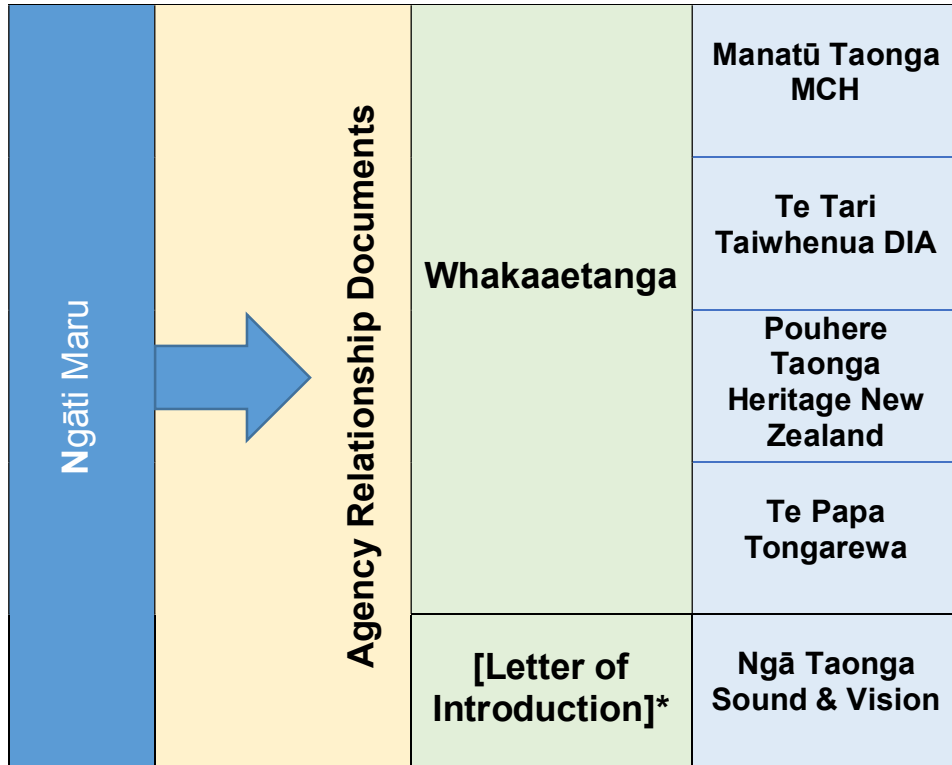


*Whakaaetanga Tiaki Taonga*  
Relationship Agreement between the  
Culture and Heritage agencies and Te  
Kahui Maru Trust

DATE: 31 May 2022

## 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.*

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## *Whakaaetanga Tiaki Taonga*

### **The Parties**

The Parties to this Whakaaetanga Tiaki Taonga (“Whakaaetanga”) are:

- Te Kahui Maru Trust, the post settlement governance entity;
- 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 the Te Kahui Maru Trust is the body representative of Ngāti Maru who have an interest in the matters covered under this Whakaaetanga. This derives from the status of the Te Kahui Maru Trust as tangata 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**

Under the Deed of Settlement dated 27 February 2021 between Ngāti Maru and the Crown (the “Deed of Settlement”), the Parties agreed to the development of a:

1. Whakaaetanga between the Culture and Heritage Parties and the Te Kahui Maru Trust to facilitate:
  - 1.1. the care, management, access, use, development and revitalisation of Ngāti Maru taonga; and
  - 1.2. the identification, protection, preservation and conservation of the historical and cultural heritage of Ngāti Maru.
2. The Parties have entered into this Whakaaetanga consistently with the partnership principle underlying Te Tiriti o Waitangi/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 Maru taonga (whether held by Ngāti Maru whānau and hapū, [MCH, Te Papa or the agencies responsible for the National Library and Archives New Zealand or if it is all of them refer to 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 Maru.
5. The Parties acknowledge that these common commitments are intended to support and promote the vision of Te Kahui Maru Trust.

