government record.
4. Monitoring delivery of service:
  - a) to develop processes to monitor the effectiveness of the relationship with and services to Te Nehenehenui in achieving outcomes mutually agreed in the work plans.



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5. Analysis and reporting:
  - a) to prepare and prioritise a list of key questions to ask regularly in written reports to Te Nehenehenui which will help Archives New Zealand achieve outcomes mutually agreed in the work plans.
6. Advice for public offices and local authorities on access to Ngāti Maniapoto taonga:
  - a) to consult with Te Nehenehenui, and advise public offices and local authorities, on best practice in making access decisions for access to Ngāti Maniapoto taonga held by the public archives and local authorities.

**Museum of New Zealand Te Papa Tongarewa**

7. To work with Te Nehenehenui consistent with the principle of Mana Taonga which:
  - a) seeks the input of communities for guidance on how their taonga should be managed, cared for, exhibited, or represented and gives all people who have taonga in Museum of New Zealand Te Papa Tongarewa ("Te Papa") collections a special connection to the marae – Rongomaraeroa; and
  - b) shapes and informs many of the activities of Te Papa and provides guidance for staff in the research, care, and management of taonga.
8. Collaborative care and management of Taonga:
  - a) to develop and maintain an inventory of Ngāti Maniapoto taonga held at Te Papa;
  - b) to work with Te Nehenehenui to develop exhibition opportunities; and
  - c) to provide opportunities to promote Ngāti Maniapoto artists at Te Papa.
9. To provide Ngāti Maniapoto the opportunity to share their mātauranga regarding key activities and events at Te Papa:
  - a) to recognise Te Nehenehenui as an iwi authority for Ngāti Maniapoto in relation to taonga issues; and
  - b) to consult with Te Nehenehenui regarding the return of Ngāti Maniapoto taonga that may be deaccessioned by Te Papa.
10. Sharing knowledge and expertise associated with Ngāti Maniapoto cultural heritage kaupapa:
  - a) to share knowledge and expertise associated with Ngāti Maniapoto cultural heritage kaupapa, including the following:
    - i) Legislation (e.g. the Protected Objects Act 1975) museum policies and practices;
    - ii) Visitor market research & evaluation methodology and data;

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- iii) Ngāti Maniapoto taonga held overseas;
- b) to actively facilitate Ngāti Maniapoto relationships with New Zealand and international museums, galleries and heritage organisations; and
- c) to actively facilitate opportunities for access and reconnection of Te Nehenehenui taonga through the relationships stated in paragraph 10(b) above.

***Te Papa: Future Aspirations:***

11. In the future Te Papa and Te Nehenehenui will work together on:
- a) New Zealand Museum Standards Scheme;
  - b) advice on cultural centre development;
  - c) commercial Initiatives;
  - d) exhibition and project partnership.

**Pouhere Taonga Heritage New Zealand – Māori Heritage**

12. From maunga kōrero to punawai, from whare tūpuna to rua kōiwi, Māori heritage places are taonga tuku iho, integral to Aotearoa/ New Zealand's culture and identity. Pouhere Taonga – Heritage New Zealand ("Pouhere Taonga") promotes the identification, protection, preservation and conservation of the historical and cultural heritage of our country.

***Whakaoranga taonga marae - Māori buildings conservation programme***

13. Wharenui, wharekai, whare karakia, pātaka, pouhaki, tohu whakamaharatanga, waka, and other forms of Māori built heritage are important taonga to preserve for the future. Pouhere Taonga actively assists whānau, hapū and iwi initiatives to preserve these taonga through a range of advisory and on-site services.
14. These services include:
- a) conservation assessments;
  - b) conservation technical advice and services;
  - c) conservation workshops; and
  - d) funding advice.

