

Copyright is owned by the Author of the thesis. Permission is given for a copy to be downloaded by an individual for the purpose of research and private study only. The thesis may not be reproduced elsewhere without the permission of the Author.

**Caught in the Middle: Museums, Taonga Tūturu, and the Practical
Realities of the Protected Objects Act 1975**

A thesis presented in partial fulfilment of the requirements for the degree of

Master of Arts

in

Museum Studies

At Te Kunenga ki Pūrehuroa Massey University, New Zealand

Carly Vevers

2026

Abstract

In recent years taonga tūturu have unexpectedly revealed themselves after extreme weather events, generational inheritance, and chance encounters with the public. Ngā taonga tūturu are ancestral Māori cultural objects of historical, archaeological, and cultural significance. These moments of discovery collapse temporal boundaries, bringing the past into the present and confronting people with complex emotional, ethical, and legal questions about what to do next. Enter, the Protected Objects Act 1975 (POA).

Museums are often at the forefront of these interactions, but their role is complicated by historic and ongoing mistrust between museums and the public, and between museums and Māori. These relationships have been shaped by colonial collecting practices and uneven power relationships.

This qualitative research draws on existing literature, case studies, and interviews to examine how museums in Aotearoa New Zealand navigate their role within the POA, and how this shapes the outcomes for taonga tūturu in practice.

The findings reveal that museums can navigate the POA more effectively when processes are Māori-led, relationships with iwi and hapū are prioritised, and adequate time is allowed for trust to develop. They also demonstrate the value of proactive museum approaches that inform the public about the law as well as the grey areas and ethical dilemmas museum workers experience at the intersection of public discoveries and the POA.

The research also highlights the emotions at play for individuals in possession of taonga, including hesitation, fear of loss, attachment, and suspicion toward institutions. Generational change is significant, with people inheriting collections increasingly choosing to place taonga into museum care.

In a sector operating in a state of flux and threatened by funding cuts, this research demonstrates the need for clearer guidance, relational investment, and policy awareness of the limits museums face as they seek to connect people with the past, present, and future.

Acknowledgements

I would like to thank my team of supervisors; Amy Whitehead, Huhana Smith, and especially Ashley E. Remer for helping me pull through in the end. To all my informal advisors who gave me reassurance that I had an idea worth pursuing; Barbara Moke, David Butts, Susan Abasa, Liz Cotton, Belinda Chainey, and Victoria Esson.

This research would not have been possible if not for the financial and academic support from: Massey University, Ōraka Aparima Rūnaka, Ngāi Tahu, Bailey Bequest Scholarship, Te Rau Angitū, and the Māori Education Trust.

Thank you to my friends who cheered me all the way to the finish line, and a special thanks to my co-worker Donna, my biggest cheerleader of all. And to my husband and son for letting me be ambitious and not too anchored in reality. The sky is the limit for our special little family.

It is my sincere wish that all taonga mentioned in this thesis and encountered in this research are returned to their people to be cherished and treasured in perpetuity.

Ngā taonga tuku iho no ngā tupuna.

Author's note

Each chapter opens with an anecdotal short vignette describing the circumstances in which taonga were encountered by members of the public. These excerpts reflect the wide range of ways taonga come into people's possession and provide contextual framing for the issues explored in this thesis. They are drawn from informal encounters and publicly shared accounts and are included for illustrative purposes only; they do not form part of the formal research dataset. All identifiable information has been removed.

A note on dialects

This thesis uses the words *taonga* and *taoka* interchangeably. *Taoka* is the southern (Kāi Tahu) dialect. When referring to taonga from the Southland/Central Otago region, *taoka* is used.

Contents

Glossary	vii
List of acronyms and abbreviations	xi
List of figures	xii
1. Introduction.....	1
1.1 Introduction.....	1
1.2 Research question, aims, and objectives	2
1.3 Background.....	7
1.4 Chapter Summary.....	14
2. Literature Review	16
2.1 Introduction.....	16
2.2 Western Ideologies and Institutional Frameworks	17
2.3 Taonga and Māori ontologies	21
2.4 Museums at the intersection	24
2.5 Chapter conclusion and research gap	29
3. Methodology	31
3.1 Introduction.....	31
3.2 Positionality.....	32
3.3 Methodological rationale	33
3.4 Methods	36
3.5 Ethics	40
3.6 Interview process	41
3.7 Limitations.....	42
3.8 Chapter conclusion.....	43
4. Case studies and findings	45
4.1 introduction.....	45
4.2 Awarua	45
4.3 Central Otago	52
4.4 Tauranga.....	58
4.5 MTG Napier	67
4.6 Chapter conclusion.....	71
5. Discussion.....	72
5.1 Introduction.....	72
5.2 Colonial Foundations.....	73
5.3 Legal Frameworks	80

5.4 Māori Ontology	85
5.5 Co-Governance in Museums	90
5.6 The Public Face of the POA	96
5.7 Conclusion	101
6. Conclusion	103
6.1 Recap	103
6.2 Summary of findings	104
6.3 Readdressing the research question	106
6.4 Research evolution and the future of the POA	107
In conclusion	109
Appendix A – Ethics approval	116
Appendix B – information sheet for participants	117
Appendix C – Interview guide questions	119
Appendix D – Consent form	120
Appendix E – Official Information Act MCH	121
Appendix F – Timeline of legislated protection of taonga in Aotearoa New Zealand	122
Appendix G – Table of participants	123

Glossary

Aroha	– care, love.
Hapū	– kinship group, clan, sub-tribe, often consisting of multiple extended families.
Ihi	– essential force, excitement, thrill, power, charm, personal magnetism - psychic force as opposed to spiritual power (mana).
Iwi	– Tribe, extended kinship group.
Kaitiaki	– guardian, custodian, trustee, keeper.
Kanohi-ki-te-kanohi	– face to face (engagement).
Karakia	– prayer, incantation, ritual chant.
Kaumatua	– elder.
Kaupapa	– purpose.
Kawa	– customs.
Kōiwi	– Human remains (also kōiwi tangata).
Kōrero	– talk, discussion, story.
Korowai	– cloak - in modern Māori this is sometimes used as a general term for cloaks made of muka (New Zealand flax fibre).
Kuia	– elderly woman, grandmother, female elder.
Mahi	– work.
Mana	– prestige, authority, control, power, influence, status, spiritual power.
Mana whenua	– power derived from the land, authority over land.
Manaakitanga	– hospitality, care, generosity, support.

Manaia	– stylised figure used in carving, often as a guardian.
Marae	– meeting ground, gathering place for iwi or hapū groups.
Mauri	– life principle, life force, vital essence.
Mokopuna	– grandchildren, descendants.
Pākehā	– New Zealander of European descent (non-Māori) - probably originally applied to English-speaking Europeans living in Aotearoa/New Zealand.
Papatūānuku	– Earth, Earth mother and wife of Rangi-nui - all living things originate from them.
Pou Arahi	– a Māori cultural leader, advisor, or guide who supports individuals to connect with their whānau, hapū, and iwi. They facilitate cultural reconnection and act as liaisons to ensure Māori perspectives are upheld in various sectors.
Pounamu	– greenstone (nephrite, jade).
Pou Tiaki	– guardian, traditionally refers to a carved post (pou) that acts a supernatural guardian.
Rohe	– territory, boundary, or region traditionally used by iwi (tribes) to define their, or area.
Rūnanga	– council, tribal council, assembly, board, boardroom, iwi authority - assemblies called to discuss issues of concern to iwi or the community. (<i>Rūnaka</i> in Southern Kāi Tahu dialect).
Tangata whenua	– people of the land.
Taoka	– Southern (Kāi Tahu) dialect for <i>taonga</i> (see below).
Taonga	– treasure, anything prized - applied to anything considered to be of value including socially or culturally valuable objects, resources, phenomenon, ideas and techniques.

Taonga tūturu	– Taonga are precious items, and taonga tūturu specifies that they are objects or artefacts rather than living creatures. Taonga tūturu are protected objects that whakapapa to <i>Te Ao Māori</i> and embody <i>mana</i>, <i>tapu</i>, and <i>mauri</i>. (ngā taonga tūturu – plural form).
Tapu	– sacred, subject to long-term ritual restrictions on access or use.
Te Ao Māori	– The Māori world.
Te Tiriti o Waitangi	– Te Reo Māori version of the Treaty of Waitangi. This is the version signed by over 500 Rangatira (chiefs) compared the the English Version, signed by 39. Te Tiriti guarantees <i>Tino Rangatiratanga</i> over all taonga.
Tikanga	– correct procedure, custom, protocol - the customary system of values and practices that have developed over time and are deeply embedded in the social context.
Tino Rangatiratanga	– self-determination, sovereignty, and autonomy, guaranteed in the Māori text of Te Tiriti o Waitangi (Article 2). It represents the highest chieftainship, or absolute authority, over lands, villages, and treasures (taonga).
Tīpuna	– ancestors (<i>Tūpuna</i> in some dialects).
Toki	– adze.
Tuhua	– obsidian - a hard, dark, glass-like volcanic rock which was used for cutting. Tuhua is also the name of a place (Mayor Island) which is one of the limited sources of the stone.
Tuku iho	– handed or passed down (often generationally). For example; kōrero tuku iho – kōrero handed down; taonga tuku iho – taonga handed down.
Utu	– reciprocity, restoring balance.

Wairua	– spirit, soul - spirit of a person which exists beyond death. It is the non-physical spirit, distinct from the body and the mauri. To some, the wairua resides in the heart or mind of someone while others believe it is part of the whole person and is not located at any particular part of the body.
Waka	– Māori watercraft, usually canoes ranging in size from small, unornamented canoes (waka tīwai) used for fishing and river travel to large, decorated war canoes.
Wana	– to be exciting, thrilling, inspiring, stimulating, moving, rousing.
Wehi	– dread, fear, something awesome, a response of awe in reaction to ihi.
Whakapapa	– concept of genealogy, lineage, and descent, connecting all living things to ancestors, land, and the universe.
Whanāu	– family.
Whenua	– land.

List of acronyms and abbreviations

GLAM	– Galleries, Libraries, Archives, and Museums
HNZPTA	– Heritage New Zealand Pouhere Taonga Act 2014
ICOM	– International Council of Museums
MA	– Museums Aotearoa
MCH	– Ministry of Culture and Heritage
MLC	– Māori Land Court
MTG	– Museum Theatre Gallery Hawkes Bay
NSTP	– National Services Te Paerangi
POA	– Protected Objects Act 1975
POAA	– Protected Objects Amendment Act 2006
UNDRIP	– United Nations Declaration on the Rights of Indigenous Peoples
UNESCO	– United Nations Educational, Scientific and Cultural Organization
UNIDROIT	– International Institute for the Unification of Private Law
WTWC	– Waitaha Taoka Stewart Willetts Family Collection

List of figures

Fig 1. Miles-Kingston, R. (2024, December 29). *Hi while swimming in the waiari I found what looks to be part of an waka looking at shape and...* [Screenshot of Facebook Post].
<https://www.facebook.com/photo/?fbid=10162392137024846&set=gm.2088768781566752&id=675740449536266>p.64

Fig 2. Museums Central Otago. (2025, March 27). *BRING YOUR HIDDEN TREASURES! Do you have potential Māori artefacts or natural history specimens that you’re curious about? Our expert...* [Facebook post].
<https://www.facebook.com/photo.php?fbid=122196814058165964&set=pb.61554978934106.-2207520000&type=3>p.80

Fig 3. Christchurch Star. (1958, July 9). *Barry Eames, 13, with an oven with a whale bone and a shell midden he helped discover at Redcliffs.* Christchurch City Libraries.
<https://www.canterburystories.nz/collections/star/prints/1950s/ccl-cs-10280>
.....p.82

1. Introduction

One day a man came into the museum carrying an adze. Once it was identified as an unfinished blade, he offered it over, asking that its home be found. The museum worker hesitated, conscious of the boundaries of their role and the potential conflict of interest. But the man said he did not want the taonga to end up on a storage shelf, so the museum worker made sure that it did not.

1.1 Introduction

In Aotearoa New Zealand taonga tūturu (ancestral Māori cultural objects of historical, archaeological, and cultural significance) are frequently discovered by unsuspecting members of the public. Extreme weather events, coastal erosion, and sometimes mere chance unearths taonga. What most people do not know or understand is that the Crown has prima facie ownership over such finds and that there is a law that dictates what must be done. This means that newly discovered taonga tūturu are automatically considered property of the Crown until the Ministry of Culture and Heritage (MCH) determines the rightful owners.

The discoverer is required by the Protected Objects Act 1975 (POA) to engage in a process of having the taonga verified and registered with the MCH. The MCH is then responsible for facilitating the taonga to find its way to the appropriate iwi or hapū.

Those with access and the knowledge of where to even look for this process will likely end up at the MCH's website, where the discoverer is instructed to contact the MCH or take the taonga to their nearest public museum to comply with the law. However, many people who find taonga are not aware of the Act, but somewhat instinctually take them to a public museum anyway.

This procedure is prescribed by section 2 of the POA. The purposes of the taonga tūturu section of the POA are to establish and record ownership of ngā taonga tūturu, and to control the sale of ngā taonga tūturu within New Zealand (Protected Objects Act 1975, s 1).

The POA also has a degree of oversight of taonga found before 1975. When these taonga come up for sale, there is a registration system that records transfer of ownership.

The POA has been heavily criticised since its implementation, particularly that it does too little and came too late to protect the kaitiaki interests of Māori. The country had already been pillaged and too much taonga tūturu was already in private ownership or taken overseas before 1975. Less scrutiny has been applied to the position of museums operating in Aotearoa New Zealand in modern times and at the forefront of this Act.

Museums in Aotearoa New Zealand have a unique position under the Act. They are considered trusted custodians, exempt from having their own taonga collections registered, reflecting the assumption that they already operate within robust professional and ethical frameworks. However, the administrative role that the POA writes them into renders them automatic agents of the Crown. This means that their responsibility to register and report taonga tūturu exceeds their authority to determine their ultimate ownership or control.

This is not limited to larger institutions but to any public museum “non-profit making museum being eligible for membership of the Art Galleries and Museums Association of New Zealand” (Protected Objects Act 1975, s3 (1)). This includes regional and smaller museums that might not have the resources or knowledge to administer the Act. These become a particular focus of this study, specifically Tauranga Museum, The Museum Theatre Gallery Hawkes Bay, Cromwell Museum, Clyde Museum and Central Stories Alexander.

This research takes a qualitative approach to answer the following question: How do museums in Aotearoa New Zealand navigate their role within the Protected Objects Act 1975, and how does this shape the management, authority, and outcomes for taonga tūturu in practice?

1.2 Research question, aims, and objectives

Research focus

The focus of this research is on regional and smaller museums in Aotearoa New Zealand. This is because four of the large, legislated institutions; Te Papa Tongarewa, Auckland War Memorial Museum, Canterbury Museum, and Tūhura Otago Museum operate as

Authoritative museums under the POA (Protected Objects Act 1975, sch 1). This means that they have the authority to authenticate taonga and access the registers for taonga acquired before 1975 and taonga found after 1975. Therefore, they have policies and procedures in place to administer the POA. Regional and smaller museums must navigate the same legislative requirements for newly found taonga tūturu with fewer resources and uneven awareness of the Act.

This research also excludes taonga tūturu found in archaeological contexts. In these instances, the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) comes into effect. This Act regulates archaeological sites and excavations, including situations where taonga tūturu are uncovered during archaeological work. When such objects are discovered, the archaeological authority process governs the excavation and initial management of the site, after which the objects themselves are eventually administered under the POA.

There is an important distinction between the two Acts. The HNZPTA manages how taonga are discovered and excavated, while the POA governs their reporting, registration, ownership determination, and potential repatriation. The registration of taonga found in these contexts are subject to a much wider reporting window (Heritage New Zealand Pouhere Taonga Act, 2014).

This study is designed to understand the working reality of how museums are dealing with being caught in the middle of this piece of legislation and the principles of best professional practice outlined by Museums Aotearoa's Code of Ethics. Museums Aotearoa takes the responsibility "to guide and support our members in their respective journeys to becoming true partners with Tangata Whenua under the principles of Te Tiriti o Waitangi." They acknowledge that "Many cultural institutions in Aotearoa New Zealand care for taonga on the behalf of iwi and are actively engaged in repatriation of taonga or kōiwi" (Museums Aotearoa, n.d.). In the same breath, their Code of Ethics urges museums and galleries to register taonga as required by law (Museums Aotearoa, 2013, p.10).

The same Code of Ethics that asserts that its members abide by the POA emphasises "the principles of tino rangatiratanga and relationships between collections and peoples associated with those collections" (Museums Aotearoa, 2013, p. 5). There are no acknowledgements by Museums Aotearoa that there could be conflict between these two

imperatives. Capturing the perspectives and voices of museum workers operating in this area is important because their experiences reveal how the legislation is understood and applied in practice. This data provides insights that are largely absent from existing academic and policy discussions.

The participants interviewed were selected based on publicised cases where taonga tūturu were enacted into this POA process. Case studies included in this thesis demonstrate an overlap of Māori, museums, and taonga tūturu, and the grey areas, and ethical dilemmas that museums are navigating under the POA. They reveal the complexities at work when mediating between the public and taonga. These are emotionally charged dilemmas as well as structural constraints.

The case studies are organised around events as the most logical way of presenting them both individually and how some are connected. The Awarua event (Case Study 1) was the result of a member of the public engaging with the local marae when he was regularly finding an abundance of toki along the beach he frequented. The marae engaged with Gerard O'Regan, taonga Māori curator at Tūhura Otago Museum, who then organised for the collection to be registered under the POA at Te Rau Aroha Marae, with an open invitation to the public to bring in taonga they might have collected.

This event became the blueprint for a Roadshow, leading to subsequent events in Central Otago (Case Study 2) where the public were invited to be part of the cataloguing of museum collections of taonga tūturu. These also served as an opportunity for the public to bring in private collection of taonga for identification and, if they were willing, to facilitate its return. The Roadshow events were held in Alexandra, Clyde, and Cromwell in April 2025.

Case Study 3 examines the registration of the remnants of a waka discovered in Te Puke by a member of the public in 2024. Dean Flavell was appointed Poutiaki Māori of the Tauranga Museum Collection in 2003. He is also from Makahae Marae who have an ownership claim on the piece of waka. Flavell has extensive experience in dealing with the POA and can offer perspectives from both sides of the coin.

A series of three separate taonga tūturu handed into MTG in Napier in 2020 makes up Case Study 4. These were found in different circumstances and time frames. The purpose of the case study, which happened five years ago, is to examine an event that have been given

adequate time for the POA process to see an outcome of custodianship and how this played out. These four case studies together give a sample of how museums in Aotearoa New Zealand are interacting with the POA.

Research Aim

The POA raises ethical debates because of the level of authority of the Crown which is at odds with Māori tino rangatiratanga guaranteed by Article Two of the Treaty of Waitangi. The overlooked issue is museums' central role in taonga repatriation. While there has been a focus on the need to reform the law, there has been little thought given to the practicalities and capability of museums to engage in its process with the outcome of taonga finding its way home. Some people who find taonga tūturu may not know the law but still bring it to museums by instinct. Therefore, academic debates about the law's limitations may not reflect its practical impact or real-world application.

This is a serious problem because the legislation does not take into consideration the constraints of museums in being able to navigate the process. Likewise, Museums Aotearoa's Code of Ethics does not take into account the discomfort of museums being bound by the law to act a certain way. This puts museums in the middle of the tension between a Eurocentric law and Māori communities, who are the primary stakeholders. This dilemma leaves museums ill-equipped to bridge this gap and facilitate an outcome that serves the mana, tapu, and mauri of taonga in many possible scenarios. The aim of this research is to see museums in Aotearoa are navigating their role in under the POA and what the implications are for taonga tūturu.

Research Questions and Objectives

My motivation for pursuing this topic stems from my position as a museum worker and my identity as Māori. My professional experience has been that the POA is not widely known or understood in the sector. I wanted to draw attention the Act by exploring the ways that museums who are aware of it, are navigating all the complex human elements that it can involve.

The overarching question this study aims to answer is, “How do museums in Aotearoa New Zealand navigate their role within the Protected Objects Act 1975, and how does this shape the management, authority, and outcomes for taonga tūturu in practice?”

There are also four supplementary questions that guide this study:

- What is the role of museums under the Protected Objects Act 1975?
- How is this role interpreted and understood?
- How are museums implementing the POA in practice?
- What are the implications of this for taonga tūturu?

To answer these questions, I examine the literature, case studies, and undertake in-depth interviews with museum workers. This will lead to a better understanding as well as possible development of recommendations for the museum industry to better support the lived reality of a law that is not functioning for the best outcomes.

This research has three identified objectives:

- To identify the complexities at play when a museum is presented with taonga tūturu,
- To identify the grey areas and ethical dilemmas museums are navigating,
- To identify what support is needed for museums navigating and negotiating the processes prescribed by the POA.

To meet these objectives, I review what has been written about the POA and museum practice in Aotearoa New Zealand, analyse a series of case studies where taonga tūturu have entered the POA process, and conduct qualitative research in the form of semi-structured interviews with museum workers who interact with taonga and the POA in order to gain insights into how the legislation is understood and enacted in practice.

Significance of research

This study provides one of the first analyses of how the POA operates in practice within museums, rather than only in legal or policy debates. It highlights the need for more robust guidance from umbrella organisations such as Museums Aotearoa, National Services Te

Paerangi (NSTP) and the MCH. It therefore has the potential to bolster support from museum workers to petition changes to the law where it is not working.

At a working level, the significance of this research is its ability to raise awareness of the POA and how museums are managing their role in the Act. Becoming familiar with its limitations can help influence how small museums can prepare for uncomfortable interactions with taonga tūturu, and ensure better outcomes for taonga, better relationships with Māori communities, and become better Treaty partners.

The findings of this research reveal common issues experienced by museum workers and aim to promote a proactive approach in anticipating encounters with the POA. Such an approach would pre-empt taonga being presented to a museum and would clarify institutional responsibilities, manage expectations between museums and Māori communities, and develop policies and procedures that support culturally appropriate outcomes.

For taonga to be reunited with its source communities, a mindful and proactive approach to navigating the stormy waters of the POA will result in better outcomes for taonga and build better relationships between museums and Māori communities, empowering both to share histories of Aotearoa New Zealand.

1.3 Background

The changing landscape of museums in Aotearoa and abroad

The origins of museums in Aotearoa New Zealand lie in the colonial project of collecting, classifying, and displaying objects to construct narratives of national identity. Nineteenth and early twentieth-century museums were primarily concerned with natural history and ethnography, treating taonga Māori as curiosities or artifacts of a supposedly vanishing culture. This is reflected in the artworks of Gottfried Lindauer and Charles Frederick Goldie who painted aging Māori as though they were a dying race, described by Clarke (1998).

These practices stripped taonga of their whakapapa and korero, framing them as objects of scientific study or commodities for exchange. This process also consolidated settler authority over Indigenous heritage. Tapsell notes that early museums labelled taonga as curiosities, curios, or artifacts (Tapsell, 2014). In the late eighteenth and early nineteenth centuries,

Māori objects entered institutions such as the British Museum as curiosities of the South Pacific. By the mid-nineteenth century, Pākehā collectors were widely acquiring taonga and even ancestral human remains, which were displayed as primitive curios of a supposedly declining race (Tapsell, 2014).

Legislative action reflected this Crown-centric approach with the passing of the Māori Antiquities Act 1901. This Act intended to stop Māori cultural property being exported. Heritage professional Ailsa Cain attributes the value of these taonga to the government of the day was as relics to be studied (Cain, 2006). It was not introduced to protect Māori rights, but to prevent the loss of cultural property to overseas collectors at a time when the government was seeking to build its own national collections. The trajectory of this legislated protection culminated in the Antiquities Act 1975, which introduced the Crown's prima facie ownership of taonga. This became the Protected Objects Act 1975 in 2006, which continues to regulate the treatment of taonga tūturu and situates museums at the centre of these processes.

By the 1990s, a movement that became known as new museology was spreading across museums globally. It advocated for museums to move away from thinking of themselves as temples and singular authorities that presented knowledge to passive audiences. Instead, museums were encouraged to recognise social and political contexts in which collections were acquired and interpreted. Tony Bennett (1995) emphasised an increasing focus on inclusivity, accountability and partnership with source communities. He argued that museums should acknowledge the power they have in shaping cultural narratives. This shift saw museum curators surrendering their authoritative position and opening the floor for collaborative interpretation and storytelling. McCall and Gray also describe a focus on the role of museums as generators of “cultural democracy” (McCall and Gray, 2014, p.7).

Internationally cooperative frameworks including the UNESCO (1970) and UNIDROIT (1995) conventions became concerned with protecting indigenous communities by halting the illicit trade of cultural property and providing restitution for stolen cultural property at the international level. These shifts were reinforced by the International Council of Museums' (ICOM) Code of Ethics and its local adoption by Museums Aotearoa, reframing museums as active participants in safeguarding cultural heritage through trust-based relationships with iwi and hapū.

By the mid-late twentieth century, Aotearoa New Zealand was experiencing a Māori cultural renaissance, marking a decisive shift away from colonial approaches to cultural authority. During this time Māori activism was on the rise. Protests of the 1970s led to a new prioritisation of the Treaty of Waitangi, leading to the establishment of the Waitangi Tribunal in 1975, a panel designed to help redress breaches of the Treaty. This combined with international debates on the social responsibilities of museums, prompted institutions to reconsider their role in representing Indigenous heritage.

A landmark in this progression was the 1984 Te Māori exhibition. This exhibition showcased some of the finest examples of taonga Māori from across Aotearoa New Zealand. Iwi representatives played an important role in presenting the taonga, telling their stories, and observing the tikanga surrounding them. The exhibition travelled to the United States, where it generated significant interest and demonstrated to international audiences the cultural significance of these taonga as well as the communities to whom the stories and the taonga themselves rightfully belong. It also marked a shift in the way taonga were viewed, being recognised as works of art of a living culture rather than simply as artifacts. Social anthropologists such as Philippa Butler (1996) have attributed the Te Māori exhibition with changing the way museums in Aotearoa New Zealand engage with Māori and care for taonga.

The Protected Objects Act 1975

Legislation has shaped how museums relate to taonga Māori for over a century. The government's first attempt at cultural protection was the Antiquities Act 1901, which was passed in response to the rapid export of taonga by settlers and ethnographers. The primary concern at the time was securing material for the planned national museum, rather than protecting Māori heritage. Over time, the Act was revised to include a wider range of cultural objects, culminating in the Antiquities Act 1975. The Act enabled the Crown's prima facie ownership of any newly discovered Māori artifacts, if they had been created or brought to New Zealand before 1901 (Antiquities Act 1975, s 2).