## Purpose

6. The Parties are seeking an ongoing relationship which facilitates the care and management, use, development and revitalisation of, and access to, Ngāti Maru taonga, whether held by Ngāti Maru whānau and hapū [MCH, Te Papa or the agencies responsible for the National Library and Archives New Zealand or if it is all of them refer to Culture and Heritage Parties].
7. 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:
  - 7.1. the significance of Ngāti Maru taonga to the maintenance and development of Ngāti Maru culture and to enriching the cultural life of New Zealand;
  - 7.2. that Ngāti Maru taonga is held and looked after by Ngāti Maru whānau and hapū, and also by the Culture and Heritage Parties to this Whakaaetanga;
  - 7.3. Ngāti Maru's cultural and spiritual authority in relation to Ngāti Maru taonga;
  - 7.4. that active and meaningful engagement by the Culture and Heritage Parties with Ngāti Maru in the care and management, use, development and revitalisation of, and access to, Ngāti Maru taonga is required as agreed in the joint work plans;
  - 7.5. that innovative and technological solutions are required to provide opportunities for Ngāti Maru 's youthful population, and [a percentage] of that population who are living outside the traditional tribal rohe, to connect with Ngāti Maru 's culture and identity; and
  - 7.6. the need for an enduring and collaborative relationship to be developed between Te Kahui Maru Trust and the Culture and Heritage Parties.
8. 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:

- 8.1 the significance of wāhi tapu and wāhi tūpuna, land based Māori heritage, structures and monuments to enriching the cultural life of New Zealand;
- 8.2. 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;
- 8.3. that said place-based taonga are looked after by Ngāti Maru whānau and hapū;
- 8.4. Ngāti Maru's cultural and spiritual authority in relation to their place-based taonga
- 8.5. that active and meaningful engagement by Pouhere Taonga with Ngāti Maru on the identification, protection, preservation and conservation of their place-based taonga are required as agreed in the work plans; and
- 8.6. the need for an enduring and collaborative relationship to be developed between the Te Kahui Maru Trust and Pouhere Taonga.

## Vision

9. The Culture and Heritage Parties recognise and respect Te Kahui Maru Trust's vision which is:
10. Te Maru Ora is the Ngāti Maru strategic framework which sets out Ngāti Maru's values, principles and aspirations. Te Maru Ora is an expression of Ngāti Marutanga and Ngati Maru's desire to work proactively and collaboratively for the benefit of current and future generations of Ngāti Maru uri. The framework focusses on the following areas:
  - 10.1. **Maru Mua** - *Ko te whakapikitanga o te ohanga o Ngāti Maru*. Strengthening Ngāti Maru's future prosperity.
  - 10.2. **Maru Roto** - *Kia matomato te tupu o Ngāti Maru tangata, Ngāti Maru ahurea*. Strengthening Ngāti Maru within. Ngāti Maru are healthy and flourishing physically, spiritually, emotionally and culturally.
  - 10.3. **Maru Taha** - *He whakapūmau i ngā hononga. He tuitui i te whanaungatanga*. He taketake Rongo. Strengthening relationships and building connections.
  - 10.4. **Maru Pae** - *Kia tau te tāmōre more nui nō Papa nō Rangi*. Connection to place (our whenua, awa, marae, ngā wāhi tapu).

10.5. **Maru Muri** - *Ko te aro ki ngā kōrero taketake o Ngāti Maru. He whakatau i ngā mahi o nehe kia marire te noho.* Understanding and learning from our history and experience.

10.6. **Maru Tiketike** - *Kia puāwai ai a Ngāti Maru i roto i ōna kawenga katoa.* Reaching for the heavens - innovation and outstanding achievement.

11. Ngāti Maru seeks to work with the Culture and Heritage Parties to assist Ngāti Maru to achieve its strategic goals.
12. This vision is intended to facilitate access to Ngāti Maru taonga and their care and management, use, development and revitalisation and to facilitate the identification, protection, preservation and conservation of Ngāti Maru's historical and cultural heritage.
13. The vision of Te Kahui Maru Trust is built upon the already existing relationships between Ngāti Maru 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

14. The Parties acknowledge the following relationship principles that will guide the implementation of this Whakaaetanga:
- 14.1. working consistently with Te Tiriti o Waitangi/the Treaty of Waitangi and its principles;
  - 14.2. working with a 'no surprises' approach;
  - 14.3. working in a spirit of co-operation;
  - 14.4. acknowledging that the relationship is flexible and evolving;
  - 14.5. respecting the independence of the Parties and their individual mandates, roles and responsibilities; and
  - 14.6. recognising and acknowledging that the Parties benefit from working together by sharing their vision, knowledge and expertise.
15. Te Kahui Maru Trust and the Culture and Heritage Parties have entered into this Whakaaetanga in good faith and in the spirit of partnership. Te Kahui Maru Trust 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

16. The requirements of the Whakaaetanga are aspirational and non-binding. The Parties acknowledge that while this Whakaaetanga is not intended to constitute a contract, that is enforceable in law between the Parties, the Parties are committed to working together in good faith in accordance with this Whakaaetanga.
17. 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 [xx] of the [IWI NAME Settlement Act YEAR] (“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.
18. For the avoidance of doubt the legally enforceable parts of the Whakaaetanga are contained in Appendix B and apply to MCH only.
19. Resourcing of activities under this Whakaaetanga will be within the existing resource limits and align with the Government priorities of the day.
20. Te Kahui Maru Trust 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.