***Mahi hura whenua - Māori heritage and archaeology***

15. The Heritage New Zealand Pouhere Taonga Act 2014 ("the Act") defines an archaeological site as a place associated with pre-1900 human activity where there may be evidence relating to the history of Aotearoa/New Zealand. When any development is planned that may affect an

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archaeological site or suspected archaeological site, the developer must apply for an archaeological authority. The archaeological authority provisions are contained in the Act. The developers must consult tāngata whenua. Pouhere Taonga staff:

- a) assess the impact of proposed land development on Māori cultural values, and check that consultation between developers and hapū or iwi has been conducted; and
- b) help liaise with communities – relevant iwi, hapū and hāpori, landowners, developers, and archaeologists.

***Mahi rārangī kōrero - Māori heritage and the list***

16. Formerly known as the Register, the New Zealand Heritage List/Rārangī Kōrero ("the List") recognises historic places, historic areas, Wāhi Tapu, Wāhi Tapu areas and Wāhi Tūpuna that are significant to the heritage of Aotearoa/New Zealand. Entry of Māori heritage places on the List is a process that informs landowners and the public about these places and can also support their protection. The introduction of protection mechanisms like covenants and listing on district plans can be assisted by entering them onto the List. Inclusion on the List can also support applications for funding for preservation work. Pouhere Taonga staff:

- a) liaise and engage with relevant iwi/hapū and hāpori and interested groups, e.g. landowners, local authorities, and government departments;
- b) specifically prepare Māori heritage proposals for entry on the List, researching the history and significance to iwi/hapū of their taonga places; and
- c) work with iwi/hapū and relevant groups towards the long term conservation, and protection of Māori heritage places, in particular through district planning mechanisms if this is deemed appropriate and conservation advice.

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**Appendix B: The role of Manatū Taonga - Ministry for Culture and Heritage in relation to Taonga Tūturu**

1. The Minister for Arts, Culture and Heritage ("the Minister") and the Chief Executive of the Ministry for Culture and Heritage ("the Chief Executive") have certain roles in terms of the matters described in this Appendix. In exercising such roles, the Minister and the Chief Executive will provide Te Nehenehenui with the opportunity for input into those matters.

**RELATIONSHIP PRINCIPLES**

2. Te Nehenehenui, the Minister and the Chief Executive agree to abide by the relationship principles set out in clauses 15 and 16 of this Whakaaetanga when implementing the relationship as set out in this Appendix and in exercising the various roles and functions described in this Appendix.

**WHAKAAETANGA PROVISIONS**

3. The Ministry for Culture and Heritage ("MCH") agrees to comply with all of its obligations to Te Nehenehenui set out in the body of the Whakaaetanga.

**PROTECTED OBJECTS ACT 1975**

4. The Chief Executive has certain functions, powers and duties in terms of the Protected Objects Act 1975 (formerly known as the Antiquities Act 1975) and will consult, notify and provide information to Te Nehenehenui trustees within the limits of the Act.
5. The Protected Objects Act 1975 regulates:
  - a) the export of protected New Zealand objects;
  - b) the illegal export and import of protected New Zealand and foreign objects; and
  - c) the sale, trade and ownership of Taonga Tūturu, including what to do if you find a taonga or Māori artefact.

**NOTIFICATION OF TAONGA TŪTURU**

6. From the date this Whakaaetanga is issued the Chief Executive will:
  - a) notify Te Nehenehenui in writing of any Taonga Tūturu found within the Area or identified as being of Ngāti Maniapoto origin found anywhere else in New Zealand;
  - b) provide for the care, recording and custody of any Taonga Tūturu found within the Area or identified as being of Ngāti Maniapoto origin found anywhere else in New Zealand;
  - c) notify Te Nehenehenui in writing of its right to lodge a claim with the Chief Executive for ownership of any Taonga Tūturu found within the Area or identified as being of Ngāti Maniapoto origin found anywhere else in New Zealand;

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- d) notify Te Nehenehenui in writing of its right to apply directly to the Māori Land Court for determination of the actual or traditional ownership, rightful possession or custody of any Taonga Tūturu found within the Area or identified as being of Ngāti Maniapoto origin found anywhere else in New Zealand, or for any right, title, estate, or interest in any such Taonga Tūturu; and
- e) notify Te Nehenehenui in writing of any application to the Māori Land Court from any other person for determination of the actual or traditional ownership, rightful possession or custody of any Taonga Tūturu found within the Area or identified as being of Ngāti Maniapoto origin found anywhere else in New Zealand, or for any right, title, estate, or interest in any such Taonga Tūturu.

