

 <p>TRUST WAIKATO TE PUNA O WAIKATO</p>	<h1>Preserving Art and Taonga of significance to the Trust region</h1>	
Section	Policy Manual Section 1.8	
Version/Date	2.1 Final/20 October 2008	
History	Revised Policy approved	19 February 2007
	Draft Updated Policy prepared	15 September 2007
	Final Policy adopted	20 October 2008
Review Schedule	Three Yearly or as required	
Purpose	<i>This Policy supports Trust Waikato's priority of preserving and protecting the region's history and artifacts, and promoting understanding of the culturally diverse nature of the region.</i>	

1.0 Philosophy

- 1.1 The Trust wishes to contribute to the preservation of art and taonga significant to the Trust's region. Purchasing significant art and taonga for the Trust Waikato Collection is a way of contributing to the Trust's strategic priority of "Preserving Cultural Identity". In particular the Trust acknowledges that:
- a. Art and taonga are important symbols of who we are and where we have come from. They help us define our regional and ethnic identities.
 - b. The region's art and taonga signify that this area is rich in cultural and artistic heritage.
 - c. The purchasing programme assists in redressing the removal of art and taonga from the Waikato through decades of war and travel through the region.
 - d. The purchasing programme ensures that contemporary art significant to our region stays in the region.
- 1.2 The Trust Waikato Collection demonstrates publicly the Trust's commitment to art and culture as fundamental to the well-being of people, and the Trust's commitment to the arts sector.
- 1.3 As a Registered Collector of Nga Taonga Tuturu¹ under the Protected Objects Act 1975², the Trust acknowledges the following responsibilities:
- I. To comply with the conditions of registration under the Act,
 - II. To notify the Ministry of Culture and Heritage of any changes to the Trust's collection of protected objects,
 - III. To sell taonga tuturu only to authorised purchasers.

¹ Collector Number 2292 - Refer to Appendix One for a description

² Refer to Appendix One for a summary

2.0 Guidelines for Purchasing Art and Taonga

2.1 The Trust has adopted the following **Guidelines for Purchasing Art and Taonga** for the Trust Waikato Collection.

2.1.1 Trust Waikato wishes to acquire those works of art, taonga and other artifacts which are considered to be of significance to the Trust region. In deciding whether a work is significant to the Trust region the following matters shall be taken into account:

2.1.2 In relation to **Art**, the following criteria should be considered

- a. Historical artists who were based in, or who travelled through, the Waikato, and/or documented scenes of the area.
- b. Contemporary artists from the region.
- c. Artists and works representative of the cultural diversity of the region.
- d. Artists with tangata whenua affiliations.
- e. Contemporary, modern or historical work by major artists of national or international repute, subject to such work being consistent with the themes set out in g. below.
- f. Prominent works that would otherwise be lost from the region, subject to such work being consistent with the themes set out in g. below.
- g. Themes:
 - i. The history of the Trust region.
 - ii. The geography and landmarks of the Trust region.
 - iii. Tangata whenua, the people and relationship with the land.
 - iv. Contemporary communities and issues of the region.

2.1.3 In relation to **Ethnology**, the following criteria should be considered:

- a. Taonga (traditional and contemporary arts and crafts, archaeology, photographic and oral archives) of the people of the Tainui waka, including Waikato, Raukawa, Hauraki and Maniapoto tribal regions and other tangata whenua of the region. When considering the purchase of such taonga the appropriateness of Trust ownership will be considered and wider consultation may take place.

2.1.4 In relation to **History**, the following criteria should be considered:

- a. material relating to named people either resident in the Trust region, or who have had an impact on the region's development.
- b. material related to local businesses, societies and institutions.
- c. material related to events in the history of the Trust region.
- d. material related to the social and domestic life of the Trust region.

2.2 In deciding on whether an art work meets the various conditions as set out in 2.1 above, the Chief Executive is required to take advice from a recognised external specialist (for example the Trust's Arts Consultant) as well as from staff of the Waikato Museum of Art and History (the Museum).