## Development of specific pieces of work

21. When requested by the Te Kahui Maru Trust, each of the Culture and Heritage Parties will confirm joint work plans (work plans) with Te Kahui Maru Trust, in relation to matters consistent with the purpose of this Whakaaetanga of specific pieces of work to be undertaken which may:
  - 21.1. provide the detail of the commitments agreed by Te Kahui Maru Trust and each respective Culture and Heritage Party;
  - 21.2. set out a timetable and milestones for delivering on any agreed commitments;
  - 21.3. confirm the responsibilities for the various parties in meeting the agreed commitments;
  - 21.4. identify a process for resolving any issues or disputes;
  - 21.5. identify key contact persons for the parties;
  - 21.6. provide for mutually agreed outcomes; and
  - 21.7. provide for the work plans to be reviewed at the annual meeting.



22. Final topics for the work plans will be mutually agreed by Te Kahui Maru Trust and each respective Culture and Heritage Party and will reflect the priorities, resources and the specific functions and duties of the parties.
23. 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 Kahui Maru Trust before issuing any such invitation.

### Work Plan Topics Shared by all Parties

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

- 24.1. Care and Management of Ngāti Maru 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 Kahui Maru Trust as far as reasonably practicable, to develop and maintain inventories for Ngāti Maru taonga;
- c. to work collaboratively with Te Kahui Maru Trust to research Ngāti Maru taonga;
- d. to work with Te Kahui Maru Trust to develop metadata for Ngāti Maru taonga;
- e. to work collaboratively with Te Kahui Maru Trust on taonga care, management, and storage;
- f. to develop mutually beneficial research projects that enhance the understanding of Ngāti Maru taonga and Ngāti Maru culture; and
- g. to work collaboratively with Te Kahui Maru Trust on the identification, preservation and protection of their land based Māori heritage, structures and monuments.

- 24.2. Sharing knowledge and expertise associated with Ngāti Maru 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 Maru taonga;
- c. work together on exhibition planning processes and related activities specific to Ngāti Maru taonga;

- d. seek advice from Te Kahui Maru Trust regarding specific policy and tikanga guidance as it relates to Ngāti Maru taonga; and
- e. share information on the preservation and protection of land based Māori heritage, structures and monuments.

24.3. Opportunities for increased learning and capacity building relating to Ngāti Maru 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.

25. Final topics for the work plans will be mutually agreed by Te Kahui Maru Trust 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 Kahui Maru Trust and each of the Culture and Heritage Parties.

## Ongoing Relationships

26. The Parties agree to meet (“hui of the Parties”) if requested by either party, at a date to be mutually agreed.

27. The Parties will jointly take responsibility for confirming the hui of the Parties and the hui agenda.

28. Each party will meet its own cost of attending the hui of the Parties.

## Communication

29. The Parties commit to:

- 29.1. maintain effective communication with one another on any concerns and issues arising from this Whakaaetanga and its implementation;
- 29.2. as far as reasonably practicable, provide opportunities for meetings of relevant management and staff;
- 29.3. 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;

- 29.4. as far as reasonably practicable, inform other organisations with whom they work, central government agencies and stakeholders about this Whakaaetanga and future amendments; and
  - 29.5. include a copy of this Whakaaetanga on the Culture and Heritage Parties' websites.
30. It is agreed by the Parties that any issue regarding the interpretation of clauses in this Whakaaetanga shall be resolved after taking into account the Te Kahui Maru Trust vision and principles.