### OWNERSHIP OF TAONGA TŪTURU FOUND IN THE AREA OR IDENTIFIED AS BEING OF NGĀTI MANIAPOTO ORIGIN FOUND ELSEWHERE IN NEW ZEALAND

- 7. If Te Nehenehenui lodges a claim of ownership with the Chief Executive and there are no competing claims for any Taonga Tūturu found within the Area or identified as being of Ngāti Maniapoto origin found anywhere else in New Zealand, the Chief Executive will, if satisfied that the claim is valid, apply to the Registrar of the Māori Land Court for an order confirming ownership of the Taonga Tūturu.
- 8. If there is a competing claim or claims lodged in conjunction with the claim of ownership of Te Nehenehenui, the Chief Executive will consult with Te Nehenehenui for the purpose of resolving the competing claims, and if satisfied that a resolution has been agreed to, and is valid, apply to the Registrar of the Māori Land Court for an order confirming ownership of the Taonga Tūturu.
- 9. If the competing claims for ownership of any Taonga Tūturu found within the Area or identified as being of Ngāti Maniapoto origin found anywhere else in New Zealand, cannot be resolved, the Chief Executive at the request of Te Nehenehenui may facilitate an application to the Māori Land Court for determination of ownership of the Taonga Tūturu.

### CUSTODY OF TAONGA TŪTURU FOUND IN THE AREA OR IDENTIFIED AS BEING OF NGĀTI MANIAPOTO ORIGIN FOUND ELSEWHERE IN NEW ZEALAND

- 10. If Te Nehenehenui does not lodge a claim of ownership of any Taonga Tūturu found within the Area or identified as being of Ngāti Maniapoto origin found elsewhere in New Zealand with the Chief Executive, and where there is an application for custody from any other person, the Chief Executive will:
  - a) consult Te Nehenehenui before a decision is made on who may have custody of the Taonga Tūturu; and
  - b) notify Te Nehenehenui in writing of the decision made by the Chief Executive on the custody of the Taonga Tūturu.

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**EXPORT APPLICATIONS - EXPERT EXAMINERS**

11. For the purpose of seeking an expert opinion from Te Nehenehenui trustees on any export applications to remove any Taonga Tūturu of Ngāti Maniapoto origin from New Zealand, the Chief Executive will register Te Nehenehenui trustees on the MCH Register of Expert Examiners.
12. Where the Chief Executive receives an export application to remove any Taonga Tūturu of Ngāti Maniapoto origin from New Zealand, the Chief Executive will consult Te Nehenehenui trustees as an Expert Examiner on that application, and notify Te Nehenehenui trustees in writing of their decision.

**THE ROLE OF THE MINISTER UNDER THE PROTECTED OBJECTS ACT 1975**

13. The Minister has functions, powers and duties under the Protected Objects Act 1975 and may consult, notify and provide information to Te Nehenehenui within the limits of the Act. In circumstances where the Chief Executive originally consulted Te Nehenehenui as an Expert Examiner, the Minister may consult with Te Nehenehenui where a person appeals the decision of the Chief Executive to:
  - a) refuse permission to export any Taonga Tūturu, or Ngā Taonga Tūturu, from New Zealand; or
  - b) impose conditions on the approval to export any Taonga Tūturu, or Ngā Taonga Tūturu, from New Zealand;
14. MCH will notify Te Nehenehenui in writing of the Minister's decision on an appeal in relation to an application to export any Taonga Tūturu where Te Nehenehenui was consulted as an Expert Examiner.