3.0 Accessibility of Art and Taonga

- 3.1 The Trust wishes for its art work and artifact purchases to be held at the Waikato Museum of Art and History under a long term loan agreement.
 - 3.1.1 While in the care of the Museum the Museum shall arrange for all art works and artifacts to be appropriately insured.
 - 3.1.2 The Trust purchases insurance cover for artworks and taonga temporarily housed at Trust House before they are formally handed over to the care of the Museum.
 - 3.1.3 The Trust notes and acknowledges the kaitiakitanga and mana taonga of the works it purchases for safe-keeping at the Waikato Museum of Art and History.
- 3.2 The Trust wishes for the Waikato Museum of Art and History to display such works as is deemed appropriate, and authorises the Museum to lend the works to other appropriate venues for display, subject always to appropriate security and insurance being guaranteed.
 - 3.2.1 The Trust wishes to make its collection accessible to the people of the region and aims to travel a portion of the collection to an exhibition in an area within the Trust region each year, and/or the Trust may resolve to place pieces in other museums or appropriate venues by way of a loan or gift.

4.0 Other Ways of Preserving Our Heritage

- 4.1 From time to time the Trust has opportunities to preserve something which would not be part of the Trust Waikato Collection, but which is something precious for the Trust's region nevertheless. The Trust is open to such opportunities.
- 4.2 This can happen through the Trust's donations programme so that community and tangata whenua organisations are enabled to preserve special items, and through the Trust's capital investments.
- 4.2 Purchasing Trust House and then McGregor House (now Trust Cottage) were responses to two such opportunities. The Trust acknowledges the historic value of both houses.

5.0 Trust Waikato National Contemporary Art Award

- 5.1 The Trust sponsors the prize for the winner of the Trust Waikato National Contemporary Art Award and has first right of purchase of the winning piece of art.

- 5.2 The following process is to be used when deciding whether or not to purchase the work:
- a. The Chair, other Trustees as are able, Chief Executive and Arts Consultant attend the Awards.
 - b. On the next working day after the Awards, the Trust's Art Consultant will recommend to the Chair and Chief Executive whether or not to purchase the winning work.
 - c. The Chair and Chief Executive are authorised to make the decision to purchase or not, subject to the criteria below, and will report their decision to the following Trust meeting for endorsement.
 - d. The following criteria will be used when deciding whether or not to purchase the work:
 - i. Quality and significance of the winning work.
 - ii. Fit with the Trust Waikato collection.
 - iii. Price.

6.0 Administration

- 6.1 Procedures and documentation surrounding the purchase and custody of art and taonga under this policy will ensure:
- a. That the Trust's records are kept up-to-date and accurate,
 - b. That the Trust's and the Museum's requirements for transfer and custody are met – including spiritual and cultural considerations,
 - c. That, where applicable, there is compliance with the Protected Objects Act 1975 (formerly the Antiquities Act).
- 6.2 All art works and artifacts purchased pursuant to this policy shall be recorded in the Trust's books as an investment asset, and are subject to depreciation (required under IFRS).
- 6.2 The annual budget for art purchases, art consultant costs and regional exhibition costs shall be set at \$185,000 (currently \$135,000 for purchases, \$15,000 consultancy, \$35,000 exhibition costs) and shall be reviewed in each annual budget round.

Policy		Preserving Art and Taonga	
Version Control			
Draft	Draft Policy		
1.0	Revised Policy adopted		19 February 2007
2.0	Final Policy (updated) adopted		20 October 2008
Review Schedule			
3	Three-yearly or as required		2011

Protected Objects Act 1975 (formerly the Antiquities Act)

1 Purpose

The purpose of this Act is to provide for the better protection of certain objects by—

- (a) regulating the export of protected New Zealand objects; and
- (b) prohibiting the import of unlawfully exported protected foreign objects and stolen protected foreign objects; and
- (c) providing for the return of unlawfully exported protected foreign objects and stolen protected foreign objects; and
- (d) providing compensation, in certain circumstances, for the return of unlawfully exported protected foreign objects; and
- (e) enabling New Zealand's participation in—
 - (i) the UNESCO Convention; and
 - (ii) the UNIDROIT Convention; and
- (f) establishing and recording the ownership of nga taonga tuturu; and
- (g) controlling the sale of nga taonga tuturu within New Zealand.

Section 1A was inserted, as from 1 November 2006, by section 6 Protected Objects Amendment Act 2006 (2006 No 37).