## Changes to Policy and Legislation Affecting this Whakaaetanga

31. In addition to the specific commitments in this Whakaaetanga, the Culture and Heritage Parties will consult, wherever practicable, with the Te Kahui Maru Trust on legislative and policy development or review which potentially affects Ngāti Maru taonga and provide for opportunities for the Te Kahui Maru Trust to contribute to such developments.
32. If any of the Culture and Heritage Parties consult with the public or with Māori generally on policy development or any proposed legislative amendment to the statutes under which the Culture and Heritage Parties operate, and which impacts on the purpose of this Whakaaetanga, the Culture and Heritage Parties shall:
  - 32.1. notify the Te Kahui Maru Trust of the proposed policy development or proposed legislative amendment upon which consultation will be occurring;
  - 32.2. make available to the Te Kahui Maru Trust the information provided to Māori as part of the consultation process referred to in this clause; and
  - 32.3. advise the Te Kahui Maru Trust of the final outcome of any such consultation.
33. Where the Culture and Heritage Parties are required to consult under this Whakaaetanga, the basic principles that will be followed in consulting with Te Kahui Maru Trust trustees in each case are:
  - 33.1. ensuring that Te Kahui Maru Trust 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;
  - 33.2. providing Te Kahui Maru Trust trustees with sufficient information to make informed submissions in relation to any of the matters that are the subject of the consultation;
  - 33.3. ensuring that sufficient time is given for the participation of Te Kahui Maru Trust trustees in the decision making process including the preparation of submissions by Te Kahui Maru Trust trustees in relation to any of the matters that are the subject of the consultation;

- 33.4. ensuring that the Culture and Heritage party will approach the consultation with Te Kahui Maru Trust trustees with an open mind, and will genuinely consider the submissions of Te Kahui Maru Trust trustees in relation to any of the matters that are the subject of the consultation; and
- 33.5. reporting back to Te Kahui Maru Trust trustees, either in writing or in person, in regard to any decisions made that relate to that consultation.

## Dispute Resolution

- 34. 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 the Te Kahui Maru Trust and the Chief Executive of, or relevant Minister for, the Culture and Heritage Party (or, in the case of Te Papa and Pouhere Taonga, the Chairperson of the Board). Any Party that makes a request for a meeting will give one month's notice to the other parties.
- 35. Where the dispute has not been resolved within a reasonable period of time through a meeting under [clause 32] then either party may require the dispute to be referred to mediation as follows:
  - 35.1. the party requiring the dispute to be referred to mediation must provide written notice to the other party or parties.
  - 35.2. 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 33.1] mediator will be appointed by the President for the time being of the New Zealand Law Society. The mediator will be:
    - a. familiar with tikanga based dispute resolution; and
    - b. independent of the dispute.
  - 35.3. the mediator will not have the power to determine the dispute, but may offer advice of a non-binding nature.
- 36. Where a mediator is appointed through the process described in [clause 24], the costs of the mediation will be met jointly by the Parties.

## Review Provision

- 37. 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.

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38. The Parties will negotiate any amendments to provisions at a hui of the Parties referred to at [clause 24] and may sign an amended Whakaaetanga that reflects the changes which will take effect upon signing.

## Definitions

<b>“the Area”</b>	means the Ngāti Maru Area of Interest as defined at Appendix D
<b>“Culture and Heritage parties”</b>	has the same meaning given to it in “the Parties” section of this Whakaaetanga
<b>“Deaccessioned”</b>	means the permanent removal of an item from the collections of Te Papa
<b>“Found”</b>	has the same meaning as in section 2 of the Protected Objects Act 1975
<b>“Inventories”</b>	means list of information
<b>“Whakaaetanga”</b>	means this Whakaaetanga Tiaki Taonga
<b>“National Library”</b>	includes the Alexander Turnbull Library
<b>“Settlement Date”</b>	has the same meaning as in the Deed of Settlement.
<b>“Taonga”</b>	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.
<b>“Tiaki Taonga”</b>	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

Negotiations Sensitive: Ngāti Maru Taranaki  
Version as at: 27 April 2022

Issued on 13 May 2022

## Signing parties

Holden Brent Hohaia  
Chairman  
**Te Kahui Maru Trust**  
Date:



Paul James (May 11, 2022 12:54 GMT+12)

Paul James  
Chief Executive  
**Te Tari Taiwhenua Department of Internal Affairs**

Date: May 11, 2022



Bernadette Cavanagh  
Chief Executive  
**Ministry for Culture and Heritage Manatū Taonga**

Date: May 12, 2022



Courtney Johnston  
Chief Executive  
**Museum of New Zealand Te Papa Tongarewa**  
Date: May 11, 2022



Arapata Hakiwai (May 11, 2022 12:45 GMT+12)

Arapata Hakiwai  
Kaihautū  
**Museum of New Zealand Te Papa Tongarewa**  
Date: May 11, 2022



Andrew Coleman  
Chief Executive  
**Heritage New Zealand Pouhere Taonga**  
Date: May 11, 2022