Amendments in 2006 transformed it into the Protected Objects Act 1975, with new sections covering the domestic protection of newly found taonga tūturu and the regulation of trade in

those found prior to 1975. This provided the mechanism by which Māori could make claims of ownership of newly found taonga tūturu through the MLC.

One of the objectives of the Act was to align New Zealand law with the UNESCO convention's fifth article. This urged state parties to set up national systems to protect cultural property (UNESCO, 1970, Art. 5). To accomplish this, two registers were created; the Z Register to record newly found (after 1975) taonga tūturu, and the Y Register to track changes of ownership through sale for taonga tūturu acquired prior to 1976. Collectors are required to register with the MCH to purchase or hold such items, creating a formal system of oversight.

The POA was not a new piece of legislation, but an amendment of the 1975 Act. This allowed for taonga found from 1976 onwards to be included in the definition of newly found taonga tūturu, as they had been under the Antiquities Act. This was as long as they met the Antiquities Act's definition of a Māori artifact, namely;

“any chattel, carving, object, or thing which relates to the history, art, culture, traditions, or economy of the Maori or other pre-European inhabitants of New Zealand and which was or appears to have been manufactured or modified in New Zealand by any such inhabitant, or brought to New Zealand by an ancestor of any such inhabitant, or used by any such inhabitant, prior to 1902.” (Antiquities Act 1975 (41) s2).

However, the Act still lacked the ability to be applied to taonga found before 1975. This lack of retrospective application incites the strongest criticism in scholarship, as outlined by Davies and Myburgh's (2008) *The Protected Objects Act in New Zealand: Too Little, Too Late*.

One of the more offensive elements of the POA for Māori is the Crown's prima facie ownership of newly found taonga tūturu. The Waitangi Tribunal's report *Aotearoa Tenei* asserted that mana whenua should be the interim owners of newly discovered taonga tūturu, until proven that it should rest elsewhere (Waitangi Tribunal, 2011, p. 189). The report also criticised the Crown putting the onus on Māori to claim their own taonga, though acknowledged that the Crown's prima facie ownership affords the taonga better access to costly conservation and expertise (Waitangi Tribunal, 2011).

The Protected Objects Amendment Act 2006 (POAA) introduced harsher penalties for breaches of the legislation. Under the Antiquities Act 1975 the penalty for failing to report

newly found taonga was a fine not exceeding \$500 (Antiquities Act 1975, S 11 (5)). The POA set this penalty to a fine not exceeding \$10,000 per taonga tūturu for individuals who find taonga and do not report it within the 28-day window, and a fine not exceeding \$20,000 per taonga for body corporates (Protected Objects Act 1975, s. 16(9)), no prosecutions have occurred under the POA to date (informant interview, August 27, 2025)(Appendix E).

The only similar prosecution remains that of the Poverty Bay Club, which was prosecuted under the earlier Antiquities Act 1975 for the exportation and attempted sale of a letter written by Captain James Cook. This was written by Cook on his third voyage to Aotearoa New Zealand in 1776. The Club had fallen on hard times so decided to sell the letter to raise funds for its operation. They took the letter first to the Alexander Turnbull Library, a large national library, to be authenticated.

A representative for the Alexander Turnbull Library authenticated the letter as genuine, and recommended the club tried to sell through Sotheby's Auction House in England to get the best price. It was then taken to Gisborne Museum to be packaged for transport. One museum worker declared it a shame that it was being sent out of the country. Sotheby's were happy to receive the letter, stating that there were no legal restrictions on such an object to their knowledge.

The court in this case ruled that the Club's ignorance of the law, even though it had been guided by trusted institutions such as the Gisborne Museum, Alexander Turnbull Library, and Sotheby's of England, was not considered a reasonable excuse (District Court Reports, 1989). The letter had already been exported and sold by Sotheby's. It was later gifted back to New Zealand by Sir Alan Trail, a former mayor of London (Press, 1989).

An underexplored aspect of this case is the widespread naivety to the law and the misunderstandings that arise at multiple levels. While not accepted as a legal excuse, these factors highlight gaps in awareness and compliance. At the local level, the Club was advised by the Gisborne Museum, on how to prepare and package the material for sale.

At the national level, the Alexander Turnbull Library advised that Sotheby's Auction House would fetch the best price. And at the international level, Sotheby's, a reputable dealer in cultural material, explicitly stated that they "we understand that there are no export restrictions from New Zealand for such material as this" (District Court Records, 1989, p.

494). While this was not a taonga tūturu case (or even a Māori Antiquity under the POA's predecessor, the Antiquities Act 1975) the application of the law was handled in the same manner as if it had been.

The role of museums under the POA

As instructed in the POA, a member of the public who discovers taonga tūturu must notify the MCH or take the find into their nearest public museum within 28 days (Protected Objects Act 1975, s. 16(9)). The museum must then notify the ministry and begin the registration process. A public museum, as defined by the POA, "means a non-profit making museum being eligible for membership of the Art Galleries and Museums Association of New Zealand" (Protected Objects Act 1975, s 2(1)).

The Art Galleries and Museums Association of New Zealand disbanded in 1990 and eventually become replaced by Museums Aotearoa in 1999 (Tapsell, 2014). Under this definition, a museum need not be a member of Museums Aotearoa, just eligible for membership. To become a member of Museums Aotearoa, a museum must meet ICOM's definition of a museum, agree in principle to the Code of Ethics, and pay an annual membership fee (Museums Aotearoa, 2025).

Within this framework, public museums serve as gatekeepers and receivers of taonga tūturu. They often act as interim custodians while the Māori Land Court determines legal ownership or custodianship. This responsibility can be daunting, particularly for smaller museums run largely by volunteers. Due to a variety of reasons, some institutions deflect responsibility back to the finder, risking taonga being lost or withheld.

Others must navigate delicate relationships with mana whenua, especially when explaining to hapū that they must apply to the Crown for custody of their own heritage. Museums are also involved in cases of inherited taonga tūturu being surrendered, which can be emotionally fraught as staff balance donor wishes with iwi expectations.

The processes involved are lengthy and complex. Small museums, often governed by committees that meet irregularly, may struggle with the administrative demands of registration. Even after taonga tūturu are entered onto the Z Register, it can take years for the

Māori Land Court to award custody, leaving museums caught between bureaucracy and community expectation.

Defining taonga tūturu

The MCH defines taonga tūturu as “protected objects that whakapapa to Te Ao Māori and embody mana, tapu and mauri” (Ministry for Culture and Heritage, n.d.). however, this is a softening of the much harsher definition outlined in the POA, which defines a taonga tūturu as an object that -

“(a) relates to Māori culture, history, or society; and

(b) was, or appears to have been, -

(i) manufactured or modified in New Zealand by Māori; or

(ii) brought into New Zealand by Māori; or

(iii) used by Māori; and

(c) is more than 50 years old” (Protected Objects Act 1975, s 2(1)).

While taonga is a widely understood Māori concept, the statutory category of taonga tūturu is a modern legal invention, intended as an alternative to the Antiquities Act’s use of “artifact.” Critics argue that the Crown’s framing risks reducing taonga to commodities, tradeable relics of a race consigned to history. This narrowing is visible in the POA’s restrictive categories of protected objects. While problematic, the term does reflect the evolution of museum practice in Aotearoa, where legal language was adapted to better regulate trade in cultural property.

People are not challenged when claiming to have found taonga prior to 1975, nor are registered collectors spot-checked on where they are storing their collections and how they are maintaining their condition. Likewise, museums can choose not to engage with the POA at all or defer responsibility back to the finder/holder of taonga. This voluntary compliance is integral to the system working, which is an unstable solution to the inappropriate retention and protection of taonga Māori. Such compliance would also depend on a comprehensive understanding of the POA.

Such a system of perpetual gifting, distinctive from selling, with no trace of ownership, means that taonga could easily disappear altogether. However, it only takes one person to break this chain of private ownership by gifting to a museum or to iwi. In contrast, a museum or even marae are free to gift taonga as they see fit, without scrutiny of MCH. This is an underexplored area in academic literature.

1.4 Chapter Summary

This chapter has introduced the thesis questions, objectives, and aims. It also established the legislative and institutional context in which museums in Aotearoa New Zealand encounter taonga tūturu. The POA establishes the legal framework governing the discovery, registration, and ownership of taonga tūturu. It requires members of the public to report such finds and directs them to public museums as the first point of contact. While the Act places the MCH at the centre of the formal process, museums are positioned as key intermediaries responsible for receiving, reporting, and temporarily caring for taonga until legal ownership or custodianship is determined.

Despite the centrality of museums within this system, academic discussion of the POA has largely focused on its legal and ethical shortcomings. In particular, it has criticised the Act's limited capacity to protect Māori interests and its lack of retrospective reach. Less attention has been given to how the legislation operates in practice and the role museums play in navigating its processes. This thesis addresses that gap by examining how museum professionals interpret and enact their responsibilities under the Act when confronted with taonga tūturu.

The chapter has also outlined the historical context that shaped the current legislative environment. Museums in Aotearoa New Zealand originated within a colonial framework that prioritised collecting and classifying Indigenous material culture. Over time, shifts in museum practice have challenged these earlier approaches and encouraged greater recognition of Māori authority over taonga. These developments influenced the evolving relationship between museums, Māori communities, and the Crown, but the legislative

framework of the POA continues to reflect tensions between these different forms of authority.

Within this framework, museums often find themselves navigating competing expectations. They must comply with legal obligations under the POA while also adhering to professional ethical principles that emphasise relationships with source communities and respect for tino rangatiratanga. For smaller regional museums, which may operate with limited resources and volunteer governance, these responsibilities can be particularly complex.

The following chapter reviews the existing literature on the POA and related issues across museum studies, heritage management, and legal scholarship. This review situates the present research within broader academic debates. Chapter three then outlines the research design of this thesis. Chapter four looks at the case studies and interview findings of this research. Chapter five synthesis these findings with the literature, and the concluding chapter brings this all together to answer the question: how are museums navigating their role within the POA and how does this shape the management, authority, and outcomes for taonga tūturu in practice?

2. Literature Review

At a rummage sale, a man was looking through a table of miscellaneous brick-a-brac with all items a dollar each. Among the clutter was a bone manaia, hand carved to show the number of the original owner's mokopuna. The man experienced a strong physical and emotional reaction. He purchased it, knowing it was worth far more than the one dollar he paid. He has kept the taonga carefully wrapped and stored but never worn as it felt inappropriate to wear because of another person's wairua.

2.1 Introduction

To situate this research within the existing literature, this chapter reviews scholarship on the colonial foundations of museums, the legal frameworks governing taonga tūturu, and Māori ontological understandings of taonga. Although the POA is important to museum practice in Aotearoa New Zealand, relatively little scholarly work has examined the Act in detail, especially its operationalisation within museums. Consequently, this literature review adopts a broader interdisciplinary approach, drawing on museum studies, Indigenous studies, legal scholarship, and heritage theory to contextualise the POA and its implications.

This literature review is structured in three parts. The first section examines Western ideologies and institutional frameworks that shaped museums in Aotearoa New Zealand, focusing on colonial knowledge production, museum authority, and the development of heritage legislation. The second section explores Māori ontologies and relational frameworks, analysing how concepts such as whakapapa, kaitiakitanga, and wairua challenge Western property-based understandings of taonga. The third section brings these strands together by examining how museums negotiate ontological and legal difference in practice, positioning museums as intermediaries between colonial legal regimes and Māori governance frameworks. Together, these literatures highlight enduring structural tensions and identify a gap in scholarship concerning how museums operationalise their responsibilities under the POA in everyday institutional practice.

2.2 Western Ideologies and Institutional Frameworks

Museums in Aotearoa New Zealand emerged within and were shaped by colonial regimes of knowledge production, connoisseurship, and extraction. Indigenous material culture was collected, taxonomised, categorised, and displayed through Western classificatory systems that commonly disregarded Māori epistemologies and tikanga. These practices positioned museums as authoritative interpreters and custodians of Māori heritage, reinforcing colonial power asymmetries. Although museum practice has been challenged and transformed over time, both the collections and the legal and ethical responsibilities attached to them are products of these historical conditions. Contemporary museums therefore inherit collections and governance structures that were formed through colonial processes of dispossession and epistemic dominance.

Museum scholarship on decolonisation has emphasised that museums are not neutral repositories, but deeply political institutions shaped by colonial power. Amy Lonetree writes about the decolonisation of museums in a Native American context. She begins her work with the observation that “museums can be very painful sites for Native peoples, as they are intimately tied to the colonialization process” (Lonetree, 2012, p.1). Similarly, archaeologist Gerard O’Regan notes that Indigenous communities continue to carry “the grief of dispossession of places, traditions and ancestral remains,” situating museums as enduring symbols of colonial loss (O’Regan, 2006, p.95).

This legacy affects how museums are perceived and how communities engage with them. Beyond coloniser-colonised dynamics, museums have historically been associated with elitism and intellectual authority. Cultural theorist Tony Bennett, in his study of the evolution of museology, argues that, traditionally, museums created “a hierarchy between curator and visitor, educated and uneducated” (Bennett, 1995). This way of thinking can alienate indigenous communities as well as broader publics. These critiques situate museums as institutions that must actively negotiate their colonial inheritances rather than assume neutrality. In response, Clive Gray’s research on structure and agency in the museum sector describes a “new museology” that has emerged that seeks to challenge these inherited power structures by promoting reflexivity, community engagement, and the inclusion of marginalised epistemologies (Gray, 2014).

Scholars have argued that the colonial and elitist foundations of museums are mirrored in the Eurocentric legal frameworks that regulate cultural heritage. Legal regimes governing Indigenous material culture often translate relational, spiritual, and collective forms of custodianship into Western property-based categories. These privilege state authority and individual ownership over Indigenous governance structures. In her research on indigenising knowledge systems, Linda Tuhiwai Smith (2012) and Gray (2014) have noted, such frameworks can function as extensions of colonial power, embedding asymmetries of authority within heritage legislation itself. In the Aotearoa New Zealand setting these tensions are evident in the POA which, while framed as a protective mechanism, operates within a colonial legal paradigm that constrains Māori authority and epistemologies.

Across the scholarship, one conclusion is consistent: the POA does not go far enough to protect taonga tūturu or the rights of iwi and hapū as kaitiaki. Although framed as a protective regime, the Act is constrained by narrow definitions of taonga tūturu, the prioritisation of private property rights, and an administrative system reliant on voluntary compliance. The Crown's retention of significant discretion further limits Māori authority.

The Act, as critiqued in the Wai 262 Report, acknowledges kaitiaki relationships but has been unwilling to establish explicit rights for Māori regulation and return of taonga (Waitangi Tribunal, 2011). While the POA provides comparatively robust export controls, scholars argue that its domestic protections require substantive reform. Crucially, the Y and Z Registers depend on collectors and institutions choosing to comply, embedding structural weaknesses that museums inherit and must navigate. Consequently, the POA often functions less as a protective framework than a managerial system that stabilises existing ownership regimes.

One of the objectives of the POA is to “control the sale of ngā taonga tūturu within New Zealand” (Protected Objects Act 1975, s 1A(g)). However, the Y Register records taonga only when sold, not when gifted or inherited, meaning that ownership transfers frequently occur outside regulatory oversight. Archaeologist Claire Thorrold's (2023) analysis of auction records, revealed discrepancies between recorded sales and acquisitions, demonstrating that the system is insufficient for tracking ownership and regulating the market. Limited resourcing within the MCH further constrains enforcement, enabling collectors to exploit the system (Thorrold, 2023).

The prioritisation of private property rights is particularly problematic in relation to historically misappropriated taonga. In her thesis *The Domestic and International Protection of Māori Cultural Property* Law student Grace Boos proposed remedies such as retrospective application of law to public collections (Boos, 2008). Law student Sarah Jane Heslin takes this further by suggesting tiered repatriation frameworks that see all taonga returned to Māori within a generation (Heslin, 2023). However, these proposals remain largely theoretical.

Piers Davies and Paul Myburgh's article *The Protected Objects Act in New Zealand: Too Little, Too Late?* Takes an analytical look at the making of the Act in which they argue that the POA came too late to prevent widespread dispossession, likening it to shutting the stable door after the horse has bolted or "the storehouse has been emptied" (Davies and Myburgh, 2008, p. 335). This belated intervention entrenches structural conditions in which museums must negotiate ethical obligations within a legal system that normalises historical dispossession and offers few mechanisms for restitution.

The Act also treats taonga tūturu as restricted artifacts, which feeds their monetary value in the auction market and further complicates repatriation. Heslin (2023) suggests that regulatory changes introduced by the POAA increased the market value of taonga, making repatriation financially prohibitive, with Thorrold noting that iwi are increasingly "priced out of their own cultural heritage" (Thorrold, 2023, p. 26). In *Treasured Possessions: Indigenous Interventions into cultural and intellectual property* anthropologist Haidy Geismar (2013) illustrates the fragility of market interventions, highlighting tensions between ethical restraint and fears of driving collectors underground.

Even taonga acquired through confiscation or grave-robbing prior to 1975 that are sitting in museum collections are not legally required to be returned, rendering repatriation dependent on institutional goodwill or iwi advocacy. Boos (2011) describes this legal situation as unstable, positioning museums in a state of limited legal accountability. This literature positions museums as inheritors of collections that are legally secure but ethically contested.

Public museums in Aotearoa New Zealand who are members of the professional industry body, Museums Aotearoa, agree to abide by a Code of Ethics. This binds them to both "have a genuine interest in the unique characteristics of Aotearoa New Zealand and the Treaty of

Waitangi and be able to demonstrate appropriate understanding of the tikanga and kawa of tangata whenua” (Museums Aotearoa, 2013, p.13) and to have all “new taonga registered as required by law” (Museums Aotearoa, 2013, p.10).

Museums Aotearoa’s current revision of its Code of Ethics, alongside ICOM’s forthcoming updates, reflects increasing recognition of legislative and Indigenous governance frameworks. However, this revised Code of Ethics is yet to be eventuated and is unlikely to give explicit guidance on how these seemingly conflicting imperatives can be reconciled. This apparent ethical dilemma is so far not being commented on in scholarship but remains relevant to the colonial frameworks inherited by museums in Aotearoa New Zealand.

Institutional compliance remains shaped by political priorities and state cultural agendas (Bennett, 1995), which directly affect the implementation of the POA and the capacity for meaningful engagement and repatriation. Museums today operate within a landscape shaped by overlapping histories, contested identities, and deeply held cultural responsibilities, particularly when working with the heritage of colonised peoples. In this context, there are rarely clear-cut solutions. Museums must navigate complex ethical, legal, and relational terrain, balancing community expectations, tikanga Māori, legislative obligations, and institutional constraints. Consequently, ethical museum practice is an ongoing process of negotiation, reflexivity, and institutional accountability, not a fixed endpoint that can be aspired to.

One example of state-centred authority over taonga is in the requirement for export permissions to be granted by the MCH. Even when a taonga is passed down for generations within the same whānau, it cannot leave the country without state approval, despite it never leaving customary ownership. Cain (2006) notes that as more Māori move overseas it remains uncertain whether the MCH can administer export permissions in a way that is fair and consistent. This raises questions about the adequacy of the POA and suggests that there is scope for a review of the Act. It also demonstrates one of the tensions within the Act, in whether it is of greater importance that taonga remains within traditional whānau ownership, or within the country.

Museums in Aotearoa New Zealand continue to operate under a colonial hangover, where Western systems of knowledge, legal frameworks, and institutional hierarchies shape the

management of taonga tūturu in ways that often conflict with Māori ontologies. Structural limitations such as resource constraints and reliance on voluntary compliance under the POA effect authentication, consultation, and repatriation, while thefts and missing objects highlight the fragility of custodianship. Political priorities, funding cycles, and social tensions further influence institutional practice (Bennett, 1995; Thorrold, 2023). Consequently, museums must navigate complex ethical, legal, and relational terrain, attempting to reconcile legal frame works with tikanga Māori and community expectations.

2.3 Taonga and Māori ontologies

One of the most significant mismatches between Western and Māori epistemologies concerns the understanding of taonga. Western legal frameworks tend to reduce taonga to notions of property, rather than recognising them as “manifestations of kōrero, divine energies, cultural praxis, purpose, and identity” described by Tapunga Jeremiah Nepe in his Rongowhakaata iwi-perspective thesis *He whare maihi i tū ki te pā-tūwatawata : kaitiekitanga—an eternal thread of rangatiratanga* (2023, p.14). Such framings overlook the metaphysical dimensions of taonga; after all, how can one claim ownership over something imbued with ancestral presence? Māori scholarship shows that laws grounded in the physical world cannot adequately govern the supernatural.

Distinguished Māori scholar Paul Tapsell further critiques the oversimplification of taonga as “treasure” in the English text of Te Tiriti o Waitangi, emphasising that for Māori, the designation of taonga elicits emotional and ancestral responses grounded in whakapapa (Tapsell, 1997, p. 326).

Tapsell (1997) illustrates this ontological difference through the metaphor of a comet, describing the life-path of taonga as travelling “beyond the horizon of Te Arawa’s consciousness, sometimes for many generations... then someday reappear, charged with the spiritual energy of past ancestors, returning home to their descendants in a blaze of rediscovery” (pp. 338–339). His imagery highlights that taonga possess a wairua-driven agency that cannot be contained within statutory definitions. While the POA attempts to offer legal protection, it ultimately operates within a worldview that cannot capture the dynamic, spiritual, and intergenerational nature of taonga as understood in Te Ao Māori.

Arguing that taonga operate within kin-based systems of authority, Tapsell (1997) says rights and responsibilities are derived from whakapapa rather than ownership. From a Te Ao Māori perspective, taonga are safeguarded by forces far greater than the legal frameworks of any particular era. Their protection is embedded in whakapapa, kōrero tuku iho, and the enduring spiritual relationships that bind past, present, and future generations. This stands in stark contrast to the POA, which relies on Western legal categories that reduce taonga to material objects defined by age, type, and physical provenance. Such criteria overlook the ancestral vitality and spiritual significance of taonga and thus struggle to meaningfully account for their cultural and spiritual dimensions.

Arapata Hakiwai emphasises in *He mana taonga, he mana tangata: Māori taonga and the politics of Māori tribal identity and development* that taonga are enduring expressions of mana and identity that sustain the intergenerational continuity of iwi culture. This reinforces Tapsell's assertions that this kin-based system of protecting taonga "within the context of customary Māori values is critically important" (Schorch & Hakiwai, 2014, p.59).

Post-colonial frameworks of private, individual ownership sit in direct tension with Māori understandings of communal custodianship. In Te Ao Māori, the relationship of kaitiaki embodies both physical and spiritual guardianship exercised "on behalf of the wider kin group" (Tapsell, 1997, p. 336). This collective responsibility contrasts sharply with Western notions of property that prioritise individual rights and exclusive possession. In his report on *Mātauranga Māori and Museum Practice* for NSTP Te Ahukaramū Charles Royal (2007) further argues that the rise of individualisation and ownership rights in the colonial period occurred alongside the fragmentation of communal land holdings. Consequently, taonga that were once embedded within the collective identity and authority of a community became increasingly vulnerable to being treated as privately owned objects.

When a taonga inherently linked to a particular landscape, hapū, or whānau is held or controlled by an individual or museum, its relational meaning and ancestral connections are diminished. Boos describes taonga in museums as being in a state of sleep, "until they are reunited with iwi" (Boos, 2011, p.3). This demonstrates the fundamental incompatibility between Western property regimes and the whakapapa-based principles that govern taonga in Te Ao Māori. Museums thus operate as intermediaries within this ontological and legal

disjuncture, structurally constrained to reconcile Western ownership frameworks with Māori relational obligations that the law only partially recognises (Boos, 2011).

The protection of kaitiakitanga requires more than safeguarding the physical integrity of taonga tūturu, it involves upholding the relationships and responsibilities Māori hold as kaitiaki. Kaitiakitanga is inseparable from whakapapa and encompasses obligations to protect not only the material form of a taonga but also its mauri, mana, and associated kōrero. Unlike Western legal frameworks, which focus on ownership and property rights, kaitiakitanga emphasises intergenerational custodianship exercised on behalf of the wider kin group. In *Keeping Taonga Warm*, Marilyn Park also argues that pākehā museum workers are not exempt from observing tikanga (Park, 2003).

Tapsell (1997) describes the role of kaitiaki as both physical and spiritual, rooted in reciprocity and ancestral connection rather than possession. Many Māori scholars echo this rhetoric, that any system of protection, legislative, institutional, or international, must therefore recognise that safeguarding taonga is not simply about storage or legal title, but about maintaining the relationships and tikanga that give the taonga life (Nepe, 2023; Hakiwai, 2014; Royal, 2007). Without acknowledging kaitiakitanga as an active responsibility, efforts to protect taonga risk reducing them to commodities, severed from the cultural frameworks that ensure their wellbeing.

It is the role of kaitiaki to protect the intangible aspects of taonga; tapu, mana, mauri, and kōrero, as taonga exert wehi, ihi, and wana. Scholars recognised that this concept, while understood by modern museums, lacks explicit protection policies. A museum, even one staffed by proactive supporters of Māori rangatiratanga, cannot protect the spiritual dimensions of a taonga in the same way that a descendant of its tīpuna can. It is therefore unsurprising that many Māori are saddened or angered by taonga sitting in museums without provenance, context, or kōrero. This creates a relational void that is difficult to bridge even with progressive intentions. Thorrold (2023) highlights these same shortcomings in the Y register, noting that while registered owners must outline storage conditions, there are no requirements concerning tikanga or intangible care.

Museums often attempt to navigate this complexity by asserting physical or legal ownership while distancing themselves from cultural or spiritual authority. Yet O'Regan (1997, p. 52)

highlights the “limp response” inherent in this position. Despite such distinctions, museums ultimately retain legal power to determine the fate of taonga. Thorrold (2023) further suggests that while museum acquisition can create opportunities for iwi engagement, particularly when private ownership precluded involvement, it simultaneously introduces new ethical tensions regarding authority, access, and decision-making.

Māori ontological frameworks conceptualise taonga as living, relational entities embedded in whakapapa, whenua, and spiritual networks. Authority is derived from ancestral relationships and collective custodianship, rather than individual ownership. This worldview is fundamentally incompatible with Western legal frameworks that privilege proprietary rights, state authority, and material definitions of heritage. Museums therefore occupy a liminal position within this ontological conflict, attempting to mediate between plural systems of meaning, authority, and obligation.

2.4 Museums at the intersection

The first section of this chapter examined scholarship on Western ideologies, colonial museum foundations, and legal frameworks governing heritage, while the second section explored Māori ontological understandings of taonga and relational frameworks of kaitiakitanga, whakapapa, and wairua. This section brings these strands together by focusing on museums as institutions that inherit colonial collections. With them, they inherit Western governance structures and legal obligations, while simultaneously engaging with taonga Māori imbued with tangible and intangible dimensions, and increasingly understanding of their obligations under Te Tiriti o Waitangi. Museums are therefore positioned at the intersection of ontologically divergent systems of meaning, authority, and responsibility, and must navigate these tensions in practice.

