

TAONGA MAORI PROTECTION

ANALYSIS

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A BILL INTITULED

**An Act to make provision for the preservation of the
Maori cultural heritage in Aotearoa, New Zealand, and
for related purposes**

5 WHEREAS it is expedient to make provision for the
preservation of the Maori cultural heritage in New Zealand:

AND WHEREAS the Government of New Zealand
acknowledges:

10 (a) The occupation of New Zealand by the Maori people
before the arrival of Europeans:

(b) The importance to the Maori people and to the wider
community of the Maori culture and heritage:

15 (c) That the Maori people of New Zealand are the rightful
owners of their heritage and should be given
responsibility for its future and control and
management:

(d) The need to make provision for the preservation of
objects and places of religious, historical, or cultural
significance to the Maori people:

20 (e) The need to accord appropriate status to Maori
communities in their role of protecting the continuity
of the culture and heritage of the Maori people:

BE IT THEREFORE ENACTED by the Parliament of New Zealand
as follows:

No. 166—1

1. Short Title and commencement—(1) This Act may be cited as the Taonga Maori Protection Act 1996.

(2) This Act shall come into force on the day on which it receives the Royal assent.

2. Interpretation—In this Act, unless the context otherwise requires,— 5

“Taonga Maori” means the tangible treasures or property as defined by Maori and which include physical artifacts.

3. Act to bind the Crown—This Act shall bind the Crown. 10

4. Application of Antiquities Act 1975—Provisions of this Act are in addition to, not in substitution for, the provisions of the Antiquities Act 1975 by—

(a) Establishing a register of prized taonga Maori as defined in **section (2)** of this Act: 15

(b) Establishing a charitable trust which has the authority to purchase taonga and expedite their return to New Zealand.

5. Protection of tangible taonga Maori—(1) The Ministry of Maori Development, Te Puni Kokiri, shall be made responsible for the monitoring and auditing of Government departments, Crown entities, and State enterprises to ensure the ongoing protection of physical taonga. 20

(2) Regional liaison officers shall be employed by Te Puni Kokiri to ensure the needs peculiar to each region of the country are met in the upholding of this Act and the Ministry shall report to Parliament on the performance of each agency pursuant to this Act. 25

(3) Multi-national corporations including foreign companies shall be required to include in their annual reports mechanisms and initiatives pursued in the protection of physical taonga. Prior to beginning operation in New Zealand, foreign companies must illustrate their practical commitment to, and understanding of, the need for protection of taonga Maori to Te Puni Kokiri. 30

(4) Te Puni Kokiri will establish an inspectorate to oversee the application of this Act with regard to multi-national corporations. 35

6. Taonga Maori Register—(1) There is hereby established a Taonga Maori Register to record the location of physical treasures held off-shore.

5 (2) The Taonga Maori Register shall record the origin of treasures and information relevant to its history and future.

(3) The Register shall be administered by the Minister of Maori Affairs in conjunction with the Taonga Maori Trust and Maori.

10 (4) Physical taonga Maori may not be sold or alienated without the prior consent of Maori sought by way of a thorough process of consultation.

15 (5) Te Puni Kokiri shall be responsible for a liaison programme to encourage communication about the importance of taonga and the requirement for museum authorities to advise the administrators of the Taonga Maori Register of the whereabouts of taonga Maori.

20 (6) There shall be in operation an amnesty of 12 months, to commence upon the passage of this Act, during which time guardians of taonga shall be able to inform the Taonga Maori Register of the locality and condition of taonga in their possession. The provision of such information does not necessarily prohibit continued ownership but merely assists protection.

7. Taonga Maori Trust—(1) There is hereby established a charitable trust to be called Taonga Maori Trust to assist with the administration of the Taonga Maori Register.

(2) The Taonga Maori Trust shall accept financial contributions from Government agencies, corporate groups, and individuals.

30 (3) The Taonga Maori Trust shall be subject to the provisions of the Charitable Trusts Act 1957.

35 (4) The Taonga Maori Trust shall assist in the return of bodily remains and other taonga which have been alienated from their iwi at the behest of Maori whanau, by utilising Trust funds and liaising with authorities in overseas countries, and where it is not possible to repatriate these taonga, efforts will be made to have them removed from display.

40 (5) The Taonga Maori Trust and Te Puni Kokiri shall co-operatively assist in the research of the history of taonga where ownership or origins are disputed, and may invoke the jurisdiction of the Maori Land Court if deemed necessary.