## WITNESS

\_\_\_\_\_  
Name:  
Occupation:  
Address:

## WITNESS

\_\_\_\_\_  
Name: Elaine Loon  
Occupation: Executive Services  
Address:

## WITNESS

\_\_\_\_\_  
Name: Bridie Cooper  
Occupation: EA to Bernadette Cavanagh  
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## WITNESS

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Name: Asha Nath  
Occupation: Executive Assistant  
Address: Museum of New Zealand Te Papa Tongarewa

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Name: Asha Nath  
Occupation: Executive Assistant  
Address: Museum of New Zealand Te Papa Tongarewa

## WITNESS

\_\_\_\_\_  
Name: Tatum Hoskin  
Occupation: Governance Administrator  
Address:

*The Whakaaetanga is based on the DIA/Te Papa Kawenata of Commitment Version 27: 14 September 2010 and the MCH Taonga Tūturu Protocol.*

## 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 Kahui Maru Trust to develop processes to record what material relating to Ngāti Maru taonga is being accessed from the collections;
  - b) to work with Te Kahui Maru Trust to develop protocols concerning use of and access to material relating to Ngāti Maru taonga;
  - c) to work with Te Kahui Maru Trust to develop exhibition opportunities relating to Ngāti Maru Settlement taonga; and
  - d) to provide Te Kahui Maru Trust the opportunity to share their mātauranga regarding key activities and events at National Library.
2. Sharing knowledge and expertise associated with Ngāti Maru taonga:
  - a) to share knowledge and expertise on Ngāti Maru 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 Kahui Maru Trust to develop processes to record what material relating to Ngāti Maru taonga is being accessed from the collections;
  - b) to work with Te Kahui Maru Trust to develop protocols concerning use of and access to materials relating to Ngāti Maru taonga;
  - c) to consult with Te Kahui Maru Trust regarding, and provide Ngāti Maru with the opportunity to acquire, in accordance with section 25 of the Public Records Act 2005, Ngāti Maru taonga that are superfluous to the needs of Archives New Zealand; and



- d) to develop a process to provide information to Te Kahui Maru Trust on the type of research being conducted when Ngāti Maru taonga are being accessed.
4. Monitoring delivery of service:
- a) to develop processes to monitor the effectiveness of the relationship with and services to Te Kahui Maru Trust in achieving outcomes mutually agreed in the work plans.
5. Analysis and reporting:
- a) to prepare and prioritise a list of key questions to ask regularly in written reports to Te Kahui Maru Trust 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 Maru taonga:
- a) to consult with Te Kahui Maru Trust, and advise public offices and local authorities, on best practice in making access decisions for access to Ngāti Maru taonga held by the public archives and local authorities.

## Museum of New Zealand Te Papa Tongarewa

7. To work with Te Kahui Maru Trust 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's ("Te Papa") collections a special connection to the marae – Rongomaraeroa; and
  - b) shapes and informs many of Te Papa's activities 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 Maru taonga held at Te Papa;
  - b) to work with Te Kahui Maru Trust to develop exhibition opportunities; and
  - c) to provide opportunities to promote Ngāti Maru artists at Te Papa.
9. To provide Ngāti Maru the opportunity to share their mātauranga regarding key activities and events at Te Papa:
- a) to recognise the Te Kahui Maru Trust as an iwi authority for Ngāti Maru in relation to taonga issues; and
  - b) to consult with Te Kahui Maru Trust regarding, and provide Ngāti Maru with the opportunity to acquire, Ngāti Maru taonga that may be deaccessioned by Te Papa.

10. Sharing knowledge and expertise associated with Ngāti Maru cultural heritage kaupapa:

- a) to share knowledge and expertise associated with Ngāti Maru 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;
  - iii) Ngāti Maru taonga held overseas;
- b) to actively facilitate Ngāti Maru relationships with New Zealand and international museums, galleries and heritage organisations; and
- c) to actively facilitate opportunities for access and reconnection of Te Kahui Maru Trust taonga through the relationships stated in paragraph 10 (b) above.

Te Papa: Future Aspirations:

11. In the future Te Papa and Te Kahui Maru Trust 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 where 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 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 – tāngata whenua, landowners, developers, archaeologists.