Museums are increasingly held accountable for the historical appropriation of Indigenous cultural heritage. In *Decolonization Within the Museum*, Lynn Maranda (2021) notes that museums are now being questioned about their *raison d’être*, reflecting growing ethical scrutiny of their colonial origins and the anthropological collections they continue to hold.

Repatriation debates have intensified this scrutiny, positioning museums as intermediaries between Indigenous communities, the state, and international institutions.

Pia Jane Domingo Puertollano (2021) makes similar observations in *Homecoming: Clearing a Path for the Repatriation of Taonga to Aotearoa*, arguing that in post-colonial contexts such as Aotearoa New Zealand, repatriation frequently involves the return of taonga to people rather than to the nation-state. This distinction highlights the limitations of Western legal frameworks, which often struggle to accommodate Indigenous approaches to heritage governance grounded in collective authority and whakapapa relationships.

The Museums Aotearoa Code of Ethics frames museums as stewards holding collections in trust for society and requires adherence to legal and cultural obligations (Museums Aotearoa, 2013). This positions museum professionals within a complex ethical terrain where professional standards, legal frameworks, donor expectations, and Māori rangatiratanga may be in tension. Scholarship revealed bicultural governance models to be the ideal solution. However, the gap between institutional custodianship and whakapapa-based care extends beyond collection practices into broader questions of authority, governance, and what meaningful biculturalism entails in museum contexts.

The O'Regan report into biculturalism in Aotearoa New Zealand museums revealed a clash of understanding of what was meant by it. Many Pākehā museum workers interpreted biculturalism as an environment where individuals from both cultures could thrive, whereas Māori museum workers and kaitiaki interviewed saw it as sharing decision-making at the highest level (O'Regan, 1997).

Attempts to institutionalise bicultural governance have also faced resistance. David Butts (2003) describes the 1990s as a period of significant reform, yet also turbulence, as museums grappled with contested bicultural initiatives. He argues that meaningful biculturalism required structural change within governance itself, identifying a continuum of bicultural museum governance that included mana whenua and regional tangata whenua representation models based on recognition of the Treaty of Waitangi and iwi participation on trust boards. The uneven uptake of these models suggests an ongoing institutional reluctance to fully share decision-making power, a tension that continues to shape museum governance today.

Museums have increasingly acknowledged the link between taonga and descendant communities. From a heritage and museum studies perspective, Butts argues that museum collections cannot be understood as neutral repositories of material culture but must be recognised as part of ongoing cultural relationships between objects and the communities from which they originate (Butts, 2003). This recognition challenges purely materialist interpretations of heritage and underscores the need for governance frameworks that acknowledge these relational connections.

While O'Regan's report on bicultural developments in New Zealand museums acknowledges the importance of international instruments such as the UNESCO and UNIDROIT conventions that the POA was amended to comply with, as well as the United Nations Declaration on the Rights of Indigenous Peoples (2007), he emphasises that in an Aotearoa New Zealand context there is a requirement to prioritise Te Tiriti o Waitangi as the guiding framework for relationships between Māori and museums that hold and interpret their taonga (O'Regan, 1997).

Museums holding taonga Māori collections might no longer be problematic under a bicultural governance model. Using a museum as a neutral and open holding place for taonga may be considered an optimal solution where there is no single iwi, hapū, or marae with an exclusive claim. O'Regan's survey of museums found that competing claims influenced institutional responses to repatriation requests (O'Regan, 1997, p. 54).

This was true in the case of the Waitaha Taoka | Stewart Willets Family Collection (WTWC), a collection of taonga collected from the Waitaki River by Stewart Willets, later donated to the Waitaki Museum by Stewart Willets' descendants. This was considered the most appropriate repository because it was impossible to determine which marae should be favoured across the iwi's contemporary rohe (Thorrold, 2023). The migration and dispersal of iwi over time further complicates repatriation discussions, as whakapapa connections to whenua remain central to taonga relationships. Physical preservation priorities can conflict with tikanga, which may include burial or ritual destruction of taonga associated with death or violence. Such rituals are described by Rawinia Higgins, a Māori researcher and Deputy Vice-Chancellor (Māori) of Te Herenga Waka - Victoria University of Wellington (Higgins, 2003). This shows the importance of mātauranga Māori at the decision-making level of collection care.

Royal (2007) similarly describes the use of museums as repositories to alleviate conflict within iwi, hapū, or whānau. He recounts how taonga could become the source of family disputes, noting that “the presence of a taonga lay at the heart of family difficulties” (Royal, 2007, p. 37). This reflects Māori understandings of taonga as operating within spiritual and social realms beyond individual possession, suggesting that communal holding, historically within marae contexts, may now be pragmatically extended to museums as contemporary intermediaries that do not necessarily defy tikanga.

While to position museums as neutral repositories might seem a pragmatic solution, authors such as LaTanya Autry and Mike Murawski argue the need to exercise caution against assuming institutional neutrality. They argue that museums have historically claimed neutrality while operating within systems shaped by colonial power. Furthermore, they argue, museums engage in selective representation and assert institutional authority (Autry and Murawski, 2019). From this perspective, trusting museums as repositories for taonga can be seen as surrendering the authority over them to an institution with a loaded history of colonisation instead of pure neutrality.

Museums may also provide access for Māori who feel disconnected from their marae or uncomfortable in marae spaces, allowing them to connect with tīpuna through taonga in a public setting. Thorrold’s (2023) study of the WTWC collection highlights the intersection between the descendants of a Pākehā collector, the Waitaki Museum, and Waitaha iwi. The family donated the collection to the museum to honour their ancestor’s wish that it remains publicly accessible, a decision supported by iwi as beneficial to the wider community.

However, such situations can generate ethical dilemmas. For instance, a collector may agree to donate taonga only on the condition that it remains in a museum and not be returned to iwi. Museum staff may feel conflicted about accepting such donations, particularly if doing so risks relationships with mana whenua. If an object is suspected to have been found after 1975, invoking the POA may deter donors and cause taonga to disappear from public visibility. In *Collection Law & Ethics* Shane Simpson and Ian McDonald caution museum governance to exercise caution when accepting conditional acquisitions in situations where they are not legally able to do so. Museums must tread carefully lest “the obligations imposed by such conditions can haunt an administration long after the curator has gone to

greener pastures” (Simpson and McDonald, 2025, p.99). The above scenario could put museum workers in a difficult position.

Another grey area museums might face under the POA concerns objects made by Māori or co-created between the late eighteenth century and 1975, which may be classified as “protected objects” rather than taonga tūturu (Protected Objects Act, 1975). Thorrold (2023) notes that this binary fails to account for relational and cultural continuities, particularly where Māori knowledge shaped production even if Europeans were primary users.

Regardless of the adequacy of legislative protections, the effectiveness of the POA ultimately depends on how it is administered. Davies and Myburgh (2008) argue that the MCH holds significant influence over the Act’s success, noting the Ministry’s openness to new ideas as a positive indicator (p. 340). However, the concentration of authority within central government institutions may also create barriers for iwi who prioritise kanohi-ki-te-kanohi engagement or who remain cautious of bureaucratic Crown processes. As the *Māori Crown Relations Capability Framework* emphasises, effective Crown–Māori relationships require not only formal procedures but also genuine capability and cultural competence within the public service (Te Arawhiti, 2019).

Empirical evidence also demonstrates limited awareness of the POA. The attempted sale of the Cook Instruction, as explained in the previous chapter, revealed gaps in knowledge at local, national, and international levels. Thorrold found only one Waitaki Museum staff member had substantial knowledge of the Act, and that iwi involved in earlier repatriation processes were also unfamiliar with its mechanisms. This lack of awareness limits iwi capacity to seek custodianship and undermines the Act’s intent (Thorrold, 2023, p. 60). The absence of public awareness campaigns further exacerbates these blind spots.

Resource limitations continue to shape museum–iwi relationships. O’Regan observed that museums did not rank highly on iwi priority lists, and that Māori perceived museum relationships as less advanced than museums believed (O’Regan, 1997, pp. 36, 113). These disparities highlight ongoing barriers to embedding kaupapa Māori practices and shared authority. With limited resources to create new meaningful roles for Māori within museums, O’Regan (1997) and Park (2003) both stress the importance of training Pākehā museum staff

in tikanga to support equitable partnerships and reduce the burden on Māori communities. Cultural competency is positioned as foundational to meaningful bicultural practice.

While research highlights significant shortcomings in the POA, with its limited enforcement working in the favour of collectors (Heslin, 2023; Geismar, 2013), there are signs of shifting attitudes. Descendants of collectors increasingly donate inherited taonga to museums or marae, and societal values aligned with Te Tiriti may reduce the commodification of taonga. Thorrold (2023) notes evolving museum practices, including loans of taonga to marae and a growing recognition that frozen-in-time preservation can undermine cultural function. Recent decades have seen museums increasingly acknowledge iwi and hapū as kaitiaki, influenced by indigenous museology and new museology frameworks (Bennett, 1995; Gray, 2014), which raises the question of how they reconcile the competing ontologies in practice.

2.5 Chapter conclusion and research gap

The literature reviewed in this chapter has demonstrated that museums in Aotearoa New Zealand are deeply shaped by colonial histories, Western epistemologies, and legal frameworks that continue to structure the governance of taonga Māori. Scholars have consistently argued that the POA does not go far enough to protect taonga domestically, with limited enforcement mechanisms and an emphasis on private property rights favouring collectors and current holders of taonga. The Act operates within a Western legal paradigm that does not recognise Māori ontologies, where taonga are understood as relational, spiritual, and embedded in whakapapa and kaitiakitanga rather than as objects of property and state control.

Museums holding taonga Māori collections therefore occupy a complex intermediary position between Māori, who are guaranteed tino rangatiratanga guaranteed under Te Tiriti o Waitangi, and the Crown's regulatory authority under heritage legislation. As inheritors of collections assembled through colonial processes of classification and dispossession, museums must navigate ethical obligations that extend beyond legal compliance to encompass tikanga Māori, relational governance, and evolving expectations of biculturalism and decolonisation. Scholarship has highlighted the tensions between institutional

custodianship and whakapapa-based care, contested interpretations of bicultural governance, and practical constraints such as limited resourcing, uneven knowledge of the POA, and political and institutional instability.

While existing research has extensively critiqued the POA, examined Māori ontologies, and explored inherently colonial museum practices, it has not examined in detail how museums in Aotearoa New Zealand operationalise their responsibilities under this legislation in everyday practice. This thesis addresses this gap by investigating how museums navigate their role within the POA and the implications of these practices for the governance, care, and cultural trajectories of taonga Māori.

The following chapter outlines the research design used to answer this question.

3. Methodology

Several decades ago, a girl was walking along the beach and came across a piece of human skull washed ashore. Unsure of what to do - pick it up or leave it to be washed away or picked up by somebody else - she decided to take it. Over the years, she reflected on it – this was once a person, who was once a child, who would have had a mother who loved them. After this reflection, she carefully puts it away again and wonders if she made the right choice.

3.1 Introduction

The focus of this research is to look at how museums in Aotearoa New Zealand are navigating their role within the taonga tūturu section of POA. At the heart of this Act is the intent to reunite taonga tūturu with their living descendants. This Kaupapa is centred on restoring relationships between people, taonga, and place. Specifically, this study examines the intersection where museums and taonga tūturu meet, exploring how the implementation of the POA influences museum practice, ownership, and authority over this taonga. This makes relationships central to this issue, best explored through qualitative methods that prioritise experiences and perspectives of participants.

Four case studies were selected to address the question. These centred on events in which the public, taonga/taoka, and museums interacted in different contexts, allowing for comparison across a range of situations and institutional responses. The study adopted a qualitative research design, using semi-structured interviews with museum workers who were directly involved in each event. While conventional qualitative methods informed the research process, some kaupapa Māori research principles were also integrated, as they were both appropriate and necessary given the kaupapa of the study and the central role of Māori as key stakeholders.

The purpose of this chapter is to outline the methodological approach taken to achieve these aims, including the rationale, my positionality as the researcher, the consideration of Māori-centred research principles, and the qualitative design that guided data collection and analysis. The chapter begins by describing my positionality to the research and the philosophy that guided the research. It moves on to describing the methods for gathering data, ethical considerations, interview process, and reflects on the limitations of the study.

3.2 Positionality

My positionality as a researcher is shaped by both professional experience and whakapapa connections. A sense of whānaungatanga alongside familial (whakapapa) ties to Awarua and Te Rau Aroha Marae, motivated my interest in pursuing deeper understanding of the Awarua event. The possibility that my own tūpuna may have made, used, or handled the taoka found along the southern coast created both a personal connection to the research and a sense of responsibility to enquire into the outcomes for these taoka and the people involved.

Having moved away from Southland nearly 30 years ago, I had not returned prior to this research. Before travelling to Dunedin for my first interview, I visited Te Rau Aroha Marae with my son to pay respect to my ancestors in a manner that was meaningful to me.

My identity as a fair-skinned Māori also shaped my experience of the research process. Because I do not appear obviously Māori, I felt the need to explicitly state my identity when engaging with a kaupapa in which Māori interests, responsibilities, and authority are central. As I was not raised within Te Ao Māori and am not fluent in Te Reo Māori, I also experienced feelings of inadequacy at times. Reflexive awareness of these dynamics was important, and I drew on my professional background in museum practice to support my engagement with participants and the research context.

My positionality in relation to this research is nuanced. As a junior museum professional, my role initially prompted my interest to undertake this course of study. My professional experiences working with taonga tūturu and the POA have, at times, been confusing and frustrating, and the sensitive and controversial nature of this topic has occasionally made it difficult to engage others in conversation. This not only reinforced my conviction that the topic was important to pursue but also highlighted the sensitivity surrounding it.

To ensure the integrity of the research, care was taken to keep this study separate from my working environment, despite its relevance, to avoid any perceived conflict of interest. According to Flynn and Goldsmith, a conflict of interest occurs when an individual's interests "are in conflict with another entity to which the individual owes... an objective duty" (Flynn & Goldsmith, 2015, p.19). Accordingly, I have not included or relied on personal workplace experiences as data, aligning with ethical guidance that researchers separate institutional obligations from scholarly inquiry (Resnik, 2015). Throughout the research process, personal reflection was maintained to acknowledge how my professional background and assumptions could influence the framing of questions, interpretation of participants' perspectives, and the overall analysis. This was supported through ongoing self-reflection and careful documentation of methodological decisions to strengthen transparency and integrity.

The relatively small and interconnected nature of Aotearoa New Zealand's Museum sector presents challenges for maintaining participant anonymity, particularly where interviews may touch on potential instances of non-compliance with legislation. For this reason, care has been taken to avoid identifying specific instances of non-compliance in the case study findings chapter.

However, this close professional network also supported recruitment of interviewees, as snowball sampling proved effective in identifying and engaging suitable participants. While this research is grounded in traditional Western methods, the relationship-based recruitment approach aligns with Kaupapa Māori research principles of whānaungatanga and relational accountability championed by Māori scholars such as Smith (2012).

3.3 Methodological rationale

Qualitative research methods were the most appropriate approach to this project as it allows the researcher to identify issues from the perspective of the study participants and "understand the meanings and interpretations that they give to behaviour, events or objects" (Hennink et al, 2020, p.10). As my research aims to explore the ways in which museums are

navigating their role within the POA, the experiences and perspectives of museum workers are vital data for understanding this.

While quantitative methods were initially considered in this research, a qualitative approach was prioritised to address the research question, as it is better suited to exploring complex, socially constructed meanings, and differing worldviews.

This is especially appropriate in cases where “reality is assumed to consist of meanings, perceptions, beliefs, and underlying motivations, they can be examined through qualitative research” (Hennink et al, 2020, p.12). This is relevant to this study as taonga/taoka might hold different meanings to a Pākehā museum worker compared with a Māori museum worker.

A kanohi ki te kanohi (face-to-face) approach to interviewing was preferred, as it allows for richer engagement, including observation of body language and other non-verbal cues. However, not all interviews were conducted in person, to respect participants’ preferences and ensure their comfort. This flexibility aligns with the principles of manaakitanga and Māori values of demonstrating care, respect, and hospitality toward participants throughout the research process.

When interpreting the data, I remained reflexively aware of my positionality and potential biases in relation to the subject matter. In particular, I considered how my identity as a museum worker may have shaped the interview context and influenced what participants felt comfortable disclosing. Given the sensitive nature of the POA and the reputational risk attached to perceived non-compliance, participants may have moderated their responses or avoided discussing contentious details.

However, this dynamic also revealed an important insight. The caution, hesitancy, or careful framing evident in some responses reflect the broader realities of how museums navigate their role under the POA. This might have included uncertainty, institutional risk management, and the limits of open discussion within a small professional sector. In this sense, participants’ responses and the ways in which they were expressed formed part of the findings and offered insight into the pressures and constraints museum workers experience when engaging with taonga/taoka and legal compliance.

This was also evident in the cases where museum workers declined to participate in the study, admittedly by their own limited understanding of the POA and how that might reflect on the institutions they represented. It is also possible that museum workers might feel conflicted about their position under the POA and how it could affect their relationships with iwi and hapū.

Kaupapa Māori vs Māori-centred research

During this research, I was mindful of whether I was engaging in Kaupapa Māori research or Māori-centred research. It is essential to recognise that Kaupapa Māori research is not simply research about Māori; it is research grounded in Te Ao Māori and shaped by Māori values, priorities, and ways of knowing (Smith, 2012). In this sense Kaupapa Māori research is inherently political and transformative, challenging colonial power structures in knowledge production and asserting Māori authority and interests.

At the same time, I acknowledge the distinction between Kaupapa Māori research and Māori-centred research. Whereas Kaupapa Māori research is Māori-defined, and Māori-led, Māori-centred research typically operates within mainstream academic frameworks while seeking to foreground Māori realities and produce outcomes that benefit Māori. Therefore, Māori-centred research is the realm in which this project sits. Pene et al describe this approach as “weaving Kaupapa Māori research principles with grounded theory methods” (Pene et al, 2024, p.4). Māori-centred research, as described by Durie (1997), focuses on Māori issues and participants but is typically conducted within Western methodological frameworks, with cultural responsiveness rather than Māori knowledge frameworks as its primary orientation.

A key consideration in this research project was that it would advance discussion about how the POA is understood and enacted in practice, particularly in relation to how museum workers interpret their roles and responsibilities when taonga tūturu are found or brought to museums. There is no simple solution to navigating the POA, and it is beyond the scope of this research to attempt to change the legislation. Instead, the focus of the research was to understand how museum workers are grappling with the POA in real-world situations,

including the contradictions and ethical dilemmas that emerge when a Western legal framework intersects with taonga, tikanga Māori, and Māori authority.

Māori values such as utu, whānaungatanga, mana, tapu, manaakitanga, and whakapapa are intrinsically present in any dealings with taonga Māori and therefore form an unavoidable ethical and cultural dimension of POA practice. For example, utu reflects the importance of reciprocity and balance in relationships, including the expectation that engagement with taonga and with Māori communities should produce mutual benefit and uphold mana.

One of the motivations I have for undertaking this research is a commitment to supporting real-world change. While it is beyond the scope of this thesis to directly reform legislation or to amend the policies, procedures, or Museums Aotearoa's Code of Ethics, the research seeks to contribute to constructive discussion of a kaupapa that can be difficult to engage with openly. As Smith argues, there is a need to "move away from an over emphasis on rhetorical descriptions of what needs to be done, to putting at least equal emphasis on building 'hands on', tangible transformations" (Smith, 2012). In this sense, the research aims to support more practical and informed engagement with the POA and its implementation in museum contexts.

3.4 Methods

Research design and methods

This study employed a qualitative research design, combining case study analysis with semi-structured interviews. Interviews enabled in-depth exploration of participants' experiences and perspectives, while the case study approach provided contextual detail about the museums and events involved. Together, these methods supported examination of how the POA operates in practice, and how interactions between museums, taonga/taoka, and the public can reveal broader issues surrounding this kaupapa.

In the discussing the findings of this research, the term *taonga* is used to describe taonga generally, while *taoka* is used to discuss taonga from the Southland and Central Otago areas that favour the Kāi Tahu dialect.

Case studies

Qualitative research does not require that cases and procedures be fully specified in advance. As Becker argues, “not fully pre-specifying these ideas and procedures, as well as being ready to change them when their findings require it, are not flaws, but rather two of the great strengths of qualitative research” (2009, p. 548, cited in Bartlett & Vavrus, 2017). Although this research did not initially aim to include two cases from the North Island and two from the South Island, this distribution emerged through the research process and provides broader insight into how the central phenomenon operates across different regional contexts.

In fact, the case studies used in this research were identified retrospectively through the analytical process rather than being determined from the outset. This approach aligns with Bartlett and Vavrus’s (2017) process-oriented comparative case study theory, which emphasises tracing phenomena across sites and scales rather than treating cases as bounded systems.

The four case studies collectively illustrate how the POA operates across varied institutional contexts and over time. Following Stake’s (2006) assertion that the boundaries of a case are often difficult to delineate, this study treats the POA process itself as a bounded, yet permeable system shaped by external legal, cultural, and relational contexts. The integration of four case studies therefore aligns with Stake’s (2006) reasoning that case studies should be understood as integrated systems interacting within broader social and institutional environments, rather than as isolated phenomena.

The first case study was of the Awarua Roadshow event. This event centred around a collection of taoka found along the Bluff coast that was being registered at Te Rau Aroha Marae. This event was open to the public to witness, and there was an open invitation for the public to bring their own taoka in for identification and to learn about the requirements of the law. The case study was selected because it integrates museums, Māori, and the public within a POA framework. It exemplifies how the POA can be applied proactively and collaboratively, rather than reactively. It used the registration process as an opportunity to raise public awareness about the legal protection of taoka, while also empowering the

collector to participate meaningfully in the process and become part of the taoka's continuing story.

The second case study comprised three Taoka Roadshow events hosted by small museums in Central Otago. This case study was selected to examine how institutional scale, expertise, and resourcing shape the implementation of the POA. It highlights the realities faced by small museums when navigating the POA, particularly in contexts of limited staffing, expertise, and financial capacity. While larger museums in Aotearoa New Zealand often have established policies and procedures for managing taonga/taoka, as well as more stable funding and access to specialist staff, small museums frequently rely on external support and informal networks. This case highlights how the POA is enacted in resource-constrained settings and how smaller institutions negotiate their responsibilities in relation to taonga tūturu.

The third case study is the discovery of remnants of a waka found in the Waiari stream, near Te Puke. Tauranga Museum's Dean Flavell is in the position of facilitating the POA whilst being Māori himself, grounded in tikanga, and having strong connections with local iwi and hapū, who will have an ownership claim on the piece of waka. The Tauranga Museum has a special arrangement with archaeologists and iwi in the area whereby the Museum Collection acts as a repository for archaeologically discovered taonga tūturu, with access available to all local stakeholders including iwi and hapū. Despite not yet being open to the public, the museum has also been the repository of other accidentally found taonga tūturu over the years.

A Google search of "Taonga Tūturu, Protected Objects Act 1975, Museum" led me to an article from 2020 that showed three examples of taonga tūturu being handed in to the Museum Theatre Gallery Hawkes Bay (MTG) over a short period of time. This became my fourth case study. It has been over five years since the three taonga mentioned in the news article were all handed in to MTG, within a few months of each other, in late 2019 – early 2020. While other identified case studies were far more recent, this passage of time has allowed for the POA process to come to a resolution. There is also some variety in the three separate incidents of taonga handed in to MTG which reflects some of the different scenarios in which members of the public discover taonga and choose to hand it in to a museum.

The following chapter fully details the case studies used in this research.

Participant selection and sampling

Participants were selected using purposive sampling. The primary criterion for inclusion was recent professional involvement with the POA through publicly documented cases relevant to the research questions. These cases were chosen due to their visibility and relevance to the study's focus on real-world museum practice and public interaction with taonga/taoka.

One case study, Central Otago Taoka Roadshow events, with three interview participants were recruited through the recommendation of the first interview participant. This is in keeping with a relational approach grounded in whānaungatanga and supported by existing connections within the museum sector. This form of recruitment is commonly referred to as snowball sampling and was particularly effective given the close and interconnected nature of Aotearoa New Zealand's museum network (Noy, 2008). The snowball method of sampling utilises social and professional networks to recruit participants, taking advantage of trusted advice from other participants to refer others who might be more difficult to identify from the outside (Hennink et al, 2020).

In addition to the participants who signed up to the study, there were several who did not. These museum workers were willing to engage in conversation with me about their experiences, off the record, and decided that they did not have enough personal experience with the subject to meaningfully contribute but still held their own opinions of it. One of these went on to recommend that I recruit another museum worker as an interview participant for the study, which was also taken on board.

Recruitment process

Once suitable participants were identified, an informal introductory email was sent to invite participation and gauge availability. An information sheet (see Appendix B) was attached to the email, outlining the purpose and scope of the research, what participation would involve, and the participant's rights. Potential participants were also invited to ask questions before formally agreeing to take part. In some instances, multiple emails were sent back and forth

between the researcher and participant. Several people did not feel they could officially partake in the research as interviewees but were happy to kōrero informally about their experiences and views on the kaupapa.

Time horizon

The case studies selected for this research were centred on events occurring after the amended Act came into effect in 2006. The earliest case study event occurred in November 2019, with subsequent cases extending to January 2025.

However, establishing a rigid temporal boundary for this study is complicated by the long and ongoing biographies of taonga tūturu. As some POA processes remain ongoing beyond this period, this temporal boundary limits analysis of longer-term outcomes and intergenerational implications. The earliest event amongst the case studies, was a toki being registered at MTG in November 2019 that had been found 41 years prior. This also complicates the temporal boundary line. In keeping with Bartlett and Vavrus's (2017) process-oriented comparative case study approach, cases were identified retrospectively to trace how POA processes unfolded over time and across sites, rather than being predefined at the outset of the study.

3.5 Ethics

This research involved human participants and was therefore required to undergo application to the Ethics Committee, who assessed this research project as low risk (Appendix A).

Interviewees had the option of being named, anonymous or given a pseudonym. It was made clear to participants that they would be provided with a transcript of their interviews and given the opportunity to pull out of the study, or to redact any quotes or information discussed. This was to ensure data sovereignty and to avoid being misrepresented or misinterpreted. Personal data is to be destroyed at the end of the research project.

Care has been taken to disguise participants in situations where there was perceived non-compliance of the POA. A conscious decision was also made not to identify collectors and

donors of taonga Māori, to avoid any criticism that might lead to them regretting their involvement in handing over taonga/taoka or influencing their decision to hand it over in the future.