**REGISTRATION AS A COLLECTOR OF NGĀ TAONGA TŪTURU**

15. The Chief Executive will register Te Nehenehenui trustees as a Registered Collector of Taonga Tūturu.

**BOARD APPOINTMENTS**

16. The Chief Executive shall:
  - a) notify Te Nehenehenui trustees of any upcoming ministerial appointments on Boards which the Minister for Arts, Culture and Heritage appoints to;
  - b) add Te Nehenehenui trustees' nominees onto MCH's Nomination Register for Boards, which the Minister appoints to; and
  - c) notify Te Nehenehenui trustees of any ministerial appointments to Boards which the Minister appoints to, where these are publicly notified.

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**NATIONAL MONUMENTS, WAR GRAVES AND HISTORIC GRAVES**

17. The Chief Executive shall seek and consider the views of Te Nehenehenui trustees on any national monument, war grave or historic grave managed or administered by MCH, which specifically relates to the Ngāti Maniapoto interests.
18. Subject to government funding and government policy, the Chief Executive will provide for the marking and maintenance of any historic war grave identified by Te Nehenehenui, which the Chief Executive considers complies with the MCH's War Graves Policy criteria; that is, a casualty, whether a combatant or non-combatant, whose death was a result of the armed conflicts within New Zealand in the period 1840 to 1872 (the New Zealand Wars).

**HISTORY PUBLICATIONS RELATING TO NGĀTI MANIAPOTO**

19. The Chief Executive shall:
  - a) provide Te Nehenehenui trustees with a list and copies of all history publications commissioned or undertaken by MCH that relate substantially to Ngāti Maniapoto; and
  - b) where reasonably practicable, consult with Te Nehenehenui trustees on any work MCH undertakes that relates substantially to Ngāti Maniapoto:
    - i) from an early stage;
    - ii) during the process of undertaking the work; and
    - iii) before making the final decision on the material of a publication.
20. Te Nehenehenui trustees accept that the author, after genuinely considering the submissions and/or views of, and confirming and correcting any factual mistakes identified by Te Nehenehenui trustees, is entitled to make the final decision on the material of the historical publication.

**PROVISION OF CULTURAL AND/OR SPIRITUAL PRACTICES AND PROFESSIONAL SERVICES**

21. When the Chief Executive requests cultural and/or spiritual practices to be undertaken by Ngāti Maniapoto within the Area, the Chief Executive will make a contribution, subject to prior mutual agreement, to the costs of undertaking such practices.
22. Where appropriate, the Chief Executive will consider using Te Nehenehenui trustees as a provider of professional services. The procurement by the Chief Executive of any such services set out in clause 21 of this Appendix is subject to the Government's Mandatory Rules for Procurement by Departments, all government good practice policies and guidelines, and MCH's purchasing policy.

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**CONSULTATION**

23. In addition to the consultation principles regarding policy legislative development or review as set out in clause 35 in the main body of the Whakaaetanga, MCH and Te Nehenehenui shall discuss any of MCH's operational activities, which specifically affect Maniapoto interests in the Area.
24. Notwithstanding the paragraph above, MCH and Te Nehenehenui shall discuss Maniapoto interests in the Area at the hui of the Parties arranged in accordance with clause 30 of the main body of the Whakaaetanga.