2 Interpretation

(1) In this Act, unless the context otherwise requires,—

Collector means any person or body (whether incorporated or unincorporated), other than a licensed auctioneer, a licensed secondhand dealer, or a public museum, possessing one or more taonga tuturu
Collector: this definition was amended, as from 1 November 2006, by section 7(3)(a) Protected Objects Amendment Act 2006 (2006 No 37 by substituting the words “taonga tuturu” for the word “artifacts”.

protected New Zealand object means an object forming part of the movable cultural heritage of New Zealand that—

- (a) is of importance to New Zealand, or to a part of New Zealand, for aesthetic, archaeological, architectural, artistic, cultural, historical, literary, scientific, social, spiritual, technological, or traditional reasons; and
- (b) falls within 1 or more of the categories of protected objects set out in Schedule 4

taonga tuturu means an object that—

- (a) relates to Maori culture, history, or society; and
- (b) was, or appears to have been,—
 - (i) manufactured or modified in New Zealand by Maori; or
 - (ii) brought into New Zealand by Maori; or
 - (iii) used by Maori; and
- (c) is more than 50 years old

7F Register

(1) The chief executive [*of the administering government department*] must establish and maintain a register of objects, or categories of objects, of national significance.

(2) The register—

(a) must include (but is not limited to) any protected New Zealand object in respect of which the chief executive has refused to grant an application for permission to export; and

(b) may include any protected New Zealand object—

(i) that its owner submits for inclusion in the register; and

(ii) that is of such significance to New Zealand or part of New Zealand that its export from New Zealand would substantially diminish New Zealand's cultural heritage.

(3) An object may only be removed from the register if it no longer meets the criteria specified in subsection (2).

(4) The register is not available for public inspection.

Sections 7A to 7H were inserted, as from 1 November 2006, by section 10 Protected Objects Amendment Act 2006 (2006 No 37).

7G Registered object may not be permanently exported

(1) A registered object may not be permanently exported from New Zealand.

(2) If a registered object is permanently exported from New Zealand, the chief executive may take any appropriate action that he or she thinks fit to seek to have the object returned to New Zealand.

Sections 7A to 7H were inserted, as from 1 November 2006, by section 10 Protected Objects Amendment Act 2006 (2006 No 37).

14 Registration of collectors

(1) After the commencement of this Act no collector shall add or attempt to add to his or her collection of nga taonga tuturu and no person shall be granted custody of any artifact by the chief executive unless the collector or person has been registered as a collector of nga taonga tuturu by the chief executive.

(2) The chief executive shall, where reasonable grounds for doing so exist, have power to refuse registration and in particular shall not be required to register as a collector of nga taonga tuturu any person—

(a) Who is not ordinarily resident in New Zealand; or

(b) Who has been convicted of an offence against any provision of this Act or of the Historic Places Act 1980.

(3) It shall be a condition of registration of any person as a registered collector that—

(a) Except in the case of a gift or bequest to a relative of that person, disposal of part or the whole of his or her collection shall be only to another registered collector, to a public museum, or through the offices of a licensed auctioneer or a licensed secondhand dealer:

(b) his or her collection shall be made available for examination at any reasonable time by any person so authorised by the chief executive:

(c) he or she will undertake to notify the chief executive of any change in his or her collection which has taken place otherwise than through the offices of a licensed auctioneer or a licensed secondhand dealer within 14 days of such change:

- (d) he or she will notify the chief executive of any change in the place at which the collection is held within 14 days after the date of the change.
- (4) Every application for registration as a collector of nga taonga tuturu shall be in the form provided by the chief executive, and, where registration is granted by the chief executive to any person, a certificate of registration shall be issued to the applicant under the hand of the chief executive.
- (5) The chief executive shall revoke the registration of any registered collector who is convicted of an offence against this Act or the Historic Places Act 1980.
- (6) Every person commits an offence who,—
- (a) not being a registered collector,—
 - (i) acquires or attempts to acquire a taonga tuturu, knowing or having reasonable cause to suspect that it is a taonga tuturu, otherwise than in accordance with any provision of this Act; or
 - (ii) falsely declares to any person that he or she is a registered collector;or
 - (b) being a registered collector, fails to comply with any of the conditions of registration specified in subsection (3).
- (7) Every person who commits an offence under subsection (6) is liable on summary conviction,—
- (a) in the case of an individual, to a fine not exceeding \$10,000 for each taonga tuturu:
 - (b) in the case of a body corporate, to a fine not exceeding \$20,000 for each taonga tuturu.

*The Protected Objects Act is administered by the Ministry for Culture and Heritage
Refer to <http://www.mch.govt.nz/protected-objects/>*