Informed consent and participant rights

All participants provided informed consent prior to being interviewed. The information sheet explained that participation was voluntary, that participants could decline to answer any question they felt uncomfortable with, and that they could withdraw their consent at any time. Participants were also offered the opportunity to review their interview transcript to ensure their views were accurately represented and to reduce the risk of misinterpretation.

Confidentiality and data management

Participants signed consent forms that included the option of being identified by name or using a pseudonym. None of the participants requested a pseudonym, and all consented to audio recording. Interview data were stored securely on the researcher's personal computer and will be deleted following completion of the thesis, in accordance with ethical requirements.

3.6 Interview process

Seven interviews were conducted in total. Five of the interviews were conducted in person, at the museum the participant was employed in. One interview was conducted over Zoom, and one took place over email. All, apart from the email interview, were recorded and transcribed.

The interviews were semi-structured. This means that whilst an interview guide (Appendix C) with leading questions was prepared, there was flexibility for the kōrero to explore unexpected territory not planned for in the interview guide. The questions asked were not constrained to the order they appeared in the interview guide, as this has the potential to be disruptive if the order of questioning seems illogical to the participant (Hennink et al, 2020).

It can also be difficult to predict perspectives and experiences around the events discussed, and sometimes better for the participant to guide the flow of questioning. This approach allowed me to remain “flexible and able to listen to people telling their own story” (Hennink et al, 2020).

The in-person interviews took place in a private room within the museum, where possible, but there were still instances of disruption on several occasions. This is reflective of the real-world operations of a public museum and reinforced the fact that museum workers often have many demands on their time and are consistently juggling different responsibilities at any given moment. One of the unexpected benefits of the in-person interviews was that participants were happy to show me around their respective museums and storage areas, and in some cases view some of the taonga/taoka we had discussed. They showed a pride in their collections and work, and excitement about their current projects and works happening in the future.

3.7 Limitations

“A good leader in research doesn’t just create pathways for themselves but clears the way so others can follow with less resistance and challenges” (A. Sciascia, Personal communication, September 5, 2025).

This concept was delivered to me at a research presentation at a Te Rau Angitū hui. The principle informed the broader intent of this study, which is to contribute to academic discussion and to practical understanding and future research capacity within the museum sector. This includes highlighting areas where clearer guidance, resourcing, and professional development may strengthen museum practice and relationships with Māori stakeholders in relation to taonga tūturu.

The original research design included a nationwide digital survey of museum workers, followed by interviews with participants who indicated interest in further discussion. While this approach would have offered valuable breadth for gauging how well the POA is understood across Aotearoa New Zealand, it also presented potential drawbacks. In particular, the topic’s sensitivity and the perceived reputational risk attached to non-compliance may have limited participation and shaped responses, contributing to self-

selection bias and cautious reporting. Those most likely to respond may have been individuals who were already highly engaged with, or critical of, the POA.

Although the survey component was abandoned due to time and resource constraints, it remains a valuable direction for future research. A sector-wide survey could generate vital baseline data about levels of comprehension, confidence, and training needs among museum workers. It would also be beneficial in keeping the conversation going and could potentially ease a way into making people feel that there is safe space for difficult conversations around taonga/taoka. Quantifiable data around timeframes for resolving the granting of custodianship of taonga/taoka would also be beneficial to this discussion when used alongside qualitative data in a mixed methods approach.

Additionally, a follow-up on the case studies used in this research would better reveal how effective museums have been in their role under the POA. In particular, to investigate what the outcomes are for the taonga/taoka discussed, whether or not iwi or hapū are granted custodianship, and what decisions are made for the storage and access of the taonga/taoka for the future. The taonga/taoka featured in this study have not finished their journey yet as revealed in the following chapters.

3.8 Chapter conclusion

In summary, the qualitative methods outlined in this chapter were employed to explore the lived experiences of museum professionals navigating their roles under the POA. This chapter has also outlined my positionality in relation to the kaupapa, particularly that I am of Māori descent and a museum professional, and that this has influenced my motivations for pursuing this research and informed my interpretation and analysis of the findings.

Events were arranged into case studies retrospectively based on their relevance to POA processes and their capacity to illustrate a range of institutional contexts. These included regional and small museums, proactive and reactive engagements, and varying relationships with iwi and the public. Interview participants were recruited using purposive and snowball sampling to identify individuals with direct experience of POA implementation, ensuring a diversity of institutional roles and perspectives. This approach was also mindful of Māori

values of whānaungatanga and manaakitanga, respecting the advice of a participant when they make recommendations for other participants.

The following chapter integrates the case studies and interviews to address the research question: How do museums in Aotearoa New Zealand navigate their role within the Protected Objects Act 1975, and how does this shape the management, authority, and outcomes for taonga tūturu in practice?

4. Case studies and findings

While exploring a bank of earth recently exposed after landslips, a person described being in the presence of an old kuia who was guiding their attention. She showed them an object tucked behind a tree. It was a tool that might have been used for scraping flax. They believed the old kuia had given that taonga to them.

4.1 introduction

This chapter presents the findings of this research, examining how museums navigate their roles under the POA and how these practices shape outcomes for taonga tūturu. Drawing on four case studies from Awarua, Central Otago, Tauranga, and Hawke's Bay, it analyses how museum professionals interpret statutory obligations, engage with iwi, hapū, and members of the public, and manage the administrative and relational processes required by the Act across diverse institutional and regional contexts.

The results demonstrate that museums operate as key intermediaries within overlapping legal, cultural, and social frameworks. They are frequently negotiating tensions between legal compliance, tikanga, and institutional resource constraints. By foregrounding institutional practices and the perspectives of museum workers, this chapter illustrates how the POA is enacted in practice and how museum decision-making influences the custody, governance, and ongoing social lives of taonga.

4.2 Awarua

Introduction

This case study examines the 2023 Awarua Taoka Roadshow event in Bluff. The event was a response to a large collection of taoka being presented by a Bluff resident at Te Rau Aroha Marae that needed to be registered under the POA. A team of museum and archaeology experts from around Southland and Otago saw the opportunity to host the registration process at the marae and invite the wider public to be involved in the process. There was

also the opportunity to educate the public about the POA and the obligations of finders of taoka under the Act. The event focused on connection rather than enforcing compliance with the law. This case study also provides insight into how museums mediate between statutory obligations and Māori relational understandings of taoka, highlighting both the possibilities and tensions inherent in heritage governance.

The Story

In 2023, A resident of Bluff brought his collection of taoka to Te Rau Aroha Marae. He had gathered these objects from the local beach along the southern coast, particularly around the Bluff harbour, over many years. Jennings described this area as an “adze factory” in pre-European times due to the abundance of Bluff Argillite (Jennings, 2018). During a visit to the marae on other business, archaeologist and Curator Māori at Tūhura Otago Museum, Gerard O’Regan, who has whānau connections to Te Rau Aroha, was informed about Fowler’s extensive collection of taoka.

After speaking with the finder, O’Regan explained that under the POA the items were required to be registered. Anticipating hesitation, he also clarified that he could apply for custodianship of the collection during the same process. Given the large number of items, the registration process would have been lengthy, so the idea emerged to carry out the work collaboratively on the marae itself.

The use of the marae as a registration site created an opportunity for community involvement and learning. The first event took place over five days, from 11–16 October 2023, led by O’Regan and Chris Jennings, an archaeologist from the University of Otago. The registration was supported by a small team from Tūhura Otago Museum and the Southland Museum and Art Gallery. Local schools were invited to observe the process, and members of the public were encouraged to bring along any taoka they possessed for assessment. This is where the term “Taoka Roadshow” came about, a nod to the British “Antiques Roadshow.” By the end of the event, the Bluff resident chose to formally hand over his collection to the museum.

Findings

On the marae

To understand more about the Awarua Taoka Roadshow, I interviewed O'Regan in person at the museum. He framed the decision to use Te Rau Aroha Marae as the site for registering the collection was framed as both a practical solution to processing delays and an opportunity to involve the local community while raising public awareness of the obligations associated with discovering taoka. Reflecting on the scale of the collection and the labour required, O'Regan explained, "When we saw how much there was, a couple of weeks' worth of analysis work for someone tucked away in a museum basement, we thought, 'Wouldn't it be lovely if we could do it on the marae, where people could come in and see what is going on, learn about these objects, and do a bit of a promotion that they are meant to be reported?'" (Tūhura Otago Museum, 2023). Thus, the Roadshow concept was born out of the opportunity presented by the resource-intensive administrative necessity.

The event took a great deal of planning and coordination. The marae was a good solution for the problem of hosting a team of experts who were key to the success of the Roadshow. A team of archaeologists from Tūhura Otago Museum and Otago University travelled from Dunedin to Bluff to join others from the Southland Museum. O'Regan emphasised that it took a large team many hours, and those responsible for identifying and recording data about the taoka had professional qualifications and training.

Although the Awarua Roadshow was considered a success worth replicating, as seen by the series of Taoka Roadshow events in Central Otago (detailed in Case Study 2), O'Regan admitted that the administration involved in registering the collection was not as advanced as the team wanted it to be due to a backlog of taoka to process. While the data collecting done on the marae, such as recording the measurements and descriptions, there are still forms to generate for the MCH as part of the Z registering process. O'Regan stated that, instead "what we've done is use the cataloguing as an avenue for promoting the taoka and the stories out to the community" (informant interview, June 10, 2025).

Primary schools local to Bluff organised field trips for children to attend the roadshow and learn about taoka. O'Regan described this as a key success of the initiative, emphasising its role in intergenerational education, "These are the next generation of people who will be finding things and handing them in, if we plant the seeds right" (informant interview, June

10, 2025). Children were given opportunities to learn about taoka through direct, embodied engagement, with robust objects selected for handling. As O'Regan explained, "On every workshop we've done, we have also found some taoka that are big enough, robust enough... to be able to hand around and for the kids to be able to hold them, feel them, and have their moment... and quite often it will be a sinker." This tactile interaction was intended to inspire appreciation and responsibility.

An opportunity for the public

The wider public were also very interested in the event. In this way, the Roadshow revealed a range of attitudes held by the public. O'Regan explained, "we might go to places, and we might find that there are people who are collecting taoka, but they know we're from a museum and therefore they'll shut up and won't tell us anything... Or we might find people who will go somewhere and they'll know we're from the museum and they'll want to show us everything and talk to us about everything" (informant interview, June 10, 2025). This range of engagement indicates that there is a degree of mistrust among the public toward museums.

The roadshow also provided an opportunity for individuals who had been privately holding collections, often without a clear plan for their future, to seek guidance and support. O'Regan described people "bringing in other taonga... from over by Colac Bay, from up in the Hokonui Hills [and elsewhere in Southland]" (informant interview, June 10, 2025). This included a couple who had been caring for several toki found on their farm but were unsure what to do with them as they aged and their children did not wish to inherit either the land or the objects.

In some instances, they asked the Roadshow experts to help the taoka find their way to a good home. This phenomenon became a recurring theme across the Central Otago roadshow events (as detailed in Case Study 2). These taonga would not have been protected by the POA because they were collected before 1975. Their holders were under no legal obligation to hand them in but recognised that it was the right thing to do.

In contrast, some of the attendees of the roadshow event who brought taoka in for identification were not ready to release them. O'Regan explained, "what I was meant by

ready to release, they're not ready for those taoka to be handed in, they're possessive of it.” He went on with an example of one person who brought something in for identification, “He's very keen to have some understanding of it, but he, at the last minute, he just sort of closed up and that kind of a thing. And I think it was because, you know, he's feeling a bit emotional about his connection to the taoka” (informant interview, June 10, 2025). This shows that the outcomes for taonga/taoka are often determined by emotional attachments beyond the influence of museum workers.

A sensitive approach

One of the integral factors of the roadshow events was the professionalism of the experts. O'Regan recognized that people had their own understandings and convictions of entitlement to the taoka they had found. There was a prevailing belief that taoka shows itself to a person, and that person takes it has permission to claim it, “It's very easy to be kind of dismissive of that in terms of, well, where's your right to this? You know, where's your... right to someone else's heritage?” (informant interview, June 10, 2025). This phenomenon applies to both Māori and non-Māori, whether they have a connection to the landscape it was found in or not, “they're not the only one... there's also the rest of the tribe” (informant interview, June 10, 2025).

Some of the taoka presented during the roadshow were recognised by O'Regan as highly collectible, noting that “when I say collectible, I mean collectible on the Dunbar Sloane auction market” (informant interview, June 10, 2025). When asked whether he suspected participants might be seeking assessments for financial gain, O'Regan expressed a cautious ambivalence, explaining that while it is important not to mistrust people, he sometimes felt “a little bit suspicious,” particularly when individuals were attached to objects they considered “significant or flash... kind of collectible.” However, such suspicions were rare and often complicated by emotional and relational factors. He recalled only one instance where he thought a participant “might have seen dollar signs,” (informant interview, June 10, 2025), but this was tempered when the individual later shared a modern taoka connected to his immediate whānau, revealing that there were other emotions at play.

Although named after the popular and familiar Antiques Roadshow, the objective of the taoka roadshow had nothing to do with monetary values. Ultimately, O'Regan emphasised that the workshops did not attract collectors seeking market value, noting that "we're not seeing people bringing stuff in who are collectors," and therefore "we're not getting collectors per se." (informant interview, June 10, 2025). In this context, the desired outcome was accomplished through affective connection rather than coercive compliance.

This discussion links back to the POA and the question of what is considered important enough to protect, as well as whose values shape those determinations. Museum practice often reflects a traditional and narrow view of what objects are worthy of collection and registration, privileging certain material forms and significance frameworks over others. As O'Regan observed, while "the Protected Objects Act is wonderful in a whole lot of ways," it does not always align well with the social contexts in which taoka are embedded, noting that "we're dealing in the social context... [and] there are aspects to it that it doesn't necessarily land on very well" (informant interview, June 10, 2025). This highlights the limitations of a legal framework that struggles to accommodate relational, cultural, and community-based understandings of value and significance.

The finder of the Awarua taoka was actively involved in the registration process, which O'Regan identified as a contributing factor in his decision to ultimately hand the collection over to the museum. This participatory approach was not unique to the Awarua Roadshow. O'Regan described a similar case in which a couple transferred a collection to Tūhura Otago Museum, noting that one individual had a whakapapa connection to the Te Rau Aroha Marae.

On this basis, whānau were invited to the museum to assist with cataloguing and registration, creating opportunities for direct engagement with the taoka. O'Regan emphasised that this "hands-on involvement" was about "building connection... having time with them, making that connection to the culture" (informant interview, June 10, 2025). This shows how participatory practices and relational engagement can foster trust and a sense of shared stewardship, shaping decisions about custodianship beyond formal legal obligations.

A Māori lens

Viewing concepts of ownership through a Māori lens, O'Regan draws on the whakaaro of kaumātua Russell Riki (as recounted by a PhD student he was an advisor to), they explained that taoka "don't belong to us, they belong to the old people," positioning these objects as continuing to reside in relationship with tūpuna rather than within contemporary concepts of ownership. This understanding extends across contexts, such that even private collectors are not true owners, as "whether it was us [Māori] or whether it was Pākehā ... they don't belong to us" (informant interview, June 10, 2025). This concept underscores a Māori ontology of taonga representing a whakapapa relationship that cannot be governed by heritage laws that deal with the more tangible and Westernised definitions of ownership.

O'Regan further described a relational ethic of reciprocity (utu) noting that "if you take something from them, they've got to take something from you," and reflecting on what taoka might take in return, "some of my time, care, aroha" (informant interview, June 10, 2025). He recognised this Māori concept of utu as important in the conversations that can be had with members of the public about the taoka in their care. In this sense, the POA is important as it seeks to interrupt the treatment of taonga as commodities by attempting to regulate their export, sale, and movement.

However, in practice, compliance remains difficult to enforce, particularly for taonga held in private collections. O'Regan noted that engagement through public taoka workshops contributed to a shift in how private holders understood and cared for these objects, explaining that "even the taoka that I know are staying in private ownership, you have a sense that the attitude of private ownership has shifted a little bit from the discussions we've been able to have... through those public taoka workshops" (informant interview, June 10, 2025). One of the notable outcomes of this engagement was the willingness of taoka holders to learn about tikanga and appropriate care practices, suggesting that relational understandings of taonga can reshape private ownership practices even within existing legal frameworks.

Conclusion

The Awarua Roadshow demonstrates how participatory, marae-based approaches can reshape engagements with taoka beyond compliance-driven legal processes. The case also

exposes structural constraints and limitations within the POA and museum systems, including administrative backlogs and the difficulty of regulating privately held taoka. It showed how involving key stakeholders, including finders and possessors of taoka, led to better outcomes than a legalistic approach, even when the taoka was not handed in at the time.

4.3 Central Otago

Introduction

The Central Otago case study covers three museums that were involved in a series of “Taoka Roadshow” events in April 2025. These were advertised on social media and in local newspapers. These events were instigated by a team from Tūhura Otago Museum, including O’Regan, who was visiting the museums separately on other business and saw the opportunity to replicate the Awarua Taoka Roadshow. By analysing how museum staff engaged with specialists, the public, and mana whenua during these events, this case study explores how small museums navigate encounters between taoka and the public.

The Stories

The first event took place at Cromwell Museum. It is a small museum located in the Cromwell Mall, though it is currently in the process of moving to a new purpose-built facility in 2026. Museum manager Jennifer Hay was interviewed in person at the museum. The Taoka Roadshow event for Cromwell took place at the Cromwell Museum on the 8th of April 2025. The public were invited to come along to watch the experts from Tūhura Otago Museum identify and classify the museum’s vast collection of moa bones, and to bring in any taoka they might have at home for identification and advice.

Clyde Museum was the site of the second event. It is an entirely volunteer-run operation with seasonal operating times: October – April. Chairwoman of the museum, Andy Ritchie, was interviewed in person at the museum. The Clyde Taoka Roadshow event took place on the 9th and 10th of April 2025. This took place at the Clyde Masonic Hall, during an exhibition changeover. The drawcard for the event was the cataloguing of a collection of Taoka deposited at the museum by Barry Eames. Eames was an amateur archaeologist as a young

boy living in the Red Cliffs area. Some of his collection was confiscated by Roger Duff, ethnologist and director of Canterbury Museum. This caused some hurt that doubtlessly affected the decision not to give the collection to Canterbury Museum. Later in life, Barry moved to Clyde, where he deposited the collection at the local museum.

The final event was at Central Stories in Alexandra, a combined museum, art gallery, and research centre. Museum manager Paula Stephenson was interviewed in person at the museum. The catalyst for the Central Otago Roadshow events was the death of an elderly man in Alexandra. A lawyer responsible for organising the man's estate contacted Stephenson and asked if Central Stories was interested in taking the man's collection of Māori artifacts. Paula contacted O'Regan at Tūhura Otago Museum to seek advice. It was decided that O'Regan and a team from Tūhura Otago Museum could come up and have a look at the collection, and following the success of the Awarua event, open the event to the public with an open invitation to have their taoka viewed by a panel of experts. The "Taoka Roadshow" event in Alexandra took place at Central Stories on the 11th and 12th of April 2025.

Findings

The importance of expertise

The presence of specialists from Tūhura Otago Museum was a key factor in the success of the Central Otago Roadshow events. This was both in terms of public engagement and the credibility of the process. Hay emphasised that having recognised museum experts involved provided a sense of authority and reassurance, noting that "it's to have a museum expert run it, because then that kind of voice of authority is there as well... it's a scientific and precise documentation" (informant interview, August 29, 2025). She further suggested that expert participation functioned as a drawcard for attendees, signalling that the assessments were rigorous and trustworthy.

All three managers from the Central Otago museums who hosted the Taoka Roadshows reiterated that they would reach out to O'Regan's team at Tūhura Otago Museum at the first instance of interactions with taoka. Although Clyde Museum has not had many instances of interacting with taoka and the public, the vast majority of taoka in the museum belonging to

the Barry Eames Collection, in the event of unexpected taoka being offered to the museum, Ritchie's reaction "would be to pick up the phone and talk to Gerard ... that would be my first point of call immediately" (informant interview, August 29, 2025). This dependence on larger institutions highlights on of the limitations of small museums.

Surprise donations

An unexpected offer of a collection of taonga from a deceased estate was the catalyst for the Central Otago Roadshow events. Stephenson recalled receiving a phone call from a lawyer saying a member of the community had passed away and asked if they would be interested in accessioning the collection, noting that it was the first Māori collection she had encountered in her role. Lacking formal museum training, she sought guidance from O'Regan "to do it the right way" (informant interview, August 29, 2025).

The experiences of museum workers relayed through the interviews revealed that often members of the public donate their taonga/taoka collections to museums late in life. "Their time with them is coming to an end. How can they do something right by them?" O'Regan observes, "Our job, our opportunity is to try to be something of a solution for them answering their question" (informant interview, June 10, 2025). The Taoka Roadshows provided this mechanism for donors where the taoka they held could be appreciated and attended to in the present, but at the same time also find a way closer to their long-term home.

Attachment and possessiveness

However, not everyone who presented taoka at the events were ready to hand them over. O'Regan commented that when people were not ready to release, "we're not in a position to be able to do anything about it all we can do is try to leave things positive so that you know at some point down the track [they] might find the right way to work with the taoka" (informant interview, June 10, 2025). Of the taoka presented by the public at Cromwell Museum, which included toki, moa bone fragments, coprolite, petrified wood, pounamu,

nothing was handed over on the day. However, museum workers were positive that they had planted a seed that might later prove fruitful.

Hesitancy and the lack of transparency around how taoka came to be in their possession revealed to Hay that many people are at least vaguely aware that there is a law governing possession of taonga tūturu, “but not really the specifics and what the consequences, or the deeper meanings of it really is” (informant interview, August 29, 2025). She observed a reluctance by some to learn about the ethics involved in cultural heritage.

Hay echoed O'Regan's observation about the hesitancy in the community, observing that some people were cautious and perhaps fearful that if they presented a taoka, it will be immediately taken away from them. This rumour had been repeated through social media in Alexandra, prompting Stevenson to reassure the public, “No one's taking any artifacts off you. Please bring them in. It's a really good chance for you to know what you've got” (informant interview, August 29, 2025).

Another concern expressed by some members of the public was that if taoka was found to have been discovered on their land, that they would be subject to invasive excavations. “We did have a bit of backlash here in Alexandra. We've got a few of the old farming families and a couple of them. One of our biggest problems down here is ... the reaction to finding more artifacts on their farm was to bury them because they didn't want everyone coming in” (Stephenson, informant interview, August 29, 2025). This poses another threat to compliance with the POA.

Barry Eames Collection

At Clyde Museum, the Roadshow's central activity was the cataloguing of the Barry Eames collection of taoka. Although the museum had acted as a repository for the collection, the taoka had no provenance to the area. O'Regan recounted how Eames' collecting history was shaped by an early encounter with Canterbury Museum, explaining that when he was just a child “Roger Duff... took his museum into the Canterbury Museum and... broke a young boy's heart,” resulting in Eames' enduring refusal to donate the collection there (informant interview, June 10, 2025). Later in life he moved to Clyde and entrusted the collection to the

Museum on the understanding that it would facilitate repatriation. O'Regan explained that the museum can help those things find their way back to where they came from.

A lack of provenance is another issue museums encounter when working with taonga/taoka. Ritchie explained that Clyde Museum held some taoka given to them by Tūhura Otago Museum a long time ago. It is understood that they relate to the area around Clyde but seem to have lost their history, and whether it could be verified that they come from the area is debatable. Among the collection that was given to Central Stories, none of the taoka had any recorded provenance except for one unique taoka which O'Regan commented was "of national significance" (informant interview, June 10, 2025). At the time of interview, contact had been made with the hapū of where the taoka was recorded as being found, and Stephenson expressed a hope that there would be a similar fate for other taoka housed at Central Stories.

However, the other taoka in the collection without recorded provenance remain an issue. Stephenson explained, "we're hoping to get someone to come up and to take it. The problem is... There's a collection of quite a few artefacts, but none of it had any significance, so it probably wasn't from Central Otago ...but it was just an amateur sort of fossicker, and he hadn't kept a database or a record of anything" (informant interview, August 29, 2025). This is a familiar issue for museums who are hesitant to take taoka/taonga in those situations, typically a collector or fossicker moves away from the place where their collection came from, and it ends up in a museum where the person moves to later in life.

Small Museum Challenges

All three Central Otago museums workers emphasised the importance of having external experts to support decision-making around taonga and the POA. However, they also highlighted the significant resource constraints facing small museums, which make sustained engagement with these processes difficult. Stephenson described the reality of operating with minimal staffing and funding: "It's a long process when there's no money and there's no people... it's just me and I've run from one thing to the next" (informant interview, August 29, 2025). She also noted that progress is often delayed by limited capacity on all sides, with follow-up meetings sometimes occurring months apart due to a lack of funding and

personnel. Some institutions, such as Clyde Museum, operate with even fewer resources and are entirely volunteer run, further constraining their ability to navigate the administrative and relational demands of the POA.

Another museum worker, Chelsea Tairi, explained that similar considerations are relevant when dealing with iwi and hapū, “for us, working in museums, this... this is our mahi. We get paid to do this; we work full-time... Whereas when you're working with iwi ... there's nobody who has a role to deal with taonga. And if there is, they have a full-time job, it's a voluntary role [and they are] juggling all these other things, and then just the way Māori operates. It's... it's a bit slower, so it doesn't always... marry up with how we work. So that can kind of slow things down” (informant interview, November 11, 2025). She further emphasised that decision-making with Māori is a communal affair which cannot be rushed.

Māori mistrust of museums

Public engagement with the Roadshow was widely regarded as successful, although Māori participation was limited. At the Cromwell Roadshow Hay noted that “no Māori people came in,” suggesting that mistrust of museums and assumptions about what would be discussed may have discouraged attendance. She reflected on the difficulty of engaging with local Māori communities, explaining that Central Otago is “quite isolated” and that building these relationships “has taken a long time and a lot of conversations” (informant interview, August 29, 2025).

Hay stressed that progress requires collaboration, noting that it is encouraging that, as time goes on, mana whenua are actively shaping their stories and working closely with museums. This highlights the importance of bridging gaps between museums and Māori communities, but reinforces the idea point that these relationships cannot be rushed. The lack of Māori attendance at the Central Otago Roadshow events cannot be extrapolated to assume a disengagement of Māori, however Hay thought it was noteworthy (informant interview, August 29, 2025).

Summary

This case study demonstrates how small museums navigate their responsibilities under the POA through reliance on external expertise, relationship-building with communities, and cautious engagement with the public. It shows museums acting as intermediaries by facilitating identification and creating pathways for potential repatriation while also managing public anxieties about legal consequences and loss of possession.

However, the case study also highlights structural constraints, including limited staffing, funding, and provenance information, which complicate museums' ability to fulfil the relational and administrative demands of the POA. These findings illustrate that while smaller museums are often willing and ethically motivated actors, their navigation of the POA is shaped by limited resourcing, historical mistrust, and uneven community engagement, with significant implications for how taonga are identified, cared for, and ultimately returned to appropriate custodians.