## **Appendix C: Background information of the agencies**

### **TE TARI TAIWHENUA (DEPARTMENT OF INTERNAL AFFAIRS)**

1. Te Tari Taiwhenua Department of Internal Affairs ("the Department") is the oldest government department and has been part of the fabric of New Zealand's Public Service since the signing of the Treaty of Waitangi.
2. The Department serves and connects people, communities and government to build a safe, prosperous and respected nation. The Department is responsible to six Ministers administering six Votes across seven portfolios. Our portfolios include Internal Affairs, Ministerial Services, Ethnic Affairs, Civil Defence, Racing, Local Government and the Community and Voluntary sector.
3. The Minister of Internal Affairs oversees the Government's ownership interests in the Department which encompass its strategy, capability, integrity and financial performance.
4. The Department:
  - (a) provides direct services to people, communities and government;
  - (b) provides policy advice to government;
  - (c) regulates people's activity, encourages compliance and enforces the law;
  - (d) monitors performance; and
  - (e) currently employs 1500 staff in 21 cities and towns in New Zealand, Sydney and London.
5. In March 2010 Cabinet agreed that the functions of the National Library and Archives New Zealand should be amalgamated into the Department of Internal Affairs. From the date of legal amalgamation the Chief Executive of the Department of Internal Affairs will be accountable for the functions of the National Library and of Archives New Zealand.
6. The Chief Executive of the Department is responsible and accountable for the implementation of, and commitments set out in, this Whakaaetanga in relation to the functions of the National Library and of Archives New Zealand, and will have an important role in managing the overall relationship with Ngāti Maniapoto.

### **NATIONAL LIBRARY OF NEW ZEALAND (TE PUNA MĀTAURANGA O AOTEAROA)**

7. The National Library of New Zealand is set up under the National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Act 2003. Under section 7 of the Act, the purpose of the National Library is to enrich the cultural and economic life of New Zealand and its interchanges with other nations by, as appropriate:
  - (a) collecting, preserving, and protecting documents, particularly those relating to New Zealand, and making them accessible for all the people of New Zealand, in a manner consistent with their status as documentary heritage and taonga;

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- (b) supplementing and furthering the work of other libraries in New Zealand; and
  - (c) working collaboratively with other institutions having similar purposes, including those forming part of the international library community.
8. The Alexander Turnbull Library forms part of the National Library. Under section 12 of the Act, the purposes of the Alexander Turnbull Library are:
- (a) to preserve, protect, develop, and make accessible for all the people of New Zealand the collections of that library in perpetuity and in a manner consistent with their status as documentary heritage and taonga;
  - (b) to develop the research collections and the services of the Alexander Turnbull Library, particularly in the fields of New Zealand and Pacific studies and rare books; and
  - (c) to develop and maintain a comprehensive collection of documents relating to New Zealand and the people of New Zealand.

**ARCHIVES NEW ZEALAND (TE RUA MAHARA O TE KĀWANATANGA)**

9. Archives New Zealand leads in advising on and monitoring the public record, and in the preservation of public records of long-term value. Archives New Zealand administers the Public Records Act 2005 which sets the functions the department is required to provide and the powers necessary to carry out these functions.
10. Archives New Zealand works to achieve the following outcomes:
- (a) Full and accurate records are kept by public sector agencies;
  - (b) Public archives are preserved and well-managed; and
  - (c) Public archives are accessible and used.
11. Archives New Zealand has a leadership and regulatory role in shaping, and intervening where necessary, in the information management practices of public sector agencies. This includes developing standards for information creation and maintenance, and providing advice and training for those implementing these standards.
12. Records of long-term value are transferred to the public archive on the authority of the Chief Archivist who has the statutory responsibility to determine whether to keep or dispose of information. These records form the record of each government administration.
13. Archives New Zealand ensures that public archives are preserved and well managed, while making those in the public arena accessible. The majority of the public archive is held in Archives New Zealand's repositories in Auckland, Wellington, Christchurch and Dunedin.

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14. Access to the public archive is promoted through customer assistance and support in each of Archives New Zealand's four reading rooms across the country, our remote enquiries service, along with an increasing online digital presence.
15. Archives New Zealand has a responsibility to provide leadership and support for archival activities across New Zealand including the safekeeping of private and community records. Maintaining a presence and working within the wider community, including Māori, iwi and hapū is important to the department's role and responsibility. The regional offices provide local communities with access to records of local significance. Together we support government recordkeeping and Māori, iwi and hapū with the care and management of archives.