### MAHI RĀRANGI KŌRERO - MĀORI HERITAGE AND THE LIST

16. Formerly known as the Register, the New Zealand Heritage List/Rārangi 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:

- 17.
- 18. liaise and engage with relevant iwi/hapū and hapori and interested groups, e.g. landowners, local authorities, government departments;
- 19.
- 20. specifically prepare Māori heritage proposals for entry on the List, researching the history and significance to iwi/hapū of their taonga places; and
- 21.
- 22. 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.

## 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 Kahui Maru Trust with the opportunity for input into those matters.

### RELATIONSHIP PRINCIPLES

2. Te Kahui Maru Trust, the Minister and the Chief Executive agree to abide by the relationship principles set out in [clauses 12 and 13] 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 Kahui Maru Trust 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 Kahui Maru Trust 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 Kahui Maru Trust in writing of any Taonga Tūturu found within the Area or identified as being of Ngāti Maru 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 Maru origin found anywhere else in New Zealand;

- c) notify Te Kahui Maru Trust 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 Maru origin found anywhere else in New Zealand;
- d) notify Te Kahui Maru Trust 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 Maru origin found anywhere else in New Zealand, or for any right, title, estate, or interest in any such Taonga Tūturu; and
- e) notify Te Kahui Maru Trust 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 Maru 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 MARU ORIGIN FOUND ELSEWHERE IN NEW ZEALAND**

- 7. If Te Kahui Maru Trust 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 Maru 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 Te Kahui Maru Trust's claim of ownership, the Chief Executive will consult with Te Kahui Maru Trust 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 Maru origin found anywhere else in New Zealand, cannot be resolved, the Chief Executive at the request of Te Kahui Maru Trust 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 Maru ORIGIN FOUND ELSEWHERE IN NEW ZEALAND**

- 10. If Te Kahui Maru Trust does not lodge a claim of ownership of any Taonga Tūturu found within the Area or identified as being of Ngāti Maru 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 Kahui Maru Trust before a decision is made on who may have custody of the Taonga Tūturu; and

- b) notify Te Kahui Maru Trust in writing of the decision made by the Chief Executive on the custody of the Taonga Tūturu.

### EXPORT APPLICATIONS - EXPERT EXAMINERS

11. For the purpose of seeking an expert opinion from Te Kahui Maru Trust trustees on any export applications to remove any Taonga Tūturu of Ngāti Maru origin from New Zealand, the Chief Executive will register Te Kahui Maru Trust trustees on the MCH Register of Expert Examiners.
12. Where the Chief Executive receives an export application to remove any Taonga Tūturu of Ngāti Maru origin from New Zealand, the Chief Executive will consult Te Kahui Maru Trust trustees as an Expert Examiner on that application, and notify the Te Kahui Maru Trust 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 Kahui Maru Trust within the limits of the Act. In circumstances where the Chief Executive originally consulted Te Kahui Maru Trust as an Expert Examiner, the Minister may consult with Te Kahui Maru Trust 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 Kahui Maru Trust in writing of the Minister's decision on an appeal in relation to an application to export any Taonga Tūturu where Te Kahui Maru Trust was consulted as an Expert Examiner.

### REGISTRATION AS A COLLECTOR OF NGĀ TAONGA TŪTURU

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

### BOARD APPOINTMENTS

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

## NATIONAL MONUMENTS, WAR GRAVES AND HISTORIC GRAVES

17. The Chief Executive shall seek and consider the views of Te Kahui Maru Trust trustees on any national monument, war grave or historic grave managed or administered by MCH, which specifically relates to Ngāti Maru's 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 the Te Kahui Maru Trust, 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 MARU

19. The Chief Executive shall:
  - a) provide Te Kahui Maru Trust trustees with a list and copies of all history publications commissioned or undertaken by MCH that relate substantially to Ngāti Maru; and
  - b) where reasonably practicable, consult with Te Kahui Maru Trust trustees on any work MCH undertakes that relates substantially to Ngāti Maru:
    - 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 Kahui Maru Trust trustees accept that the author, after genuinely considering the submissions and/or views of, and confirming and correcting any factual mistakes identified by Te Kahui Maru Trust 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 Maru 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 Kahui Maru Trust trustees as a provider of professional services. The procurement by the Chief Executive of any such services set out in [clause 21 and 22] of Appendix B is subject to the Government Procurement Rules, all government good practice policies and guidelines, and MCH's purchasing policy.



## 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 Maru.

### 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;
  - (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;
  - (c) Public archives are accessible and used; and
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.
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. Te Papa's purpose, 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 the 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 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 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.



## APPENDIX D: NGĀTI MARU AREA OF INTEREST