4.4 Tauranga

Introduction

This case study examines the discovery of a piece of waka in the Waiari Stream brought to the attention of Dean Flavell of the Tauranga Museum, triggering the POA process. Through this case, and a series of related examples, Flavell shows how museums, Māori communities, and individuals navigate statutory processes, tikanga obligations, and relational ethics in museum practice. This gives insight into the operational realities of the POA, revealing both its capacity to facilitate hybrid governance arrangements and its structural limitations in addressing Māori custodianship, administrative delays, and contemporary modes of communication and engagement.

The Story

Flavell was appointed Pou Tiaki Māori for the Tauranga Heritage Collection in 2003 and is now Pou Arahi for Tauranga City Council. The Tauranga Heritage Collection has since evolved into what will become the Tauranga Museum, scheduled to open in 2028 in a state-of-the-art

facility in the city centre. Flavell was interviewed in person at the Tauranga Museum Collection building.

In January 2025, Flavell featured in local newspapers following the discovery of a piece of waka in the Waiari Stream by a member of the public swimming there with his family. In the article, Flavell explained that the waka fragment is considered a taonga tūturu protected under the POA and would therefore undergo the formal process of registration and ownership determination through the Māori Land Court.

After finding the waka, the member of the public moved it onto the riverbank and discreetly covered it with grass. He later posted a photograph of the find on social media seeking advice and was advised to contact Flavell. Afterwards, Flavell retrieved the piece and conserved it in a makeshift bath on his property to protect it from disintegrating while it undergoes the lengthy ownership process prescribed by the POA. This involves submerging wooden materials, such as the waka fragments, in a chemical solution that stabilises the material and stops the cellular structure of the wood from collapsing as it dries. This process can take years.

Findings

The use of social media

Access to information about the POA was mediated in this instance through informal digital and social networks rather than official institutional channels. The member of the public who discovered the waka remnant in the Waiari Stream shared the find on social media, as seen in Figure 1. Commenters then advised them to contact Flavell, “When it was on social media people were reacting to it and said you need to ring Dean” (informant interview, August 27, 2025).



Fig.1: A question posted on the Te Puke Community Noticeboard.

Miles-Kingston, R. (2024, December 29). *Hi while swimming in the waiari I found what looks to be part of an waka looking at shape and ...* [Screenshot of Facebook Post].

<https://www.facebook.com/photo/?fbid=10162392137024846&set=gm.2088768781566752&id=675740449536266>

Flavell reflected on the use of social media as a tool in the overall process, and what that says about the design of the POA processes beyond 2006, highlighting that its original communication mechanisms may no longer align with contemporary information sharing. When the MCH puts a call out for interested parties when a find has been reported through the newspaper, “Now that’s a bit doubtful in a modern world because not many people read newspapers anymore. So I don’t know how a notification from the Ministry happens” (informant interview, August 27, 2025). This reality brings into question whether the POA’s administrative processes are keeping up with the times.

A straight-forward case

In terms of outcomes for taonga that proceed through the POA process, the Waiari waka case represents a relatively straightforward example without competing claims or contested interests. The waka was registered under the POA and assigned a registration number through Tauranga Museum, while remaining physically located at the marae. As Flavell explained, “the marae are kaitiaki for it... it’s registered with the Tauranga Museum... but it doesn’t sit there, it sits at the marae” (informant interview, August 27, 2025). Flavell also described conducting the recovery of the waka in accordance with tikanga, involving his sons and performing karakia at the site before lifting the taonga. This case illustrates how statutory registration can coexist with Māori custodianship and ritual practice in some cases. It demonstrates a hybrid governance model in which legal frameworks and tikanga operate in parallel rather than in opposition.

Complexities with the Act

When asked whether the POA functions effectively, Flavell offered a cautious endorsement while identifying significant gaps in governance and Māori involvement. He suggested that the legislation “is okay” at a national level but expressed uncertainty about “who the advisors are... especially the Māori advisors,” (informant interview, August 27, 2025) and would like to see the Act reviewed. He also described the complex network of actors involved in POA processes, including archaeologists, iwi and hapū, MCH, and museums, noting that museums often act merely as repositories while also undertaking registration applications. This showed the multi-stakeholder nature of POA implementation, and the central administrative burden placed on museums, while highlighting concerns about transparency.

Much like the Central Otago cases, Tauranga Museum also described acting as an intermediary in cases where taonga more appropriately belong elsewhere. Flavell recounted an elderly man who brought in a stone adze he had found decades earlier at Pukawa, near Lake Taupō, and kept after retiring to Tauranga. While the man offered the adze to the museum, Flavell declined, stating that it “doesn’t belong to us,” and instead contacted Ngāti Tūwharetoa to facilitate its return (informant interview, August 27, 2025). In this instance,

Tauranga Museum functioned as a conduit for repatriation rather than a collecting institution. Flavell noted that formal processes could be “a hindrance to finding it right,” particularly when relational and provenance-based responsibilities were clear (informant interview, August 27, 2025). The adze’s significance was heightened by its discovery site at Pukawa, a key location in the origins of the Kīngitanga movement, rendering it culturally and historically more meaningful to Tūwharetoa than to Tauranga.

The intention of the POA to return taonga to iwi/hapū, usually in the area they are found, are not an unanimously agreed upon solution. Flavell described a case where seven pieces of obsidian were discovered on a site where a house had been removed. The finder deposited them in the Tauranga Museum Collection and applied for custody through the MCH. He had indirectly approached hapū first to ask if he could have them and received a mixed response. Some of the hapū were indifferent to the request, reasoning that they were only obsidian for some it was a definite no. Flavell explained that there are thousands of obsidian finds in the Bay of Plenty, but the stone is not naturally from there. Although the finder only wanted them to bury again on the site, some believed that they should be returned to Tūhua (Mayor Island) where they originated from (informant interview, August 27, 2025). This shows that the understandings of communal ownership are not one-size-fits-all.

Processing times

One of the POA’s most significant weaknesses is the length of processing and decision-making timelines. Flavell noted a substantial backlog within the MCH, particularly for ownership determinations, explaining that the aforementioned obsidian case took three years to resolve. He suggested that such delays can actively undermine reporting and compliance. No matter how efficient museums are in their role, people might lose faith in the institution. “If the process is too hard to follow, then people who find things will go, hmm, do I need to report it? That’s probably an issue” (Flavell, informant interview, August 27, 2025). This could lead individuals to withhold future discoveries rather than engage with the statutory framework. “Like this guy... I think the next time he finds something, he’ll probably go, you know, I’ve been through that, it’s taken three years. I don’t think I’m going

to report anything” (informant interview, August 27, 2025). This shows that the process time can act to disincentivise reporting and compliance.

The case that Flavell described gave a glimpse of the kinds of complexities at play even when multiple parties, policies and processes are involved. The seven pieces of obsidian found during earthworks on their property prompted involvement from archaeologists and a local hapū monitor. Although the landowner sought permission from the local hapū to retain the obsidian and was told “yeah, it’s only obsidian,” they were later informed that “there’s a process,” which ultimately led to a three-year MLC application. (informant interview, August 27, 2025).

This case revealed internal differences within iwi and hapū, with some asserting clear authority over the objects and others expressing indifference, creating confusion for all parties involved. Notably, the applicant later explained that he wanted the obsidian returned to the land, stating, “because they belong to the land... I want to return them to the land,” an approach Flavell described as “a great idea” (informant interview, August 27, 2025). He went on to say that if the hapū had been aware of his intentions they might have just told him to have it, bypassing the lengthy administrative process.

Internal processes

When difficult situations like this arise for museums, they must find dynamic ways of working with key stakeholders towards favourable outcomes. Flavell explains that museums must operate within the law, but they are not necessarily restricted by it, “So a lot of this stuff here, that’s the law, and that’s what we have to follow as museum folk. I mean, we’re bound to follow that process, but there’s no reason why we can’t create internal processes” (informant interview, August 27, 2025).

Building on these ambiguities around authority and process, Flavell also highlighted the limitations of the common institutional response to simply return or relocate finds to marae. He noted that museums often default to holding objects centrally while inviting iwi and hapū members to access them, explaining that “if any of those people want to visit it, then they can come here and visit it,” and describing occasions where museums took objects to marae to facilitate engagement. He further observed that “a lot of our marae and hapū are

unfamiliar on how to look after objects” (informant interview, August 27, 2025). In this situation, the museum provides a practical solution.

According to Flavell, the POA requires review, particularly in relation to Māori governance, ownership pathways, and its practical relevance for iwi, hapū, and whānau. He suggested that Māori communities are primarily concerned with questions of connection and custodianship, “how do we connect to that [taonga]? And should museums own that? Or should iwi own it, or hapū own it, or marae own it?” He felt that the current framework “doesn’t really... work in the favour of anyone” (informant interview, August 27, 2025). The lengthy processing times at the MLC are also a big issue. He guessed that few cases have progressed through this mechanism and questioned the visibility and influence of Māori advisors within the MCH.

Limited domestic protection

While he thinks that the POA’s export protections are important, it seems a bit short-sighted that the registration primarily functions when objects are leaving the country, even though “9 out of 10” taonga will never do so (informant interview, August 27, 2025). This critique is that the POA’s domestic protection of taonga is less robust and developed but is more commonly triggered than export applications.

There are structural loopholes in the POA that contribute to suspicion and mistrust between Māori communities and archaeologists or museums. Flavell noted that statutory reporting timelines only begin once an object enters a museum, meaning that “an archaeologist could sit on something for a number of years” before triggering the 28-day notification requirement. This creates opportunities for discretionary control over taonga and reinforces perceptions of exclusion. He linked this to iwi and hapū calls for earthworks monitors, describing these as a means of ensuring Māori presence and oversight: “it’s eyes on... they see it too, the archaeologist sees it.” He further observed that some Māori communities question where tikanga fits within the statutory process, asking, “where’s our process? We don’t see tikanga in any of this” (informant interview, August 27, 2025). This reinforces the idea that there is not enough Māori visibility at the decision-making level.

Time for a review

Pointing out that weaknesses in the POA lie not only in the legislation itself but also in the processes through which it is administered, Flavell suggested that reviewing administrative practices could provide a basis for reassessing the relevance and effectiveness of the law itself. He illustrated this with the example of the Linley development, where wooden taonga recovered from a swamp required specialised conservation treatment. (informant interview, August 27, 2025). An initiative of the Pirirākau Tribal Authority alongside archaeologists working within the rohe was to ensure that wooden taonga found within the tribal boundaries would be “vested under mana of Pirirākau with the Tauranga Heritage Collection” (Pirirākau Incorporated Society, 2021, p.4).

In the past, such discoveries would have gone to the University of Auckland’s wet conservation labs, which leads to disconnect and an institutional loss of memory as personnel change and kaitiaki grow old and pass away. “Eight years down the track everyone who knew that happened either forgot it or aren't around” (informant interview, August 27, 2025). This shows that the kaitiaki connection is equally important as physical conservation efforts.

Tensions are further complicated by the personal relationships that finders develop with taonga, which can sit uneasily alongside the formal processes mandated by the POA. Flavell recounted a case in which a farmer had carried a piece of pounamu he discovered while shepherding for several decades, describing how the object had remained with him without adverse consequences. He reflected that initiating a formal ownership determination process would likely disadvantage the finder, who might “wait years and years” before any resolution (informant interview, August 27, 2025).

A place for tikanga

He shared tikanga narratives, recalling his grandmother’s teaching that pounamu reveals itself for a reason and may return to its rightful place over time (informant interview, August 27, 2025). In this situation, Flavell would have advised exercising discretion, noting that museum workers might sometimes chose not to pursue formal reporting pathways. Rather than constituting deliberate non-compliance, this example illustrates how museum workers

navigate tensions between statutory obligations, tikanga-based understandings of taonga, and relational ethics with finders.

Much like O'Regan, Flavell works comfortably in both Māori and museum spaces. He describes his actions when he learned of the waka remnant found in the Waiari, "we got down there, had karakia, all those sorts of things, then I got the boys to lift that up. And then we took it back to my place and I built a trough for it, filled it with water and then we put it straight into the trough. And then went through, I suppose, the [POA] process." (informant interview, August 27, 2025). He went on to clarify that he is also the Chair of Makahae marae as well, "it caused me [to think] I need to do two things. One, I need to use my professional hat and knowledge, but I've also got to use my cultural hat. I have it installed, well the marae has it, so the marae are kaitiaki for it, but it's registered with the Tauranga Museum through the Protected Objects Act" (informant interview, August 27, 2025). This is a familiar practice for many Māori working in the museum space.

Overall, Flavell questioned whether the Act was fit for purpose, or whether other options needed to be considered.

"In this, [the POA] there's no tikanga that I know, and the reason why is because it's sitting at a national level, so it sits high, but there could be values, and those values could come from the Treaty of Waitangi. the same values, they could be adopted into this, or maybe they are, but nobody's telling us, and maybe they do sit there. But when it comes to my area of the bush, my tikanga is based on Tauranga Moana tikanga. Or if it's objects that come from Maketu, So I apply the tikanga to objects depending on where they come from" (informant interview, August 27, 2025).

This shows how centralised decision-making can make kaitiaki feel disconnected with their taonga. It also reinforces a need to prioritise iwi and hapū-level decision-making in dealing with issues around taonga.

Summary

Although the official outcome is still pending, it is likely that the piece of waka found in the Waiari Stream will remain in the care of Makahae Marae. While this case exemplifies the

POA process having a good outcome for all involved stakeholders, not all cases are as straightforward. Flavell's accounts demonstrate that the POA operates less as a clear-cut legal pathway and more as a negotiated space in which statutory authority, tikanga, institutional practice, and personal relationships intersect. The implementation of hybrid arrangements between museum and marae are often more effective than a prioritisation of one arrangement over another.

Flavell's reflections further illustrate how museum workers can exercise discretion and relational judgement to achieve culturally appropriate outcomes within an imperfect framework. However, they also expose systemic weaknesses, including outdated notification mechanisms, problematic processing times, limited Māori governance visibility, and structural loopholes that can erode trust.

4.5 MTG Napier

Introduction

This case study examines the implementation of the POA through a series of taonga tūturu discoveries handed in to MTG between late 2019 and early 2020 and the relevant experiences of museum staff. It is temporally significant, as sufficient time has elapsed for statutory processes to progress, offering insight into procedural outcomes and delays.

Drawing on an interview with Collections Care and Access Manager Sara Perrett, the study explores institutional knowledge transmission, public awareness, administrative bottlenecks, and museum–iwi relationships.

Story

In 2020 Hawkes Bay Today reported a story where three pieces of taonga tūturu were handed in to MTG on different occasions in a small space of time and would undergo the processes set out by the POA (Hawkes Bay Today, 2020). Most notably, one toki was deposited that was found by a child at Kairakau Beach in 1979 and held for over 40 years. As such, this would have been property of the Crown under the Antiquities Act 1975.

The events of this case study were the oldest of the four case studies. It was included based on the assumption that adequate time has passed for the taonga tūturu handed in to the museum to have had an outcome determined by MCH and MLC.

Collections Care and Access Manager at MTG, Sara Perrett, was interviewed via email about these particular cases and others at MTG.

Findings

Education needed

Perrett explained that her initial understanding of the POA emerged through professional training when the legislation was introduced, noting that “when the POA came into place training sessions were held for museum professionals to attend by Ministry for Culture and Heritage. I attended a session in Auckland where I was working” (informant interview, September 23, 2025). This indicates that people who were working in relevant museum roles around 2006 when the POA came into effect had the opportunity for training. This positions museums as key intermediaries responsible for interpreting and implementing the legislation in practice. This opportunity has faded away over the years. It also suggests that institutional capacity-building was prioritised at the professional level, while public-facing education remained limited.

When asked about support and awareness for museum workers, the public, and iwi and hapū, Perrett emphasised the need for broader education, stating that “more information/education for the public on taonga tūturu would be useful.” (informant interview, September 23, 2025). This concern echoed those of other museum practitioners, who identified education as a key concern, elaborating that, “[It] would be good to educate Iwi too... I think would be helpful. One way to do so is to form those relationships with museums and. enabling between museums and iwi” (Tairi, informant interview, November 11, 2025). Such responses highlight the uneven distribution of knowledge about the POA and suggest that its effectiveness depends heavily on informal education and relationship-building rather than systematic public communication strategies.

Perrett's experiences with members of the public presenting taonga to MTG further demonstrate the limited awareness of statutory obligations. She explained that "most people who bring in taonga tūturu are bringing them in either for identification or to gift them to the collection and until I explain the Protected Objects Act, they have never heard of it" (informant interview, September 23, 2025). In some cases, individuals reacted negatively to learning about the process, with Perrett recalling that "sometimes they are upset or even angry and in one case they immediately left and refused to give it to us for processing" (informant interview, September 23, 2025). These interactions reveal the affective dimensions of heritage regulation and the potential for the POA to disrupt personal relationships with taonga when its requirements are introduced unexpectedly.

Significant delays

Perrett noted that MTG occasionally sought external support to navigate POA processes, relying on "Te Papa for Y registrations and MCH for clarification on occasion." This shows the centralised structure of POA administration and the dependence of smaller museums on national institutions. She also highlighted significant administrative delays, stating that "most taonga tūturu that have been registered with us in last 10 or so years are still here waiting for an outcome," and demonstratively, "including the taonga from the article" (informant interview, September 23, 2025). She attributes this to the fact that "the process is slow." These prolonged timelines effectively position museums as long-term custodians of taonga without clear ownership determinations.

When asked how the process could work better, Perrett suggested that the "process [needs to be] faster and museums... kept updated about what stage/progress the taonga they are holding are at." Despite these challenges, some taonga have remained under museum custody following POA determinations, with Perrett noting that "there are some taonga tūturu where the museum was granted custody and which are cared for within the collection which are from 80s, 90s mainly" (informant interview, September 23, 2025). These outcomes demonstrate how POA processes can result in long-term institutional care, which has the potential to make finders of taonga weary about handing them in.

Genuine commitment to mana whenua

Perrett described MTG's relationships with local iwi as "generally, pretty good," acknowledging that relational engagement remains an important aspect of taonga stewardship (informant interview, September 23, 2025). Perrett described past occasions where taonga was repatriated to iwi local to the MTG as being quite special and something she was proud to have been a part of.

Procedural constraints

However, public notification processes, as reported in the media, highlight ongoing procedural constraints. A MCH spokesperson noted that potential claimants had limited time to lodge claims and that in one case the toki finder "missed the deadline by about 14,000 days" (Hawkes Bay Today, 2020). However, there was no penalty and the MCH welcomed its eventual delivery to the museum. Such statements illustrate the rigid temporal frameworks embedded in the POA and the disjunction between statutory deadlines and lived engagements with taonga, reinforcing the need for more flexible and culturally responsive governance mechanisms.

There is both a discrepancy and irony in the fact that officially there is only a small window of opportunity for interested parties to make a claim on a taonga tūturu, yet they can take 10 years to process, as shown by the MTG.

Summary

This case study demonstrates that the POA functions as a complex and often slow-moving governance framework that relies heavily on museums as intermediaries between the state, the public, and iwi. Perrett's reflections reveal persistent gaps in public awareness, centralised administrative dependence, and drawn-out ownership determinations that position museums as de facto custodians for extended periods. The rigid temporal requirements of notification contrast sharply with lengthy processing timelines, exposing a disjunction between statutory expectations and institutional realities.

4.6 Chapter conclusion

These case studies demonstrate that museums navigate their roles within the POA through a combination of relational negotiation and pragmatic adaptation, while trying to comply with the legal framework. Museums act as intermediaries between Māori communities, archaeologists, and members of the public, frequently compensating for administrative delays, gaps in knowledge, and procedural ambiguities within the Act. Their decisions and practices shape whether taonga remain in museum custody, are returned to marae or iwi, or continue to circulate within informal relational networks. While the POA provides a legal scaffold for managing taonga tūturu, museum practice is deeply influenced by tikanga, personal relationships, and institutional capacity.

Museums are often dependent on others for expertise and assistance with POA processes, as they are the public-facing intermediaries of taonga repatriation. Museum workers interviewed emphasised a need for better public education, and training for heritage professionals, as well as a review of the POA to determine how practicable it is.

The following chapter synthesises these findings with the existing literature to situate these results within broader conversations on heritage law, museum authority, and decolonising practice.

5. Discussion

A man discovered some musket balls at the site of an important battle that took place during the Land Wars. He knew he was holding physical connection to the violent history embedded in that landscape. He decided to become their kaitiaki, actively preserving and communicating their historical significance rather than handing them into a museum.

5.1 Introduction

The findings of the previous chapter reveal that the way museums are navigating their role under the POA goes beyond legal administration. They are navigating layered legal, ethical, and relational expectations. Across the country, museums are mediating between finders, Māori communities, donors, and government agencies, often operating in grey areas where responsibility exceeds authority. The discussion that follows synthesises these findings with the literature to analyse what this mediation means for taonga, for bicultural governance, and for the future effectiveness of the POA. While the POA was amended with the intention of strengthening protections for taonga tūturu and recognising Māori interests, its implementation reveals a far more complex landscape.

Five interrelated themes structure this discussion. First, *Colonial Foundations* explores how both museums and the POA remain shaped by state-centric authority, bureaucratic temporality, and inherited property regimes, even as contemporary museum practice attempts to shift toward relational models. Second, *Legal Frameworks* discusses the material and procedural limits of the Act itself, including its non-retrospective design, reliance on voluntary compliance, and uneven public and sector knowledge. Third, *Māori Ontology* examines the ontological misalignment between Western property law and whakapapa-based understandings of taonga as living, relational entities. Fourth, *Co-Governance in Museums* considers how bicultural governance is enacted in practice, revealing its dependence on institutional culture, personal relationships, and resource capacity rather than structural guarantee. Finally, *The Public Face of the POA* analyses how museums have

become visible intermediaries between statute and society, absorbing ethical tension and mediating emotionally charged encounters at the interface of law and lived experience.

Collectively, the themes identified in the findings indicate that the challenges associated with the POA extend beyond issues of administrative efficiency. They are structural, ontological, and relational. Museums occupy a position that is both empowered and constrained. They are expected to uphold legal authority while embodying Te Tiriti commitments and tikanga-based care. The discussion that follows argues that while museums have developed adaptive and innovative strategies to navigate this terrain, the burden of mediation cannot rest indefinitely on institutional goodwill alone. Structural alignment between legislation, governance, and Māori authority remains incomplete.

5.2 Colonial Foundations

The colonial hangover

The findings of this study show that museums in Aotearoa New Zealand continue to operate within evolving but enduring colonial structures, despite decades of reform. However, the ways these structures shape authority, knowledge, and the governance of taonga in everyday practice have shifted, often to prioritise Māori authorities, albeit to varying degrees. Autry and Murawski (2019) argue that museums in Aotearoa emerged from the colonial enterprise and cannot fully detach from those inheritances. They carry forward collections formed through dispossession and operate within institutional frameworks shaped by Western epistemologies. Scholars such as Lonetree describe this as being inseparable from the colonisation process (Lonetree, 2012). At the same time, contemporary practice reveals attempts to reorient these inherited structures toward more relational and bicultural modes of governance.

The legal framework that governs taonga tūturu similarly whakapapas to a Western colonial worldview that privileges state authority and material definitions of heritage. Museums therefore inherit not only collections assembled through colonial extraction (Lonetree, 2012), but also a legal system that stabilises that inheritance. This study extends existing scholarship by showing how this dual inheritance actively shapes operational decision-making, as seen by the retention of taonga in museums while they undergo the POA process

described by all the museums participant in this study. The reporting processes, authentication practices, and determinations of authority are filtered through legislative requirements that reflect Western legal rationality identified by Davies and Myburgh (2008), even as institutions seek to uphold tikanga Māori and kaitiakitanga.

Authorities of knowledge

At the level of everyday practice, colonial hierarchies of expertise remain visible, though no longer exclusively Western. Smaller museums in the case studies demonstrated a reliance on authoritative experts from Tūhura Otago Museum, frequently deferring to what participants described as the “voice of authority” grounded in scientific documentation and professional credentialing (Hay, informant interview, August 29, 2025). Yet this hierarchy is complicated by the fact that their primary advisor, O’Regan, holds authority as both a museum professional and a Māori scholar.

The colonial hierarchy of knowledge has professionalised, rather than disappeared. In some contexts, the authority has become bicultural, though it remains stratified in scientific and educational expertise, and institutionally mediated through museums. The experts in attendance at the Road Show events were experts from the field of archaeology and were from larger museums and universities, both of which have roots in colonialism. This expertise was a major draw for the events which can be seen in their advertising (Figure 2). However, the presence of figures such as O’Regan complicates a straightforward reading of this authority as purely colonial. As an archaeologist, Māori scholar, and museum professional, his position bridges institutional authority and mātauranga Māori.

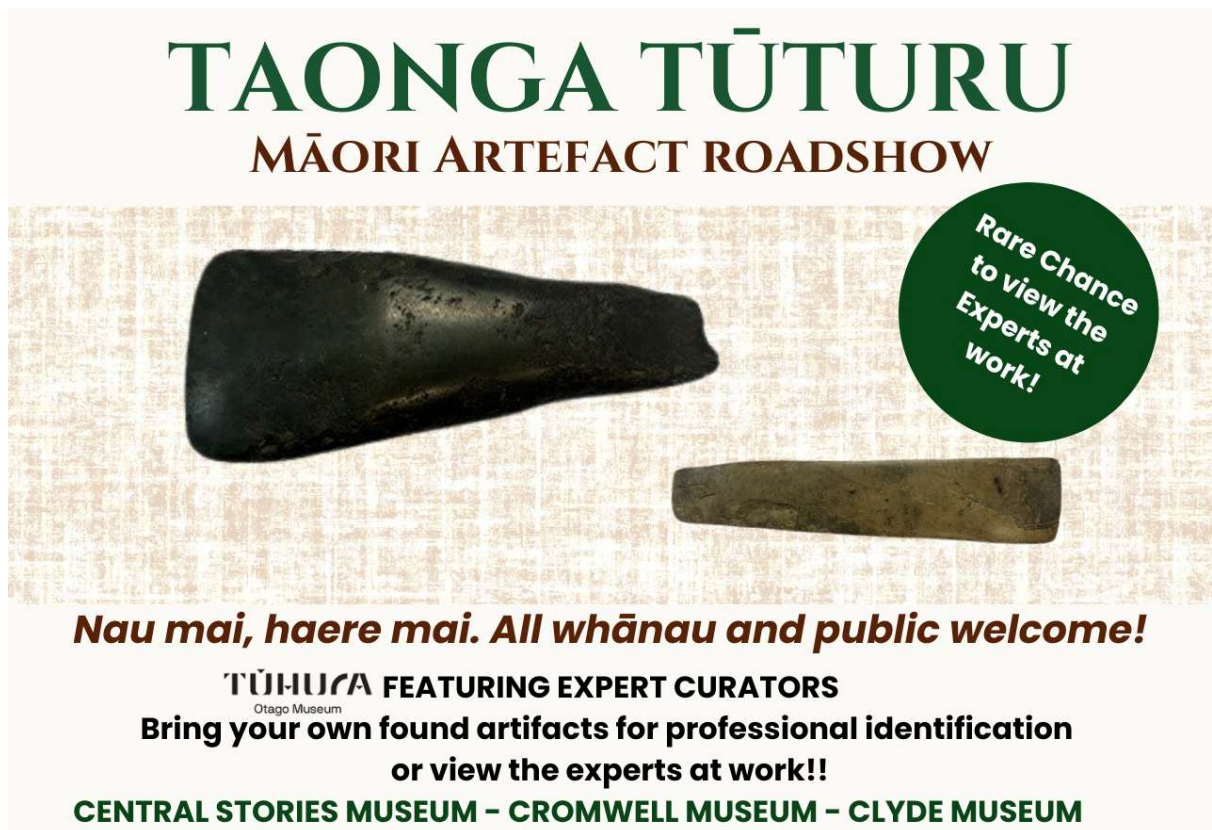


Fig. 2: An advertisement for the Central Otago Roadshow events.