**MUSEUM OF NEW ZEALAND TE PAPA TONGAREWA (TE PAPA)**

16. The Museum of New Zealand Te Papa Tongarewa ("Te Papa") is an autonomous Crown Entity under the Crown Entities Act 2004. It was established by the Museum of New Zealand Te Papa Tongarewa Act 1992, replacing the former National Museum and National Art Gallery.
17. The purpose of Te Papa, as stated in the Museum of New Zealand Te Papa Tongarewa Act, is to "provide a forum in which the nation may present, explore, and preserve both the heritage of its cultures and knowledge of the natural environment in order to better understand and treasure the past, enrich the present and meet the challenges of the future".
18. Under the Act, in performing its functions, Te Papa shall:
  - (a) have regard to the ethnic and cultural diversity of the people of New Zealand, and the contributions they have made and continue to make to New Zealand's cultural life and the fabric of New Zealand society;
  - (b) endeavour to ensure both that the Museum expresses and recognises the mana and significance of Māori, European, and other major traditions and cultural heritages, and that the Museum provides the means for every such culture to contribute effectively to the Museum as a statement of New Zealand's identity;
  - (c) endeavour to ensure that the Museum is a source of pride for all New Zealanders.
19. For further information such as Annual Reports, Statements of Intent, and Statements of Performance Expectations, please refer to Te Papa website:  
<https://www.tepapa.govt.nz/about/what-we-do/annual-reports-and-key-documents>

**MANATŪ TAONGA - MINISTRY FOR CULTURE AND HERITAGE**

20. The Ministry works with national cultural agencies such as NZ On Air, Creative New Zealand, the New Zealand Film Commission, and Te Papa Tongarewa. We administer their funding, monitor their activities and support appointees to their boards.
21. The Ministry provides advice to government on where to focus its interventions in the cultural sector. It seeks to ensure that Vote funding is invested as effectively and efficiently as

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possible, delivering the most collective outcome, and that government priorities are met. The Ministry supports the Minister for Arts, Culture and Heritage, the Minister of Broadcasting, Communications and Digital Media, and the Minister for Sport and Recreation.

22. The Ministry is responsible for, and has a strong track record of, delivering high-quality publications (including websites), managing significant heritage and commemorations, and acting as guardian of New Zealand's culture and kaitiaki of New Zealand's taonga. The Ministry's work prioritises cultural outcomes and also supports educational, economic and social outcomes, linking with the work of a range of other government agencies.
23. We maintain war graves and national memorials, including the National War Memorial. We award grants for regional museum projects, historical research, and Waitangi Day celebrations. The Ministry also maintains several heritage websites including Te Ara and NZHistory.govt.nz.

**HERITAGE NEW ZEALAND POUHERE TAONGA**

24. Heritage New Zealand Pouhere Taonga, formerly the New Zealand Historic Places Trust, is the leading national historic heritage agency. We operate in an environment marked by a growing interest in heritage, recognition of its social, cultural, environmental and economic benefits to our country, and awareness of its importance to national identity.
25. Heritage New Zealand Pouhere Taonga is an autonomous Crown Entity under the Crown Entities Act 2004. It is supported by the Government and funded via Vote Arts, Culture and Heritage through the Ministry for Culture and Heritage. Its work, powers and functions are prescribed by the Heritage New Zealand Pouhere Taonga Act 2014.
26. Most protective mechanisms for land-based historic heritage are administered by local authorities through their District Plan policies and heritage listings under the Resource Management Act 1991, although Heritage New Zealand Pouhere Taonga retains regulatory responsibilities regarding archaeological sites.
27. It is currently governed by a Board of Trustees, assisted by a Māori Heritage Council. The national office is in Wellington, with regional and area offices in Kerikeri, Auckland, Tauranga, Wellington, Christchurch and Dunedin, and a portfolio of 48 historic properties we care for around the country.

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APPENDIX D: MANIAPOTO AREA OF INTEREST