Museums Central Otago. (2025, March 27). *BRING YOUR HIDDEN TREASURES! Do you have potential Māori artefacts or natural history specimens that you're curious about? Our expert ...* [Facebook post].

<https://www.facebook.com/photo.php?fbid=122196814058165964&set=pb.61554978934106.-2207520000&type=3>

This reliance on recognised institutional expertise may reflect broader public perceptions of legitimacy rather than an uncritical adherence to Western epistemologies. Deference to museum or university-based experts can stem from contemporary assumptions about professional authority, rather than a rejection of Māori knowledge systems. It would therefore be reductive to assume that individuals working within institutions shaped by colonial power are simply instruments of Western knowledge. As O'Regan and Flavell's roles demonstrate, institutional authority can also function as a conduit through which mātauranga Māori is mobilised and legitimised within statutory processes. Authority in these contexts is layered and relational, rather than exclusively colonial.

Lingering mistrust of museums

Nevertheless, the colonial legacy of museums continues to cast a long shadow, particularly in the form of wrongfully acquired taonga. As scholars such as Lonetree (2012) and O'Regan (2006) have argued, museums remain tied to histories of dispossession, grief, and epistemic dominance. These histories persist not only in collections, but in public memory. The reluctance of some individuals to present taoka at the Otago Roadshow events, alongside expressions of fear that museums might forcibly take their taonga/taoka, illustrates that mistrust is not confined to Māori communities alone. Both Māori and non-Māori participants demonstrated caution shaped by historical and inherited narratives about institutional authority. This means that mistrust of museums is not exclusive to indigenous cultures but to general populations.

The story of the Barry Eames collection in Clyde further illustrates how colonial-era museum practices continue to shape present decisions. The account of Roger Duff “breaking a young boy’s heart” (O'Regan, informant interview, June 10, 2025) contributed to a refusal to donate the collection to Canterbury Museum, ultimately displacing it geographically. Figure 3 shows Eames as an archaeology enthusiast at Redcliffs, where began collecting. Such moments of institutional harm have long afterlives. As shown, they can influence donor behaviour that determines where taonga reside and shape patterns of engagement or avoidance. Colonial authority, in this sense, has a long memory, structuring contemporary relationships even as museums attempt to reconfigure their roles.



Fig. 3: Junior archaeologist, Barry Eames, in 1958. Photo credit: Allied Media.

Christchurch Star. (1958, July 9). *Barry Eames, 13, with an oven with a whale bone and a shell midden he helped discover at Redcliffs.* Christchurch City Libraries.

<https://www.canterburystories.nz/collections/star/prints/1950s/ccl-cs-10280>

Fear of dispossession appears to have shifted form rather than disappeared. Where colonial confiscation once operated through overt extraction, contemporary anxiety often centres on bureaucratic confiscation. For members of the public presenting taonga to a museum, learning in that moment that all taonga found after 1975 are legally vested in the Crown under the POA can be confronting. Perrett's account of an individual reacting in anger and hastily leaving with a recently discovered taonga demonstrates how quickly educational encounters can be interpreted as threats. Even where museum staff act transparently and without coercion, the existence of the law itself can trigger fears of loss and loss of control.

The Central Otago Roadshows revealed similar anxieties. Participants described a reluctance even to discover taonga on privately owned land, fearing that if word spread archaeologists might arrive and begin excavations. Stephenson recalled hearing that some farming families had historically buried taonga quietly to avoid official scrutiny (informant interview, August 29, 2025).

Other anxieties were evident within the Central Otago community when the Taoka Roadshow events were advertised on social media. Several residents commented on a post that if somebody presented taoka at the event that museum workers would confiscate it. These rumours that museums would take taonga/taoka forcibly, alongside accounts of people emotionally closing up at the events when the Act was explained, show that these fears circulate beyond isolated incidents. This demonstrates a lived and ongoing perception of institutional power.

Museums as extensions of state authority

Such responses show how museums, regardless of intent, are positioned within the public imagination as extensions of state authority. The POA's requirement that taonga be taken to public museums to initiate the administrative process situates these institutions as visible entry points into Crown control. In doing so, museums become associated with regulatory power and potential dispossession. These findings reinforce scholarly arguments that museums are not neutral spaces, but institutions embedded within property regimes that continue to privilege state authority, sustaining what might be understood as a contemporary iteration of the colonial hangover.

The literature, including the Wai 262 Report, has consistently argued that the POA stabilises existing ownership regimes, retains significant Crown discretion, and provides comparatively weak domestic protections despite strong export controls. This study's findings demonstrate how that structural orientation manifests through administrative inertia. This was shown by the prolonged delays in MLC determinations, including a three-year wait in Tauranga Museum's obsidian case and a backlog exceeding a decade in the MTG example.

The POA was also critiqued for having outdated notification processes reliant on newspaper publication and procedural ambiguities such as the 28-day reporting rule beginning only

once an object enters a museum in the case of archaeological finds (Heritage New Zealand Pouhere Taonga Act 2014, s. 48). These issues position taonga within extended bureaucratic timelines that often sit uneasily alongside relational expectations of care and decision-making. Authority is channelled through centralised, rule-bound processes that reinforce a governance model that remains procedurally detached from the lived contexts in which taonga are found.

Whether this persistence reflects purposeful colonialism or the limitations of a well-meaning, but under-resourced system is more complex. There is little evidence to suggest deliberate attempts to dispossess. Instead, participants frequently described committed professionals navigating constrained frameworks with limited capacity and competing priorities. Yet intent does not negate effect. Even if administrative delay and procedural rigidity arise from institutional inertia rather than conscious colonial design, the outcome can still reproduce colonial patterns of centralised control and slowed recognition of Māori authority. In this sense, the issue may lie less in overt ideology than in a governance structure that struggles to evolve beyond the state-centric foundations from which it emerged.

Lengthy processing times

Processing times emerged as one of the most significant operational issues across the case studies, revealing how colonial foundations persist through temporal governance. The most extreme example was the ten-year (and counting) wait experienced by the MTG for determinations from the MLC regarding taonga held in its collection. This stands in stark contrast to the rigid statutory timeframes imposed on finders, including the widely reported case of a toki discovered on a beach where the finder was criticised for missing the reporting deadline by 14,000 days, yet remains without resolution years later (Hawkes Bay Today, 2020). Such asymmetries reflect a system in which the state enforces fixed compliance windows while simultaneously operating through protracted bureaucratic timelines.

The literature has described the POA as “too little, too late,” (Davies and Myburgh, 2008; Boos, 2011) arriving after extensive colonial dispossession had already occurred. The findings extend this critique by showing how colonial governance persists to this day, and not only through ownership regimes. Estate collections held unresolved for years, others retained

within families for decades, and institutional knowledge lost over time demonstrate a mismatch between statutory temporality and the intergenerational life of taonga. Short reporting windows sit alongside long administrative delays, producing a governance structure that appears both unrealistically strict and substantively slow.

These findings showed that relational engagements with taonga operate outside the legal clock. They are emotional, intergenerational, and embedded within whakapapa. Colonial governance, by contrast, imposes fixed deadlines, formal determinations, and centralised processes detached from lived rhythms of memory and care. The danger of extended processing times is both administrative inefficiency and the erosion of contextual knowledge as stories fade, finders pass away, and connections weaken. In this way the colonial foundations of the system endure in the temporal procedures through which authority is exercised. Although these colonial foundations continue to shape museums and the administration of taonga, the findings from the case studies suggest that it would be reductive to characterise the present landscape as simply “too little, too late.” The reality is much more complex.

5.3 Legal Frameworks

Property Rights

A Western property framework remains embedded within the POA through its inability to operate retrospectively. This has been critiqued by the likes of Heslin (2023) and Boos (2011). By limiting its reach to taonga found after 1975, the Act preserves the individual ownership rights of collectors and finders who acquired taonga prior to this date. While legally consistent with principles of non-retrospectivity, this structure effectively stabilises earlier patterns of private accumulation. In doing so, it protects established ownership regimes rather than unsettling the historical conditions under which many taonga left Māori control.

Weak domestic enforcement further reflects this orientation. Thorrold’s (2023) study identified limited scrutiny of the Y register, with collectors buying and selling taonga without consistently recording changes in ownership. The findings from this research suggest that the Z register operates in a similarly trust-based manner, relying largely on declarative reporting that an object was found after 1975. Such reliance on self-reporting creates space for

ambiguity around provenance and acquisition dates. I would argue that a more comprehensive registration requirement is required. If the Y register requirement was extended to private collections, inheritance, gifting, sale, and museum holdings, there would be no space for finders of post-1975 taonga to hide behind. This would significantly reduce reliance on the pre-1975 distinction and tighten oversight of taonga movement within Aotearoa.

This limited domestic protection may reflect the Act's stronger emphasis on preventing the international export of taonga rather than regulating their internal circulation. If the primary legislative concern is retaining taonga within national borders, this raises questions about whether iwi are prioritised as kaitiaki, or whether taonga are implicitly framed as property of the nation-state. Such an orientation contrasts with contemporary understandings of repatriation in post-colonial contexts, as explained by Puertollano, (2021), where return is increasingly conceptualised not as restoration to a country, but to the specific descendant communities to whom taonga hold whakapapa connections.

Ignorance of the Law

A lack of knowledge about the POA can further inhibit the repatriation of taonga to iwi and hapū. This knowledge gap was identified in the findings of this research and the literature. In tracing the journey of the WTWC taonga, Thorrold (2023) observed that knowledge of the Act's provisions was not always widespread within descendant communities. The present study echoes this concern, suggesting that legislative processes intended to protect taonga may not be consistently understood by those with whakapapa connections to them. The significance of this is that Māori communities are less likely to engage with processes with museums or make claims on newly discovered taonga that might have complex whakapapa. This raises questions about how effectively the Act enables meaningful participation if its mechanisms are not widely known or easily navigable.

One of the limitations of this study was that museum workers identified as having limited knowledge of the POA were unable to be interviewed in depth about their understanding of it. When the Act was amended in 2006, training opportunities were initiated by the MCH. Yet

these appear to have diminished over time, perhaps under the assumption that university programmes adequately prepare museum professionals in legislative responsibilities.

The findings suggest otherwise. One interviewee undertaking ServiceIQ training in collaboration with Te Papa Tongarewa noted that the POA was not mentioned in the programme (Tairi, informant interview, November 11, 2025). This omission is striking given that public museums are explicitly identified in the legislation as the primary reporting sites for newly discovered taonga tūturu (Protected Objects Act 1975, pt. 2, s. 11(3)). If museums are positioned as statutory gatekeepers, uneven institutional knowledge presents a significant operational vulnerability.

The public's lack of awareness was the most visible knowledge gap emerging from the research. Several participants described moments in which explaining the POA to finders proved confronting, particularly when individuals learned that ownership might vest in the Crown. Emotional reactions, confusion, and in some cases withdrawal from engagement indicate that awareness building is a matter of sensitive and diplomatic communication, rather than enforced compliance. Without broader public understanding of the Act's purpose and processes, museums remain in the difficult position of introducing complex legal obligations at moments already charged with personal attachment and uncertainty.

A lack of awareness of the POA can significantly hinder museums in fulfilling their legislated administrative role under the Act. The case studies revealed some of the pitfalls of a reactive approach, particularly when individuals present taonga without prior knowledge of the legal implications. Perrett recalled an encounter in which a person, upon learning of the Crown's role under the Act, reacted angrily and left abruptly with the taonga (informant interview, September 23, 2025).

Such moments illustrate how introducing the legislation at the point of contact, rather than through prior education, can escalate tension. While the MCH and NSTP offer guidance for navigating complex cases, institutions must first recognise that an issue falls within the scope of the Act to seek support. Greater institutional familiarity with the POA enables staff training and the development of internal policies that anticipate challenging encounters, equipping museums to respond with confidence rather than improvisation.

In contrast, the Roadshow events adopted a proactive model of engagement by creating spaces where communities could learn about the POA alongside identifying the taoka/taonga they had. Although the initial event in Awarua was prompted by a specific discovery, subsequent roadshows invited the public to bring taonga for identification and discussion, normalising conversation about legal and cultural responsibilities. This approach allowed individuals to explore their options in a supported environment, including those who may have held taonga privately with uncertainty or ambivalence.

As O'Regan observed, how people are treated in these encounters can shape both their immediate decisions and their longer-term thinking. It was an opportunity to “plant a seed” for future stewardship in cases where people were not ready to release taoka/taonga (informant interview, June 10, 2025). Proactive engagement therefore reframes the museum's role from enforcer to educator and mediator.

Beyond statutory obligations

Exceeding statutory obligations further strengthens this shift. Davies and Myburgh's (2008) argument that the POA does too little can be agreed upon by the participants of this study. Flavell, for example, has argued that museums should develop internal processes that enhance the protection of taonga beyond the minimum standards set by the POA, embedding tikanga-informed practice within institutional policy rather than relying solely on legislative compliance (informant interview, August 27, 2025). Examples such as Tauranga Museum's policy of encouraging iwi and hapū to visit taonga held in the collection, even as it awaits custodianship decisions by the MLC, exemplifies going beyond the statutory processes prescribed by the POA. In doing so, they begin to position the POA as the baseline from which more ethically grounded practice can grow instead of the limit of responsibility.

Registration of the taoka found on the Bluff coast was a resource-intensive exercise, consistent with bureaucratic infrastructure inherited from colonial heritage regimes. As the literature demonstrates, the POA operates as a managerial system that stabilises ownership rather than transforming it (Heslin, 2023). In this case, however, the administrative labour of recording provenance, measurements, material composition, and condition was repurposed as a public-facing act.

The team registering the taoka used the process as a backdrop for community engagement, allowing visitors to look behind the curtain of museum and scientific practice. In doing so, the museum disrupted the traditional hierarchy Bennett (1995) describes between expert and public, momentarily reframing bureaucratic compliance as transparent stewardship. This approach also aligns with “new museology” (Gray, 2014), where institutional processes are made visible and reflexive rather than concealed within professional authority.

Yet the bureaucratic nature of the administrative process typically renders registration slow. O’Regan acknowledged that some time after the event the progress had not advanced as far as hoped (informant interview, June 10, 2025), showing the structural limitations identified in the literature. As Davies and Myburgh (2008) argue, the effectiveness of the POA depends heavily on administrative capacity, resourcing, and voluntary compliance. Centralised Crown authority, while legally decisive, can struggle to respond with the urgency or relational sensitivity expected within tikanga-based frameworks (Te Arawhiti, 2019). The slowness of registration is therefore an operational issue symptomatic of a system attempting to govern relational, spiritually imbued taonga through materially focused legal categories.

In some cases, the registration process merely formalises custody arrangements already negotiated relationally between the finder, museum, and iwi or hapū. This reflects the tension identified in the literature between whakapapa-based authority and Western property regimes (Tapsell, 1997; Royal, 2007). The finder of the Awarua taoka agreed to registration partly because there were no competing claims and Te Rau Aroha Marae had already indicated they did not wish to assume responsibility for such a large collection. Here, the statutory process functioned less as a site of dispute resolution and more as an administrative ratification of decisions mutually agreed upon. This dynamic supports Boos’ (2011) characterisation of the legal framework as unstable while the law retains ultimate authority, the substantive ethical and relational work often occurs outside it. Registration, in such contexts, becomes the state’s acknowledgment of arrangements shaped primarily by local consensus rather than by legislative compulsion alone.

Enforcement

Museum workers invoking the POA may deter would-be donors from surrendering taonga or from giving a full and transparent account of how they came to possess them. As Flavell observed, even in seemingly straightforward cases, such as a person finding obsidian and wishing to apply for custody, the length and complexity of the registration process can discourage engagement (informant interview, August 27, 2025). What begins as an attempt at compliance may be experienced as procedural delay or uncertainty about outcome. In such circumstances, individuals may reasonably conclude that future finds are better left unreported. The deterrent effect, therefore, lies in the legal consequences of the Act and in the administrative burden and perceived loss of control that accompany formalisation.

Prospective donors may also have specific expectations about where taonga should reside. For example, preferring that they remain in a museum rather than with iwi, or that they be publicly displayed rather than stored out of sight for extended periods. Such desired outcomes may not be fully accommodated within an impersonal administrative framework that prioritises statutory criteria over individual preference.

Museum professionals are often left balancing the interests of finders, iwi or hapū, institutional policies, and legislative obligations. In this delicate space, pressing too firmly on legal requirements risks the taonga being withdrawn from view altogether. The participants from the Central Otago Roadshow events all noted that a finder need only state that a taonga/taoka was discovered prior to 1975 to complicate or avoid the statutory pathway. This dynamic illustrates how the reliance on voluntary compliance under the Act can place museums in a precarious negotiating position, where relational diplomacy becomes as important as legal authority.

5.4 Māori Ontology

Intergenerational time travellers

One of the most obvious tensions between the POA and Te Ao Māori identified by the literature is the reduction of taonga to material objects within a Western legal framework that cannot account for their ancestral being. The POA allows for legal ownership of taonga. In doing so, it stabilises taonga within categories of property and regulated artefacts, rather than recognising them as living entities embedded in whakapapa. Scholars such as Tapsell

argue, taonga elicit emotional and ancestral responses grounded in kinship relationships, travelling across generations “charged with the spiritual energy of past ancestors” (Tapsell, 1997, pp. 338-339). Nepe (2023) similarly describes taonga as manifestations of kōrero and divine energies, underscoring that their significance exceeds their physical form. Western worldviews therefore misrepresent taonga as objects, and legal frameworks institutionalise this misrecognition by translating relational, spiritual entities into categories of property and state control.

Māori ontologies conceptualise taonga as living, relational beings situated within kin-based systems of authority, instead of mere commodities. Rights and responsibilities derive from whakapapa rather than ownership, and the role of kaitiaki is exercised collectively on behalf of present and future generations. Protection, therefore, extends beyond the preservation of physical integrity to the safeguarding of intangible dimensions including tapu, mauri, mana, and associated kōrero. Boos (2011) describes taonga held in museums as existing in a state of sleep until reunited with iwi. This could be seen in the Central Otago case study, with the Barry Eames Collection and the collection from Central Stories being held securely by the museums until they find their way home, rather than being displayed and interpreted to the public.

Museums straddle this ontological divide by inheriting collections and governance structures shaped by colonial legal systems while increasingly acknowledging Māori relational frameworks. As intermediaries between iwi, the Crown, and the public museums attempt to bridge this gap by incorporating tikanga into collection care, developing bicultural governance models, and facilitating repatriation or shared custodianship arrangements. The museum workers interviewed in this study all expressed a desire to have the taonga in their care reunited with their descendants but acknowledged that their professional practice was governed by this Act.

Collective custodianship versus individual ownership

The issue of collective custodianship versus individual ownership emerged as a central tension in this research. While the literature, particularly Tapsell (1997), positions authority over taonga as grounded in whakapapa and exercised collectively, the findings of this study

add nuance by revealing how individualised claims continue to surface in practice. Although tikanga emphasises shared responsibility, the POA structurally permits individualised ownership and custodianship through its registration processes and recognition of private title. This creates space for personal claims to be formalised within law, even where collective relationships to the taonga remain intact but unrecognised.

Māori scholarship consistently frames the role of kaitiaki as a spiritual custodian acting on behalf of the wider kin group. Tapsell (1997) emphasises that responsibilities derive from whakapapa rather than possession, ensuring that tikanga is upheld and that a taonga's mauri, tapu, and kōrero are safeguarded intergenerationally. O'Regan's reflections similarly underscored that entitlement cannot rest with a single finder or holder when "there's also the rest of the tribe," (informant interview, June 10, 2025) reinforcing that authority is collective rather than individual. In this framework, custodianship is a relational obligation embedded in communal structures of governance, not a right determined by possession.

As Royal (2007) argues, the colonial rise of individual property rights occurred alongside the fragmentation of communal land holdings, rendering taonga increasingly vulnerable to commodification and private control. When taonga that are fundamentally associated with particular landscapes, hapū, or whānau are held by individuals or organizations, the relational significance of these items may be diminished. Yet the findings also demonstrate that museums can function as transitional or neutral repositories, particularly where competing claims exist, or rightful custodianship is unclear. In the case studies examined, museums often served as interim holding places for taonga waiting to be reunited with iwi or hapū, whether this repatriation was via the POA process or not. This shows that while institutional custody does not resolve the tension between collective and individual frameworks, it can provide pragmatic space for collective deliberation.

Who finds whom?

A recurring theme in both Thorrold's (2023) research and the interviews conducted for this study was the belief that taonga "find" particular individuals. This narrative appeared in accounts such as Flavell's pounamu story and in O'Regan's observations, suggesting that taonga may exert a form of agency in determining their custodians. Such understandings

complicate the legal architecture of the POA, which assumes that ownership and control can be determined through material discovery, registration, and statutory process. If a taonga is believed to have chosen its holder, legal reporting requirements may be perceived as secondary to spiritual or relational conviction.

Importantly, this belief does not sit neatly within formalised iwi or hapū governance frameworks but often operates at the level of individual moral reasoning. It occupies a liminal space, grounded in Māori spiritual understandings of taonga agency, yet detached from collective structures of kaitiakitanga. The Act is ill-equipped to respond to such convictions, as its categories recognise neither spiritual agency nor personalised relational destiny. This finding extends critiques of the POA's materialist orientation. It demonstrates that ontological tension may arise between Māori and state systems, and between collective governance and individualised spiritual interpretations.

The research further indicates that these dynamics are not confined to a simple Māori versus Western binary. As O'Regan observed during roadshow events, both Māori and non-Māori individuals often expressed deeply held convictions that a taoka had revealed itself to them and therefore granted permission to claim it. While such beliefs may be sincerely held, they raise complex questions about entitlement, particularly when set against the collective rights of iwi and hapū recognised by O'Regan, "they're not the only one... there's also the rest of the tribe" (informant interview, June 10, 2025). The professionalism of experts at these events was therefore critical in navigating these tensions respectfully. This phenomenon reveals an additional layer of complexity within the POA's implementation, where competing ontologies operate across cultural systems and within them.

While legislation structures the formal management of taonga, both the literature and the findings indicate that tikanga operates as a parallel regulatory framework. This shapes conservation practices, relationships, and decision-making in ways not prescribed by statute. Māori scholars have argued that tikanga is fundamental to governance, shaping it with principles of reciprocity, responsibility, and relational accountability rather than being an added optional element. The case studies show that museum professionals and collectors often depend on tikanga principles like consultation, karakia, and respect for kaumātua, sometimes through Māori museum workers, to guide decisions, even when the Act gives

clear procedures. In this sense, tikanga functions as a living normative system that informs practice beyond the written law.

The findings further suggest that engagement with collectors and private holders often requires navigating between statutory requirements and culturally grounded expectations. At the Roadshow events, registration processes were not treated as purely administrative exercises, but as relational encounters requiring respect, listening, and negotiation. This aligns with scholarship emphasising that the legitimacy of taonga governance rests on both legal authority and on relational trust and recognition of mana. When collectors engaged through relationship-based approaches instead of relying solely on enforcement, compliance with legal procedures tended to be more collaborative than forced. In this way tikanga shaped museum practice internally as well as how institutions engaged external stakeholders.

Tikanga- based practices

However, the reliance on tikanga within museum contexts remains uneven and dependent on the cultural competency and ethical commitments of individual practitioners. The literature cautions that without structural embedding, tikanga risks being applied inconsistently or symbolically rather than as a decision-making authority in its own right. The research supports this concern that while museums demonstrated strong relational practices, these were often layered onto systems whose ultimate accountability remained legislative. Tikanga thus operates within, alongside, and sometimes in quiet tension with statutory governance which shows the limits of its institutional recognition.

The issues with the POA go beyond just how it is put into practice; they also involve deeper questions about authority and jurisdiction, such as the balance between objects and ancestors, collective and individual power, and statutory versus tikanga-based approaches. Museums, collectors, and iwi are negotiating administrative compliance as well as operating across fundamentally different understandings of authority, responsibility, and being.

While relational practices and institutional goodwill can soften these frictions, they cannot reconcile a framework grounded in material sovereignty with entities whose authority derives from cosmological and genealogical relationships. The evidence presented

throughout this chapter therefore suggests that the issue is not whether the POA is applied sensitively, but that its regulatory logic is structurally incapable of governing the spiritual dimensions of taonga.

The case studies make clear that museums are not passive enforcers of an ill-fitting statute but are actively attempting to reconcile legislative requirements with relational and tikanga-based responsibilities. Museum professionals frequently address the limitations of the Act by engaging in consultation and establishing shared custodianship arrangements. They also employ careful holding practices, and foster culturally informed relationships with iwi and collectors. In smaller museums, such as the Central Otago group, this often means a reliance on outside institutions.

However, the burden of mediation should not rest indefinitely with individual institutions or practitioners. While goodwill and cultural competency can create workable interim solutions, they cannot resolve structural misalignment. If the POA is to function in a way that is both realistic and ethically coherent within Aotearoa New Zealand's bicultural context, legislative reform is necessary. An evolved framework would need to move beyond regulating only the material dimensions of taonga and instead formally recognise relational authority, collective governance, and tikanga as integral to heritage regulation, no supplementary to it.

5.5 Co-Governance in Museums

Bicultural aspirations

Effective implementation of the POA depends on statutory compliance and on the quality of relationships and governance structures within museums. Some have argued that bicultural practice is relational rather than automatic, even when written in to operational policies. O'Regan (1997) observed that progress in museum-iwi partnerships often hinged on trust and ongoing dialogue rather than formal policy alone.

Similarly, Park (2003) emphasised that institutional transformation requires internal cultural change, not just external consultation. The case studies reinforce this by showing that where museum workers possessed strong cultural competency and established personal

relationships with iwi representatives, negotiations around taonga care, reporting, and future repatriation were more constructive and less adversarial.

In the Central Otago examples, careful holding practices and proactive communication created conditions in which taonga were treated as relational entities rather than static acquisitions. Operationalising the POA, therefore, is inseparable from governance culture, as legislation functions most effectively when embedded within institutions that understand and respect tikanga.

At the same time, Māori engagement within museum structures is equally critical for positive outcomes. The findings show that when Māori occupy meaningful decision-making roles, be it formal positions or recognised advisory capacities, tikanga is more consistently integrated into storage practices, consultation, and determinations about interpretation or display or non-display. Museums require Māori expertise to navigate whakapapa connections, collective authority, and culturally appropriate processes that the POA itself cannot codify. Conversely, Māori communities can benefit from having trusted institutional partners who can manage regulatory obligations, provide conservation resources, and act as interim custodians when ownership pathways are unclear. Museums offer infrastructure and legal literacy, and Māori bring relational authority and tikanga frameworks.

Bi-cultural governance

The interdependence of museums and Māori authority is, however, unevenly realised. Bicultural governance remains contingent on individual commitment, institutional culture, and available resources rather than structurally guaranteed. Smaller or volunteer-run museums may lack capacity to embed Māori roles, while iwi representatives often carry heavy, unpaid workloads. As a result, outcomes for taonga vary between institutions, creating long-term vulnerability. Where strong relationships exist, the POA can function relationally, and where they do not, its limitations are exposed.

Biculturalism has never held a single, agreed-upon meaning within the museum sector. O'Regan's (1997) survey revealed a perceptual gap where Māori respondents often viewed museum relationships as less advanced than museums believed them to be, and

interpretations of biculturalism differed significantly. For many Māori participants, biculturalism implied shared governance and decision-making authority at a structural level.

By contrast, some Pākehā museum workers understood biculturalism as a workplace environment in which Māori and Pākehā could participate equally and thrive professionally. This distinction between power-sharing and representational inclusion remains critical. The literature therefore positions biculturalism as a contested and evolving concept shaped by differing expectations of authority and accountability.

The findings of this research demonstrate that these divergent interpretations continue to shape practice, though not always through explicit disagreement. Different degrees of bicultural governance were evident across institutions, yet these variations appeared to reflect differences in institutional capacity rather than fundamentally conflicting definitions. Smaller, volunteer-run museums operated with limited structural embedding of Māori roles, while larger institutions demonstrated more formalised relationships.

However, participants across all sites expressed commitment to relational engagement and collective outcomes. Biculturalism in practice therefore appeared less as an ideological battleground and more as a pragmatic negotiation shaped by available resources, staffing, and regional context. The lived reality was one of constant adjustment, where professionals worked within fluctuating funding and administrative demands.

Resource constraints emerged as a significant practical factor shaping the implementation of bicultural governance for both museums and Māori communities. While scholars such as O'Regan (1997; 2006) and Butts (2003) often call for structural embedding of tikanga and Māori leadership within heritage institutions, the case studies demonstrate that many regional and smaller museums operate with extremely limited staffing and funding.

Smaller institutions in particular do not have the capacity to establish dedicated Māori curator or management roles. Clyde Museum, for example, functions as an entirely volunteer-run organisation, relying on community goodwill that does not necessarily extend to qualified expertise. In such contexts, expectations of fully developed bicultural governance frameworks may exceed institutional capacity. The result is not necessarily resistance to biculturalism, but an uneven ability to operationalise it.

Constraints for Māori governance

Constraints are equally visible for Māori communities. As Tairi explained, iwi, hapū, and marae-based groups rarely have designated, paid positions responsible for taonga or museum engagement (informant interview, November 11, 2025). Even where knowledge holders or kaitiaki are identified, these roles are frequently undertaken alongside external full-time employment and extensive community responsibilities. This creates practical challenges in aligning museum processes, which operate during standard business hours and within administrative timelines, with the availability of iwi representatives. Delays in response or decision-making are therefore not indicative of disengagement, but of structural imbalance in resourcing. The burden of participation in heritage governance often falls on individuals whose labour remains unpaid and culturally obligated rather than institutionally supported.

Furthermore, taonga governance may not always be the most pressing concern within Māori communities facing wider social, economic, and political pressures. Decisions concerning taonga are collective in nature and require consultation, deliberation, and consensus-building. These are processes which cannot be rushed to meet institutional deadlines. The literature emphasises that collective custodianship is relational and intergenerational, and the findings reinforce that such processes move at a different pace from statutory compliance frameworks.

Resource limitations therefore compound ontological differences as, even where goodwill exists on all sides, mismatched capacities and timelines make the enactment of bicultural governance slow and, at times, frustrating. These realities suggest that meaningful reform must consider legislative alignment as well as the equitable resourcing of both museums and Māori communities if shared governance over taonga is to be sustainable.

A central question emerging from both the literature and the findings is whether governance under the POA meaningfully aligns with tino rangatiratanga as affirmed in Te Tiriti o Waitangi. Māori scholarship consistently frames tino rangatiratanga as the exercise of unqualified authority over taonga, grounded in whakapapa and collective governance rather than delegated consultation. O'Regan (1997) emphasised that Māori expectations of biculturalism centred on shared decision-making power, not just advisory participation. Yet under the POA,

ultimate authority remains vested in the Crown through MCH and administered through processes involving the MLC.

While consultation with iwi occurs, statutory power is not devolved. The waka fragment case study illustrates this clearly. Although the fragment remained physically under marae custodianship, its status will be formalised through POA registration and legal oversight. Cultural authority was respected in practice, but only within a Crown-defined framework. Alignment with tino rangatiratanga was therefore mediated rather than inherent.

The findings further show that Māori participation in institutional decision-making roles can strengthen this alignment, but only at the level of practice. In the Awarua Taoka Roadshow, museum professionals created relational spaces for dialogue, whakapapa identification, and collective reflection by carefully navigating individual entitlement claims while encouraging compliance with legal reporting requirements. However, these processes did not alter where final authority resided.

In the Central Otago case studies, taonga, including those in the Barry Eames and Central Stories collections, were securely held by museums as items considered in transition to their rightful place, demonstrating an acknowledgement that relational ownership resides elsewhere. Yet repatriation pathways still depended on formal determinations through Crown mechanisms. In each example, tino rangatiratanga was acknowledged ethically, but enacted through procedural accommodation rather than structural transfer of power.

The roles of sector bodies such as Museums Aotearoa and NSTP further demonstrate this distinction. NSTP provides professional development and sector support, strengthening museums' capacity to engage responsibly with Māori communities. MA advocates for bicultural practice and standards across the sector. However, neither body possesses authority to reconfigure statutory governance under the POA. As a result, biculturalism is encouraged through training, guidance, and institutional culture but not legislatively guaranteed.

Together the literature and case studies suggest that while elements of governance increasingly reflect relational respect and shared practice, tino rangatiratanga remains circumscribed by Crown sovereignty. The alignment is therefore partial and enabled through

professional commitment and Māori leadership within institutions, but not yet structurally embedded within heritage law itself.

Consultation versus participation

A recurring concern in the literature is the tendency for institutions to equate biculturalism with consultation, thereby subtly deferring responsibility for taonga care to Māori communities. O'Regan (1997) cautioned that bicultural practice cannot rest solely on seeking Māori input while retaining institutional control; meaningful partnership requires museums themselves to transform their internal cultures and decision-making structures.

Similarly, Park (2003) argues that museums must confront their colonial inheritances rather than reposition Māori as cultural advisers to fundamentally unchanged systems. Together, these critiques suggest that responsibility for honouring tikanga cannot be outsourced. If museums continue to rely on iwi to supply cultural labour without embedding tikanga within their own operational frameworks, biculturalism risks becoming extractive rather than collaborative.

Importantly, the findings suggest that museums are constantly evolving spaces. The non-Māori participants of this study all displayed a willingness to work toward a bicultural model of governance but lent on external experts to mediate between the museums and Māori communities. When museum workers embrace tikanga as part of their own ethical framework, rather than deferring it entirely to Māori, outcomes for taonga are strengthened.

Shared responsibility reduces the burden on iwi representatives who, as noted earlier, are often unpaid and resource-constrained, and fosters a governance environment where relational accountability is normalised. The literature underscores that biculturalism requires structural change. The research findings add that such change begins with institutional willingness to internalise tikanga as a core professional obligation. In this sense, responsible museum practice is not about stepping aside, but about stepping up.

5.6 The Public Face of the POA

Although the POA directs finders of taonga to deposit them with their nearest public museum, there has been no systematic evaluation of how often this pathway is followed in practice. Nor is it clear whether compliance occurs because individuals are aware of statutory requirements or by an intuitive perception that museums are the appropriate place to go. As a result, the motivations of the encounters remain undocumented.

This distinction is significant. If individuals approach museums independently of legislative knowledge, it suggests that museums are perceived as cultural authorities in their own right. The literature presents museums as occupying a complex position as intermediaries between private holders, iwi, and the state, inheriting both colonial legacies and contemporary ethical responsibilities attracting ceaseless scrutiny (Maranda, 2021; Puertollano, 2021).

Although there are no examples from the case studies of taonga being presented to a museum because the finder understood it was their responsibility under the POA, the findings cannot be extrapolated to confirm that museums are exclusively perceived as cultural authorities in their own right, rather than authoritative because the Act confirms them as such. Instead, the evidence suggests that the relationship between statutory authority and perceived institutional legitimacy remains difficult to disentangle.

The case studies provide multiple examples of taonga being physically brought to, or brought to the attention of, museum professionals without explicit reference to the POA. The Waiari Stream waka fragment, for instance, entered institutional awareness relationally rather than procedurally. In this case the finder sought advice on social media, through which he was eventually put in contact with Flavell.

Of the cases examined, only the Awarua collection was explicitly linked to the Act's processes, and even then, it was first taken to a marae before being intercepted by O'Regan on behalf of Tūhura Otago Museum. These examples indicate that the practical challenges museums navigate such as negotiating custodianship, liaising with iwi, and ensuring ethical care, would likely arise regardless of statutory direction.

Neutrality

This raises the question of why museums are perceived as natural meeting places for taonga. While their authority is historically rooted in nineteenth century collecting practices and institutional consolidation of knowledge, contemporary expectations appear more relational and ethical than purely curatorial. There is no way of knowing if finders and inheritors view museums as neutral intermediaries, public guardians, or responsible carers capable of facilitating long-term return, or whether there are simply no other public spaces available to deal with taonga.

In this sense, museums are fulfilling a statutory function under the POA as well as possibly absorbing a broader moral mandate. A future survey of museums accessioning taonga might yet shine some light on this phenomenon. Until such time we can only theorise whether museums are perceived as cultural mediators whose legitimacy exceeds the legislation that formally defines their role.

The literature recognises that, in certain circumstances, museums may function as neutral repositories for taonga where custodial authority is disputed or unclear. Royal (2007) suggests that institutional trusteeship can provide temporary stability in situations involving multiple claimants, intra-hapū tensions, or unresolved whakapapa connections. In such contexts, museum custody may alleviate immediate conflict by removing taonga from contested spaces while preserving their physical integrity. In this way the museum acts as an interim guardian, creating time and distance for collective deliberation to occur according to tikanga.

The case studies support this characterisation, particularly in situations where taonga were held securely while pathways to rightful custodianship were clarified. In the Central Otago examples, museums did not frame themselves as final destinations, but as transitional caretakers holding taonga on their way home. This approach is written into Tauranga Museum's practice, acting as a repository for taonga unearthed in archaeological contexts in the area and open to visitation by iwi and hapū groups. This approach reflects a pragmatic recognition that immediate repatriation is not always possible, especially where competing iwi claims or uncertainties around provenance exist.

However, neutrality is complicated and controversial. The historical role of museums in colonial acquisition continues to shape perceptions of institutional authority, raising

legitimate questions about trust. Autry and Murawski (2019) argue that museums have long claimed neutrality while operating within systems that privilege dominant cultural narratives and institutional power. For some communities, institutional custody may still carry the weight of dispossession even when contemporary practice is relational and consultative.

Accountabilities

This tension invites broader reflection on the function of museums today. Contemporary museums in Aotearoa New Zealand usually operate within some degree of publicly funded frameworks and bicultural mandates, accountable to donors and boards but also to communities and Treaty-based expectations. Their capacity to act as neutral repositories depends on this evolving institutional identity. While larger regional museums such as Tauranga and the MTG might be better resourced for holding taonga, smaller museums such as Cromwell, Clyde, and Central Stories are less equipped.

While scholarship has critiqued museums as sites of colonial consolidation, the findings suggest that they more commonly operate as negotiated spaces funded by the public, guided by ethical codes, and increasingly oriented toward kaitiakitanga. Whether neutrality is fully achievable remains contested, but in practice, museums often provide one of the few structured environments somewhat capable of balancing legal obligation, conservation expertise, and collective cultural authority.

Ethics

Neither the POA nor Museums Aotearoa's Code of Ethics fully anticipates the ethical dilemmas museums encounter at the interface between private holders of taonga and statutory regulation. While the POA is clear that there are no automatic finders-keepers rights for taonga discovered after 1975 (Protected Objects Act 1975), the research data demonstrate that finders may apply to MCH or the MLC for custodianship. This occurred in the case of the Awarua taonga, which was ultimately transferred to Tūhura Otago Museum. At the same time, several participants described situations in which, despite the legal framework, holders held firm personal views about the future of taonga in their possession.

In some cases, individuals may express a desire for taonga to be displayed in a museum rather than returned to iwi, showing a tension between legal process and personal attachment.

The Taoka Roadshow events highlighted the delicate diplomacy required in such encounters. Participants described genuine emotional responses from holders who feared losing control of taonga they felt connected to. This was further complicated by convictions that certain taonga had chosen their finder. Museum professionals are therefore required to navigate competing ethical imperatives including compliance with the POA, adherence to Museums Aotearoa's Code of Ethics, and observance of tikanga. These obligations do not always align neatly. Ultimately, museum staff recognised that outcomes depend on voluntary cooperation regardless of legal authority, custodianship cannot be physically enforced without damaging relationships.

One of the most surprising findings from the case studies was that individuals who discovered or inherited taonga were rarely motivated by financial gain. While existing scholarship highlights how regulatory frameworks can increase market value and incentivises commodification (Heslin, 2023; Thorrold, 2023), participants in this study described more complex and emotionally fuelled motivations. In many cases reluctance to relinquish taonga/taoka did not stem from financial motivations, but admiration and attachment. However, this could be because the type of collector motivated by financial gain might not engage with a museum situation in the first place.

Rather than depicting private holders of taonga as actors operating within a commodified heritage market, these findings point to an intermediary space in which museums can sometimes influence ethical trajectories. If admiration for taonga exists alongside limited awareness of cultural obligations, then the operationalisation of the POA may depend on institutional capacity to foster relational responsibility rather than statutory enforcement. In this sense museums are not constrained by the Act's structural weaknesses but can have the opportunity to participate in shaping the moral and cultural environment in which the POA functions.

Consequently, pragmatism becomes a necessary professional virtue. Museums may accept taonga under conditions such as expectations of display that sit uneasily with best practice or

potential repatriation pathways, weighing imperfect options against the possibility that the taonga might otherwise disappear from public knowledge altogether. When heritage protection is centralised through MCH, museums become the public face of the Act, yet this research shows that the scope and limits of their authority are unevenly understood, even within the sector. Positioned between law, ethics, and emotion, museums must mediate outcomes in spaces where the legislation alone provides insufficient guidance.

Although the amended POA was intended to retain taonga tūturu within their kin communities, its practical operation places museums in an inherently difficult position. Museums are legally obliged to administer the Act while simultaneously navigating its shortcomings identified in the literature, particularly its materialist orientation and limited structural recognition of tino rangatiratanga.

To be eligible for membership of Museums Aotearoa is one of the POA's defining features for a public museum. The membership criteria for Museums Aotearoa in an agreeance to their Code of Ethics, which includes broader Te Tiriti obligations. This produces a dynamic of responsibility without authority where museums are charged with protecting taonga and facilitating appropriate custodianship, yet the legislation constrains their ability to resolve complex or contested situations decisively. Conflicting obligations further intensify this tension. Donor conditions, statutory compliance, relational expectations from iwi, and public accountability converge in institutional decision-making, often without clear hierarchy.

Education

Participants consistently identified awareness as central to making the system function more effectively. As Tairi observed, education is a critical factor (informant interview, November 11, 2025). Awareness of the POA appears limited beyond those who studied heritage after the 2006 amendment at university level, worked in the sector at that time, or have encountered the Act directly. This uneven understanding makes proactive implementation difficult and hinders the embedding of taonga-specific strategies into operational policy.

Sector bodies such as NSTP and Museums Aotearoa play an important role in professional development, yet more coherent guidance and targeted training are required, particularly for museum workers without formal heritage qualifications. Notably, existing bridging

qualifications such as NSTP's ServiceIQ Museum Level 4 qualification makes no reference to the POA, and MA's Code of Ethics, at the time of writing, remains under review but unlikely to provide more explicit guidance.

Ultimately education alone cannot resolve structural misalignment. While the museums in this study demonstrated adaptability and reflexivity in navigating legal and ethical complexities, they remain ill-equipped to act as the enduring bridge between statute, public expectation, and Māori communities. For the POA to operate more consistently and equitably, legislative revision is required to align authority, responsibility, and bicultural governance in a more structurally coherent manner.

5.7 Conclusion

This chapter has discussed the lived reality for museums in Aotearoa New Zealand navigating their role the POA. This role sits within a bicultural landscape shaped by colonial inheritance, evolving governance expectations, and Māori ontological frameworks. It has argued that the tensions surrounding the POA are not just procedural shortcomings but structural and ontological misalignments. The Act regulates taonga as material objects within a state property regime, while Māori scholarship and lived practice position taonga as living, relational entities embedded in whakapapa and collective authority.

Museums are consequently placed in an almost impossible position as they are charged with administering a statute grounded in Western legal logic while at the same time attempting to uphold tikanga and Māori authority over taonga, as well as Te Tiriti obligations, and professional ethical codes.

Yet the research findings demonstrate that museums are not operating as passive instruments of state control. In many instances, they are repositioning themselves as intermediaries who are facilitating dialogue between finders, Māori communities and statutory authorities. The case studies showed museums prioritising education over enforcement and accepting interim custodianship to allow space for collective deliberation.

These shifts do not erase the structural inheritances of colonial collecting or bureaucratic authority, but they show that inherited frameworks can be enacted in relational, adaptive

ways. Rather than simply reproducing past hierarchies, some institutions are planting the seeds of future stewardship by embedding tikanga into practice, cultivating personal relationships, and exceeding minimum legal requirements.

While Māori have lost countless taonga through nineteenth century collecting and institutional fervour, the contemporary landscape is more dynamic than Davies and Myburgh's (2008) characterisation of "too little, too late" might suggest. Although the POA was introduced after extensive dispossession had already occurred, museums are now renegotiating their role within evolving bicultural governance models, shifting donor expectations, and growing recognition of kaitiakitanga. Rather than criticising the relative lateness of the Act, more scrutiny should be applied to whether the institutional and governmental support surrounding it is sufficient to match the responsibility museums now bear as its primary intermediaries.

This research suggests that museums can mitigate some of the POA's limitations through relational practice, but they cannot resolve its structural contradictions alone. If responsibility for taonga protection continues to rest heavily on museums as mediators, then legislative reform, clearer governance alignment with tino rangatiratanga, and strengthened sector-wide education are necessary to ensure more consistent and equitable outcomes. The future of taonga stewardship under the POA relies on ongoing bicultural governance that balances authority, responsibility, and accountability, beyond just meeting legal requirements.

6. Conclusion

Some years ago, a woman was walking along a beach when she found a pounamu pendant. As a GLAM sector professional, she knew her responsibilities and chose to take the piece to the local Museum. But she has been told she should have kept it, as pounamu finds people – not the other way around. Years after the discovery, she visited a marae and saw the pendant on display, affirming her choice. She wouldn't have felt right, as a Pākehā, if she'd kept it.

6.1 Recap

This study set out to explore the ways the museums around Aotearoa New Zealand are navigating their role within the POA and how this effects the outcomes for taonga. In addressing this question, the research set out to; (1) i Identify the complexities that arise when a museum is presented with taonga tūturu, (2) examine the grey areas and ethical dilemmas museums must negotiate under the POA, and (3) determine what support is required for museums to more effectively operationalise the Act.

The literature reviewed in Chapter Two demonstrated that museums in Aotearoa operate within a bicultural landscape shaped by colonial inheritance and evolving commitments to reposition Māori communities as kaitiaki of taonga. Scholarship suggested that the POA arrived after significant dispossession had already occurred and has structural limitations in recognising Māori ontological frameworks. However, while international and theoretical critiques of heritage legislation are well developed, there has been limited sustained analysis of the domestic implementation of the POA, particularly the lived reality of museums as the institutions most frequently positioned at its operational interface. This thesis addressed that gap.

This chapter summarises the main findings of this research, reflects on those findings for museums and taonga under the POA, and answers the research question. It also identifies areas where practical or structural change could strengthen the implementation of the Act

and outlines the contribution this study makes to scholarship as well as highlighting directions for future research.

6.2 Summary of findings

Museums as mediators: the human face of the POA

This research has shown that museums in Aotearoa New Zealand have become the operational interface between statute and public expectation. In practice, this means that museums frequently mediate relationships that the legislation itself does not fully anticipate. While museum workers do not possess the authority to enforce the POA on members of the public presenting taonga tūturu, the findings show that sensitivity and diplomacy are essential in situations where individuals are uncertain about relinquishing objects in their possession.

The case studies reveal that museums have effectively become the public face of the POA. As a result, they absorb many of the ethical and emotional tensions that arise when statutory regulation intersects with personal relationships to taonga. This can be a member of the public angrily withdrawing taonga and storming out of the museum (Perrett, informant interview, September 23, 2025), or a conflicted family going away to talk about it first and then making a plan for the future (O'Regan, informant interview, June 10, 2025). It can also be a member of the public wanting to commit taonga back to the Papatūānuku (Flavell, informant interview, August 27, 2025). In these encounters, museum professionals operate pragmatically and diplomatically.

This means that museum workers are not passive administrators of the legislation. They find often find ways to interpret, negotiate, and adapt the Act to produce workable outcomes. Where individuals express reluctance about returning taonga to Māori communities or allowing them to enter museum collections, staff often adopt pragmatic approaches that attempt to accommodate the perspectives of all parties involved. Initiatives such as the Taoka Roadshows in Bluff and Central Otago demonstrate how relational engagement can create opportunities for dialogue and stewardship that extend beyond formal statutory processes.

Structural tensions: law, ontology, and colonial inheritance

The central challenge revealed by this research is a structural misalignment between a state-centred property regime and whakapapa-based systems of authority. This tension reflects fundamentally different understandings of what taonga are and how they should be governed.

The most profound tension identified in this study is ontological rather than procedural. The POA regulates taonga as material heritage objects within a legal framework grounded in ownership, registration, and state authority. In contrast, Māori ontology understands taonga as living, relational entities embedded within genealogical and spiritual networks. While relational museum practice can soften this divide, it cannot fully reconcile cosmological understandings of taonga with a legal system based on material sovereignty.

These tensions are further shaped by the colonial continuities embedded within heritage governance structures. Although the POA was introduced to strengthen protections for taonga, its governance architecture continues to reflect state-centric heritage management models inherited from earlier colonial systems of authority. These continuities persist through ownership regimes as well as through bureaucratic processes. These tend to be centralised decision-making, such as the MCH and MLC's procedural authority. Museums therefore find themselves navigating inherited institutional structures while attempting to enact contemporary bicultural commitments.

The findings also suggest that legislation alone cannot fully govern taonga. In practice, the most effective outcomes often emerge through relational negotiation rather than statutory enforcement. Therefore, the POA functions less as a comprehensive governance framework and more as a baseline legal infrastructure within which museums and Māori communities negotiate culturally appropriate solutions.

Towards relational governance: resources, authority, and future possibilities

The research also highlights that the effectiveness of bicultural governance is shaped by significant asymmetries in resourcing between museums and iwi/hapū communities. While

employed museum workers are charged with working with mana whenua for issues relating to taonga, iwi and hapū typically are not, making it difficult to build meaningful relationships. This is a large part of why museums need Māori employed in meaningful roles within museums. Without equitable resourcing and stronger structural recognition of Māori authority, bicultural governance risks remaining aspirational rather than systemic.

Perhaps unsurprisingly, the museum workers in this study who appeared most confident in navigating the intersection between Māori communities and the POA were Māori themselves. Institutions that embedded Māori expertise in authoritative roles demonstrated greater cultural confidence and clearer decision-making pathways when dealing with taonga. However, such positions are often dependent on available resources more than institutional aspirations.

Where meaningful relationships with iwi and hapū exist, the POA can be enacted in relational and collaborative ways. Where such relationships are absent, the limitations of the legislation become immediately visible. This reinforces the importance of sustained engagement, cultural competency, and institutional commitment to Te Tiriti principles within the museum sector.

At the same time, the return of privately held taonga to museums after several generations of family possession suggests that attitudes toward collecting objects from other cultures may be shifting. Increasing recognition of the cultural significance of taonga, combined with growing public awareness of repatriation and kaitiakitanga, indicates the possibility of evolving stewardship practices in the future. While the legislative framework remains imperfect, these changing attitudes suggest that the cultural environment surrounding taonga governance in Aotearoa New Zealand is gradually transforming.

6.3 Readdressing the research question

How are museums are navigating their role within the POA?

The research found that museums act as mediators under the Act, but ultimately the misalignment between iwi expectations and a Eurocentric law sets them up to fail. This

divide can only be bridged with Māori in empowered positions within museums to build trusting relationships with affected Māori communities and understand and uphold tikanga.

A secondary necessity for museum workers navigating their role under the POA is better training opportunities to explore the complexities of the Act and its intentions. The research showed that this knowledge is unevenly distributed among museum workers in Aotearoa New Zealand. Beyond the ontological divide between Western and Māori understandings of taonga, resource restraints, a lack of public education or awareness of the Act, and emotional connections between taonga and their finders/inheritors further restrained museum workers' abilities to enact the POA.

What are the implications for taonga?

While museums and the MCH aim to be effective administrators of the POA, ultimately, they are not. Even seemingly straight-forward cases of newly found taonga tūturu can take years to process, and unless pre-empted by prior arrangements with iwi and hapū groups, these taonga often sit in the back of museums for a long time waiting to be reconnected with their whānau.

There are opportunities within this situation to engage kaitiaki and strengthen relationships between museums and mana whenua. Periods of institutional care can provide time for consultation and dialogue that can support the appropriate reconnection of taonga with their descendants. However, such outcomes depend on the strength of the relationships between museums and iwi/hapū groups. It also depends on the capacity of institutions to prioritise engagement beyond the minimum statutory requirements of the Act.

6.4 Research evolution and the future of the POA

The original working title for this thesis was 'From Policy to Practice: Addressing the Weak Link in the Protected Objects Act 1975'. At the outset of this research, I had assumed that museums were the weak link in the process for the domestic protection of taonga in Aotearoa New Zealand. Very early on in this research I began to realise that that was not entirely fair to museum workers who are expected to be the public face of this contentious

Act. The challenges identified in this research are reflective of the broader tensions embedded in the legislative framework and the structural constraints museums operate in, not a failure of the museums themselves.

One implication of this study is that meaningful change could emerge from within the GLAM (Galleries, Libraries, Archives, Museums) sector if its workers were more widely informed about the operation and limitations of the Act. Greater awareness could enable museum workers to collectively advocate for better guidance and support, or even legislative reform. At present, the challenges posed by the POA can be quietly deferred or avoided within institutions, particularly when workers lack confidence in navigating its processes, or with cultural competency.

This study was limited to Museum workers who are interacting with the POA. However, there are many who remain unaware of the legislation, or are rarely encountering it in their day-to-day activities. One of the biggest frustrations encountered during this research was the inability to engage with museum workers who are unaware of the POA or those who refuse to engage with it. This hidden ignorance makes it difficult to rectify. The MCH, Museums Aotearoa, and NSTP offer assistance in dealing with issues arising from the POA, but only when the assistance is asked for. As a result, gaps in knowledge and confidence persist within the sector.

Addressing this issue might require stronger educational initiatives within the museum sector. Professional development training and clearer institutional policies would help museums prepare for encounters with taonga and respond with greater confidence. Such measures would also strengthen museums' relationships with iwi/hapū groups.

Future research could expand on several areas identified in this study. Most notably, Māori perspectives are largely absent from this study, particularly the voices of the iwi hapū, and whānau to whom the taonga discussed belong. This omission was not an oversight but a conscious methodological decision. While ethics approval was granted to gather such perspectives, it became clear during the research process that these conversations require established relationships of trust with communities and marae that cannot be meaningfully developed within the timeframe of a single research project. Attempting to do so risked reproducing extractive research practices that this study sought to avoid.

If this research were repeated in the future, particularly through partnerships with iwi and hapū, these perspectives would provide valuable insights into how communities experience the POA process and how museums might better support the return and stewardship of taonga. This would deepen the understanding of how the Act operates in practice and how its processes might evolve to better reflect the relational and cultural dimensions of taonga governance in Aotearoa New Zealand.

In conclusion

Without legislative reform that more clearly recognises collective custodianship and tikanga-based governance, museums will remain responsible for mediating tensions that the law itself does not resolve. The future effectiveness of the POA will therefore depend on structural alignment between heritage legislation, museum governance, and Māori authority.

The question facing Aotearoa New Zealand is whether its heritage legislation can evolve to reflect the relational realities that museums and Māori communities are already navigating in practice.

Taonga tūturu exist within two realms; they may sit in the back rooms of museums caught up in bureaucratic processes, but they also still belong “to the old people” (O’Regan, informant interview, 2025, June 10), and live within whakapapa, kōrero, and responsibility. Any governance framework that seeks to protect them must ultimately recognise the relationships that give them life. These taonga will continue to be discovered in surprising ways by unsuspecting members of the public. Museums need more than a willingness to see them on their way home, but explicit and pre-empted support systems.

References

- Antiquities Act 1975. https://www.nzlii.org/nz/legis/hist_act/aa19751975n41181/
- Autry, L., & Murawski, M. (2019). Museums are not neutral: We are stronger together. *Journal of the Association of Historians of American Art*, 5(2). <https://doi.org/10.24926/24716839.2277>
- Bartlett, L., & Vavrus, F. (2017). Comparative case studies: An innovative approach. *Nordic Journal of Comparative and International Education (NJCIE)*, 1(1). 5-17.
<https://doi.org/10.7577/njie.1929>
- Bennett, T. (1995). *The birth of the museum: History, theory, politics*. London, UK: Routledge.
- Boos, G. (2011). *The domestic and international protection of Māori cultural property*. [Unpublished honours dissertation]. Otago University
<https://www.nzlii.org/nz/journals/UOtaLawTD/2011/4.html>
- Butts, D. J. (2003). *Māori and museums: The Politics of indigenous recognition*. [Doctoral dissertation, Massey University]. Massey Research Online.
<https://mro.massey.ac.nz/items/00826e4d-3bfe-4379-9e16-80a95fcbe96f>
- Butler, Philippa. (1996). *Te Māori past and present: Stories of Te Māori*. [Master's thesis, Massey University]. Massey Research Online. <https://mro.massey.ac.nz/items/3aed1d07-edf1-4869-bffb-f42030b6e6b4>
- Cain, A. (2006) For whose benefit? Regulating Māori cultural objects. [Conference presentation]. Australasian Registrars Committee Conference, Hobart, Australia.
- Canterbury Museum. (2018, January 27). *Rapa Nui ancestors returning home*. Canterbury Museum.
https://www.canterburymuseum.com/explore/latest-news/rapa-nui-ancestors-returning-home?utm_source=chatgpt.com
- Child who found precious Māori artifact hands it in 41 years later. (2020, March 4). *Hawkes Bay Today*. <https://www.newstalkzb.co.nz/news/national/child-who-found-precious-m%C4%81ori-artefact-hands-it-in-41-years-later/>

- Clarke, J. (1998). C. F. Goldie: The old master revisited. *New Zealand Geographic*, 038.
<https://www.nzgeo.com/stories/c-f-goldie-the-old-master-revisited/>
- Davies, P., & Myburgh, P. (2008). The Protected Objects Act in New Zealand: Too little, too late? *International Journal of Cultural Property*, 15(3), 321–345.
<https://doi.org/10.1017/S0940739108080181>
- District Court Reports. (1989). *Department of Internal Affairs V Poverty Bay Club*.
<https://fyi.org.nz/request/7850/response/26795/attach/html/4/Department%20of%20Internal%20Affairs%20v%20The%20Poverty%20Bay%20Club%20for%20release.pdf.html>
- Durie, M. (1997). Identity, access and Māori advancement. *New Zealand Journal of Educational Administration*, 12, 41–45.
- Flynn, L. R., & Goldsmith, R. E. (2013). Conflict of interest. In Flynn, L. R., & Goldsmith, R. E. (Eds) *Case Studies for Ethics in Academic Research in the Social Sciences* (pp. 19-24). SAGE.
<https://doi.org/10.4135/9781452269986.n3>
- Geismar, H. (2013). *Treasured Possessions: Indigenous Interventions into cultural and intellectual property*. Duke University Press
- Hennink, M., Hutter, I., and Bailey, A. (2020). *Qualitative research methods*. (2nd ed.). Sage Publications.
- Heritage New Zealand Pouhere Taonga Act 2014.
<https://www.legislation.govt.nz/act/public/2014/26/en/latest/#DLM4005414>
- Heslin, S. J. (2023). Taonga tūturu in Aotearoa New Zealand: facilitating the return of improperly obtained taonga tūturu to Māori. *Auckland University Law Review*, 29, 29–60.
<https://search.informit.org/doi/10.3316/informit.T2024042600006191470861392>
- Higgins, R. (2011, May 5). Tangihanga – death customs. In *Te Ara – the Encyclopedia of New Zealand*. Retrieved March 21, 2026, from <https://teara.govt.nz/en/tangihanga-death-customs>
- International Institute for the Unification of Private Law (UNIDROIT). (1995). *UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects*.
<https://www.unidroit.org/instruments/cultural-property/1995-convention>

- Jennings, C. (2018, November). *Quarrying and Adze Manufacture at Bluff Harbour, Southland, New Zealand*. [Paper presentation]. New Zealand Archaeological Association Conference, Auckland, New Zealand.
https://www.researchgate.net/publication/338867633_Quarrying_and_Adze_Manufacture_at_Bluff_Harbour_Southland_New_Zealand
- Jones, N. (2025, September 3). Stole, lost or forgotten? The 200 items, including a grenade launcher, missing from museum. *Stuff.co.nz*. <https://www.stuff.co.nz/nz-news/360810160/stolen-lost-or-forgotten-200-items-including-grenade-launcher-missing-museum>
- Lewis, J. (2023, December 27). Trove of artefacts studied, displayed. *Otago Daily Times*.
<https://www.odt.co.nz/southland/trove-artefacts-studied-displayed>
- Lonetree, A. (2012). *Decolonizing museums: Representing Native America in national and tribal museums*. The University of North Carolina Press.
- Maranda, L. (2021). Decolonization within the museum. *ICOFOM Study Series* [Online], 49(2).
<https://doi.org/10.4000/iss.3863>
- McCall, V., & Gray, C. (2014). Museums and the ‘new museology’ : theory, practice and organisational change. *Museum Management and Curatorship*, 29(1). pp. 19-35.
<http://wrap.warwick.ac.uk/58642>
- Museums Aotearoa. (2013). *Code of ethics and professional practice for governing bodies, managers and staff of museums and art galleries in Aotearoa New Zealand*.
<https://museumsaotearoa.org.nz/search?q=code+of+ethics>
- Museums Aotearoa. (2025). *Terms and conditions*. <https://museumsaotearoa.org.nz/terms-and-conditions>
- Nepe, T. J. (2023). *He whare maihi i tū ki te pā-tūwatawata: Kaitiekitanga – an eternal thread of rangatiratanga, a Rongowhakaata perspective*. [Master’s thesis, Massey University]. Massey Research Online. <https://mro.massey.ac.nz/items/aa494cdb-bf54-45b2-86d9-deb152fc710a>
- Noy, C. (2008). Sampling knowledge: The hermeneutics of snowball sampling in qualitative research. *International Journal of Social Research Methodology*, 11(4), 327–344.
<https://www.tandfonline.com/doi/full/10.1080/13645570701401305>

- O'Regan, G. (1997) *Bicultural developments in museums of Aotearoa: What is the current status?* Museum of New Zealand Te Papa Tongarewa National Services in partnership with Museums Association of Aotearoa New Zealand.
- O'Regan, G. (2006). Regaining authority: setting the agenda in Māori heritage through the control and shaping of data. *Public History Review*, 13. 95-107.
<https://doi.org/10.5130/phrj.v13i0.254>
- Park, M. (2003). Keeping Taonga Warm: Aotearoa New Zealand's museums and Māori tapu material. [Master's thesis, Massey University]. Massey Research Online.
<https://mro.massey.ac.nz/items/cbacfd7b-2131-4328-bcad-4eba2259ef5e>
- Pene, B. J., Gott, M., Clark, T. C. and Slark, J. (2025). Indigenous Relational Practices as a Strategy to Transform Acute Hospital Settings: A Kaupapa Māori Grounded Theory Study. *Nursing Inquiry*, 32. <https://doi.org/10.1111/nin.70012>
- Pirirākau Tribal Authority (2021). *Pirirākau assesment of cultural affects 2021*. Pirirākau Incorporated Society. <https://atlas.boprc.govt.nz/api/v1/edms/document/A4205616/content>
- Pool, Ian. (n.d.). Rārua ko Tahu Kūkutai, Taupori Māori – Māori population change – Decades of despair, 1840–1900, *In Te Ara – the Encyclopedia of New Zealand*. Retrieved March 13, 2025, from <https://teara.govt.nz/en/taupori-maori-maori-population-change/page-2>
- Protected Objects Act 1975.
<http://www.legislation.govt.nz/act/public/1975/0041/latest/whole.html>
- Protected Objects Amendment Act 2006.
<https://www.legislation.govt.nz/act/public/2006/37/en/latest/>
- Puertollano, P. J. D. (2021?) Homecoming: clearing a path for the repatriation of taonga to Aotearoa. *New Zealand Journal of Environmental Law*, 9(25). 217-246
<https://www.nzlii.org/nz/journals/NZJEnvLaw/2021/9.pdf>
- Resnik, D. B. (2015). *The ethics of science: An introduction*. Routledge.
- Royal, C. (2007). *Mātauranga Māori and museum practice: a discussion*. National Services Te Paerangi.

Sailing order to be returned. (1989, August 8). *Press*.

<https://paperspast.natlib.govt.nz/newspapers/CHP19890808.2.124>

Schorch, P., & Hakiwai, A. (2014). Mana Taonga and the public sphere: A dialogue between Indigenous practice and Western theory. *International Journal of Cultural Studies*, 17(2), 191-205.

Simpson, S., & McDonald, I. (2025) *Collections law & ethics*. The Federation Press.

Smith, G., Hoskins, T. K. & Jones, A. (2012). Interview: Kaupapa Maori: The dangers of domestication. *New Zealand Journal of Educational Studies*, 47(2), 10–20.

<https://search.informit.org/doi/10.3316/informit.446709408958963>

Smith, L. T. (2021). *Decolonizing methodologies: Research and Indigenous peoples* (3rd ed.). Zed Books.

Stake, R. E. (2006). *Multiple case study analysis*. Guilford Press.

Tapsell, P. (2014, October 22). Māori and museums – ngā whare taonga. In *Te Ara – the Encyclopedia of New Zealand*. Retrieved January 10, 2026, from <https://teara.govt.nz/en/maori-and-museums-nga-whare-taonga>

Tapsell, Paul. (1997) *The Flight of Pareraututu: an investigation of taonga from a tribal perspective*. *Journal of the Polynesian Society*, 106(4), 323-374.

Te Ara. (2023, January 16). Principles of the Treaty of Waitangi – ngā mātāpono o te Tiriti o Waitangi. In *Te Ara the Encyclopedia of New Zealand*. Retrieved January 10, 2026, from <https://teara.govt.nz/en/principles-of-the-treaty-of-waitangi-nga-matapono-o-te-tiriti-o-waitangi>

Te Arawhiti. (2019). An engagement framework: a guide for government agencies working with Māori. <https://www.tpk.govt.nz/en/a-matou-whakaarotau/maori-crown-relations>

Te Papa Tongarewa (n.d.). *The Karanga Aotearoa repatriation programme*. <https://www.tepapa.govt.nz/about/repatriation/karanga-aotearoa-repatriation-programme>

Thorrold, C. (2023). *Private collection in the public eye: a study of taonga tūturu collections in Aotearoa in the 21st century*. [Master's thesis, University of Otago]. Otago University Research Archive. <https://hdl.handle.net/10523/15187>

United Nations. (2007). *United Nations Declaration on the Rights of Indigenous Peoples*. United Nations. <https://social.desa.un.org/issues/indigenous-peoples/united-nations-declaration-on-the-rights-of-indigenous-peoples>

United Nations Educational, Scientific and Cultural Organization (UNESCO). (1970). *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property*. United Nations. http://portal.unesco.org/en/ev.php-URL_ID=13039&URL_DO=DO_TOPIC&URL_SECTION=201.html

Waitangi Tribunal. (2011). *Ko Aotearoa tēnei: A report into claims concerning New Zealand law and policy affecting Māori culture and identity (Wai 262)*
<https://www.waitangitribunal.govt.nz/assets/Documents/Publications/WT-Ko-Aotearoa-Tenei-Part-1.pdf>

Webbs. (n.d.). *World record broken – most expensive feather ever*.
<https://www.webbs.co.nz/articles-and-videos/world-record-broken-rare-huia-feather-sells-for-over-forty-five-thousand-dollars-at-nz-auction>

Appendix A – Ethics approval



10/03/2025

Dear: Carly Vevers

Re: Low Risk Notification - 4000030231 - From Policy to Practice: Addressing the Weak Link in the Protected Objects Act 1975

Thank you for submitting a low risk notification for your research/teaching/evaluation.

This email is to acknowledge receipt of the low risk notification and to inform you that the details of your project have been recorded in our database for inclusion in the annual reports to the Health Research Council Ethics Committee (HRCEC) and the Massey University Research Committee (URC).

You may proceed with your research, though it is advisable to provide a couple of weeks before commencing, as all low risk notifications are checked for completeness and clarity by a Research Ethics Advisor. You may be contacted if your application is incomplete and/or further clarification is required.

The low risk notification for this project is valid for a maximum of three years.

Please notify me if situations subsequently occur which cause you to reconsider your initial ethical analysis.

If a sponsoring organisation, funding authority (e.g., the Health Research Council) or a journal require evidence of ethical approval from a Human Ethics Committee (with an approval number), you need to complete a full Massey University Human Ethics application to be reviewed and approved by one of our Human Ethics Committees. Applications must be submitted and approved prior to the commencement of the research.

Please note that travel undertaken by students must be approved by the supervisor and the relevant Pro Vice-Chancellor and be in accordance with the Policy and Procedures for Course-Related Student Travel Overseas. In addition, the supervisor must advise the University's Insurance Officer.

If you have any concerns about the conduct of this research that you want to raise with someone other than the researcher(s), please contact the Research Ethics Office, email humanethics@massey.ac.nz. "

Please include the following statement on all public documents (e.g., information sheet, consent form) related to your project:

This project has been evaluated by peer review and judged to be low risk. Consequently, it has not been reviewed by one of the University's Human Ethics Committees. The researcher(s) named above are responsible for the ethical conduct of this research.

If you have any concerns about the ethical conduct of this research that you want to raise with someone other than the researcher(s), please contact Massey University Human Ethics by email: humanethics@massey.ac.nz.

I wish you all the best in your research, teaching or evaluation activities and appreciate your thoughtful consideration of ethics principles and practices.

Ngā mihi nui,

A handwritten signature in blue ink, appearing to read 'Tracy Riley'.

Professor Tracy Riley
Acting Chair, Research Ethics Chair's Committee

Research Ethics, Graduate Research School and Ethics
Massey University, Private Bag 11 222, Palmerston North, 4442, New Zealand
E humanethics@massey.ac.nz; animaethics@massey.ac.nz
www.massey.ac.nz/research/ethics

Appendix B – information sheet for participants

From Policy to Practice: Addressing the Weak Link in the Protected Objects Act 1975

INFORMATION SHEET

Researcher's Introduction

Ko Carly Vevers tōku ingoa, nō Murihiku ōku tīpuna, kei te noho au ki Tauranga.

I am originally from Invercargill, and now live in Tauranga with my husband and son. I am a collection curator at the Western Bay Museum in Katikati. After completing a degree in History, I am now working towards a Master of Arts in Museum Studies at Massey University. I am of Kāi Tahu, Kāti Māmoe, and Waitaha descent, but was raised very much in Te Ao Pākehā. I have a special interest in the social history of Aotearoa and of taonga Māori.

Purpose of the research project

The purpose of my research project is to explore the roles of museums as facilitators of the Protected Objects Act 1975 (POA) and how well these are understood and interpreted by museum workers, and what the implications are for taonga and kaitiakitanga. The end product will be a thesis that gives an overview of how well the POA is working for museums, Māori, and taonga.

Project Description and Invitation

For this research I am seeking the experiences and opinions of museum workers, Māori, and members of the public who have had interactions with the POA. I have identified potential case-studies involving taonga, where these different groups interlink/overlap, and hope to conduct interviews with people who could provide valuable insights into the complexities in dealing with the POA.

Project Procedures

As a research participant, you would be involved in an interview, conducted either in person, online or by email, according to your preference and availability. This would be a loosely structured interview comprised of questions relating to your experience with the POA. The student conducting this research has not been sponsored or funded to collect this data and has no other conflict of interest in undertaking this interview for the assessment.

This interview will be recorded and transcribed. A transcript will be made available for participants to check that they are happy with what was said before the data is used in the thesis.

Data Management

All raw data collected during this research project will be deleted after the assignment has been marked and grades have been finalised. If you choose to take part in this interview, a summary of the assessment findings will be made available to you upon request. During the interview, you would provide information on the understanding that your name will not be used unless you give permission to the researcher; If you wish your identity to be preserved, the student researcher can use pseudonyms and remove any identifying information, or, not use a name at all.

Participant's Rights

You are under no obligation to accept this invitation. If you decide to participate, you have the right to:

- decline to answer any particular question;
- withdraw from the study before it has been submitted for assessment and grading;
- ask any questions about the study at any time during participation;
- provide information on the understanding that your name will not be used unless you give permission to the researcher;
- be given access to a summary of the project findings when it is concluded.

You have the right to ask for the recording to be turned off at any time during the interview.

Student contact: Carly Vevers [REDACTED]

Supervisor: Huhana Smith Huhana.Smith@massey.ac.nz

This project has been reviewed by one of the University's Human Ethics Committees. The researcher(s) named above are responsible for the ethical conduct of this research.

If you have any concerns about the conduct of this research that you wish to raise with someone other than the researcher(s), please contact Prof Craig Johnson, Director, Research Ethics, telephone 06 356 9099 x 85271, email humanethics@massey.ac.nz

Appendix C – Interview guide questions

Introduction

About the project

1. Explain your experience (how long have you been working at a museum and how did you get into the role?)
2. How well do you understand the Protected Objects Act 1975?
3. Tell me all about the event
4. How was the event initiated?
5. What were you hoping to get out of the event?
6. Was this achieved?
7. How much planning went into this event?
8. Did you have a plan for how to handle the different scenarios that might arise, or was it more organic and reactive?
9. Did anything surprise you about the event?
10. What were the challenges in hosting an event like this?
11. What worked well?
12. What would you change if you did it again?
13. Would you do it again?
14. What would your advice be for another small museum hoping to run a similar event?
15. Aside from this event, have you had many interactions with members of the public bringing taonga in to a museum?
16. Explain the relationship between your museum and mana whenua
17. Who would you go to for advice if you had a sensitive or tricky situation with taonga tūturu coming into the museum?
18. Did you get a good idea of what taonga is out in your community in private collections?
19. Do you think you planted a seed for some people who might consider releasing their taonga in the future? And would this go to the museum or marae or somewhere else?

Appendix D – Consent form

Research for Master of Arts in Museum Studies

**From Policy to Practice: Addressing the Weak Link in the
Protected Objects Act 1975**

Student researcher's name: Carly Vevers

WRITTEN CONSENT for Participants

I have read and understood the Information Sheet you have given me about the research project, and I have had any questions and concerns about the project addressed to my satisfaction.

I agree to participate in the project. YES ☐ NO ☐

I agree to this interview being audio-recorded (with camera off). YES ☐ NO ☐

I agree to this interview being video-recorded (via Zoom or the like) YES ☐ NO ☐

I agree to this interview being conducted by email YES ☐ NO ☐

I agree to be identified in the following way within the assignment:

Full name YES ☐ NO ☐

Pseudonym YES ☐ NO ☐

No attribution/no mention by name YES ☐ NO ☐

Participant's Name:.....

Name of Institution/Museum:.....

Signature:.....

Date:.....

Appendix E – Official Information Act MCH

Manatū
Taonga
Ministry
for Culture
& Heritage

27 August 2025

DOIA25/084

Carly Vevers
carlyvevers@gmail.com

Tēnā koe Carly

I refer to your request received on 20 August 2025, which has been considered under the Official Information Act 1982 (OIA). You requested the following information:

1. *Details of any prosecutions or charges that have been taken under the **Protected Objects Act 1975** since its enactment.*
2. *Specifically, whether any **museums or museum staff** have been subject to prosecutions, charges, or enforcement action under the Act.*
3. *If applicable, please provide the dates, nature of the offence, and outcomes of such cases (e.g., conviction, dismissal, settlement).*

I can advise that there have been no prosecutions brought under the Protected Objects Act 1975 which came into force on 1 November 2006 and superseded the Antiquities Act 1975.

There was one prosecution brought under the Antiquities Act 1975. The case of the *Department of Internal Affairs v The Poverty Bay Club Inc* which was determined in 1989 with the charge being proved.

No museums or museum staff have been subject to prosecution, charge or enforcement under the Act.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available via www.ombudsman.parliament.nz or freephone 0800 802 602.

Nāku noa, nā



Kartini Havell
Pou Mataaho o Te Hua - Deputy Secretary, Delivery & Investment

Appendix F – Timeline of legislated protection of taonga in Aotearoa New Zealand

1901	Māori Antiquities Act	Restricted the export of Māori artifacts. Under the 1901 Act, Māori artifacts needed to be offered to the government for sale before export.
1904	Māori Antiquities Amendment Act 1904	Broadened the definition of Māori artifacts, artifacts could not be exported without the expressed permission of the government.
1909	Native Land Act 1909 (Part XVIII: Māori Antiquities)	Repealed the Māori Antiquities Act 1901 and incorporated its provisions into the Native Land Act. Continued Crown regulation of Māori antiquities, including export controls and acquisition powers.
1954	Historic Places Act 1954	Established the New Zealand Historic Places Trust (now Heritage New Zealand Pouhere Taonga). Expanded government involvement in historic heritage protection, although Māori objects remained primarily governed separately under antiquities legislation.
1962	Historic Articles Act 1962	Provided protection for significant historical articles, including some Māori objects, and regulated their export. Reflected increasing recognition that culturally significant objects required legal protection beyond archaeological concerns.
1975	Antiquities Act 1975	Replaced the Māori antiquities provisions of the Native Land Act 1909 with a dedicated antiquities framework. Introduced compulsory reporting of discoveries and established Crown prima facie ownership of newly discovered Māori artefacts/taonga until ownership could be determined. Strengthened export controls.
2006	Protected Objects Amendment Act 1975	Renamed the Antiquities Act 1975 as the Protected Objects Act 1975. Introduced the term ngā taonga tūturu, strengthened processes for determining customary ownership, provided for Māori Land Court involvement, and introduced restrictions around the sale and trade of taonga tūturu.
2014	Heritage New Zealand Pouhere Taonga Act 2014	Replaced the Historic Places Act 1993. Established Heritage New Zealand Pouhere Taonga and modernised archaeological heritage management. Strengthened the connection between archaeological practice and the protection of taonga tūturu discovered during investigations.

Appendix G – Table of participants

Participant name	Organisation	Recruitment method	Interview type	Reason for including
Gerard O'Regan	Tūhura Otago Museum	Purposive	Face-to-face	Initiated Awarua event (case study one) and later Central Otago Taoka Roadshow (case study two)
Jennifer Hay	Cromwell Museum	Snowball	Face-to-face	Case study two – Central Otago Taoka Roadshow
Andy Ritchie	Clyde Museum	Snowball	Face-to-face	Case study two – Central Otago Taoka Roadshow
Paula Stephenson	Central Stories Alexandra	Snowball	Face-to-face	Case study two – Central Otago Taoka Roadshow
Dean Flavell	Tauranga Museum	Purposive	Face-to-face	Case study three – Waiari waka discovery
Chelsea Tairi	Tauranga Museum	Snowball	Face-to-face (via Zoom)	Linked to case study three only by a common workplace, recruited by snowball method outside of the case study
Sara Perrett	MTG Napier	Purposive	Email	Case study four – A series of taonga handed into museum in a short space of time