

CODE OF ETHICS & PROFESSIONAL PRACTICE

For Governing Bodies, Managers and Staff of Museums
and Art Galleries in Aotearoa New Zealand.

2013



Museums Aotearoa Te Tari o Ngā Whare Taonga o te Motu
The Museums of New Zealand Inc
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Introduction

Museums Aotearoa Te Tari o Ngā Whare Taonga o Te Motu, The Museums of New Zealand Inc, recognises the 2007 International Council of Museums (ICOM) definition of a museum as a foundation statement:

A museum is a non-profit making, permanent institution in the service of society and its development, open to the public, which acquires, conserves, researches, communicates and exhibits the tangible and intangible heritage of humanity and its environment for the purposes of education, study and enjoyment.

It also affirms the principles which inform ICOM's Code of Ethics:

- Museums preserve, interpret and promote the natural and cultural inheritance of humanity.
- Museums that maintain collections hold them in trust for the benefit of society and its development.
- Museums hold primary evidence for establishing and furthering knowledge.
- Museums provide opportunities for the appreciation, understanding and management of the natural and cultural heritage.
- Museums hold resources that provide opportunities and benefits for other public services.
- Museums work in close collaboration with the communities from which their collections originate as well as those they serve.
- Museums operate in a legal and in a professional manner.

This Code of Ethics & Professional Practice amplifies and refines the requirements of the definition and principles of ICOM. It is intended for the use of members of governing bodies and the professional staff of museums and art galleries in Aotearoa New Zealand, as well as for the reference of local authority managers with direct responsibilities for such museums. It describes the responsibilities of governing bodies, museum and art gallery managers and staff to each other, to the collection which is a core element of museums and art galleries, and to those who support, fund and who visit museums and art galleries.

In reflecting on the unique aspects of Aotearoa New Zealand, Museums Aotearoa and its members recognise the relationship established by Te Tiriti o Waitangi, the Treaty of Waitangi, and we accept that the principles of tino rangatiratanga apply to many aspects of museum and art gallery

work. This recognition requires museums and art galleries to understand and incorporate the values of tangata whenua and all other peoples who have made Aotearoa New Zealand home. It recognises that full authority in relation to the collections does not rest within the institution at all times and that it is crucial to maintain regular and mutually-respectful contact with appropriate Māori, iwi and other interested groups to fully reinstate stewardship and properly value their connections to the works and activities of the museum or art gallery.

Other points of reference for museum and art gallery staff include ICOM's Code of Ethics and relevant international conventions for general guidance in professional matters. The appendices include a new section, Natural History Ethics for Aotearoa New Zealand, and make reference to relevant current international codes of ethics and other codes of professional practice developed within specific museum sector groups (such as for those in both the conservation and registration sectors). Human remains policies have been developed within our sector and two examples are provided for the reference of others in Appendix B.

A new initiative developed as a result of the review of the 2003 Code of Ethics in 2011-13 is the establishment of a Museums Aotearoa Ethics Committee. Further detail about the committee and its current membership is available from Museums Aotearoa; the terms of reference are attached in Appendix C.

The Code applies primarily to publicly-funded museums and art galleries and it is expected that organisational and individual members of Museums Aotearoa confirm and adhere to it.

It also provides guidance to those with an interest in the smooth running and increasing professionalism of their museum operations – whether public or private.

Documents such as this Code of Ethics and Professional Practice are kept in review and updated from time-to-time. While its tenets and suppositions flow from principles discussed and agreed in an international context, this Code seeks also to summarise agreed good practices specific to Aotearoa New Zealand.¹

It is anticipated that all individual and organisational members are champions of ethical behaviour, routinely inducting new staff to the Code and incorporating its principles into their daily work.

1 It is acknowledged that there is a range of privately-funded and volunteer museums, for whom Affiliate membership status of the professional body may be more appropriate. Should it be successfully introduced in Aotearoa New Zealand, a museum accreditation system will provide independently assessed measures of success in addition to matters covered by the 2013 Code of Ethics and Professional Practice.

Responsibilities of Governing Bodies and Relevant Local Authority Managers

1.1 TO THE MUSEUM

Governing bodies and local authority managers with responsibility for museums and art galleries will:

- a ensure the museum or art gallery building is safe for public use and that management and staff are aware of and trained in emergency procedures;
- b ensure originals of key enabling documentation, such as statutes and trust deeds, are safely stored with copies available elsewhere;
- c ensure the preparation of clear statements relating to the aims, objectives, policies and plans of the museum or art gallery, its roles, structure and sustainability, and ensure these are regularly reviewed;
- d communicate these to those associated with the museum, the communities it serves and its key stakeholders;
- e secure the support and financial resources necessary to achieve the museum's aims and objectives;
- f ensure the collections are viewed as a crucial foundation of the museum or art gallery and, whether or not it is valued as a financial asset, ensure that the museum never pledges, mortgages, nor otherwise uses its collections as security to raise loan funds or to finance operations;
- g ensure that deaccessioning does not take place in the absence of a policy framework nor against the advice of the museum's professional staff. Appropriate independent advice should be sought when the value of items proposed for de-accessioning warrants it;
- h ensure that, in the event of collection items being repatriated and/or disposed of in line with staff advice, donors or their

descendants (if any), and other museums, collecting institutions or relevant iwi are informed prior to items being sold by public auction, private treaty or other means;

- i ensure that all funds raised in the process of an approved deaccessioning are applied solely and unequivocally to the benefit of the collection;
- j ensure that, when items are approved for loan by museums and galleries supported by public funding (in full or in part), such loans are made available to other public museums and galleries in Aotearoa New Zealand using a fee structure based solely on cost recovery;
- k have a genuine interest in the unique characteristics of Aotearoa New Zealand, and the Treaty of Waitangi and confirm this by:
 - i understanding and taking into account the tikanga and kawa of tangata whenua;
 - ii discussing and supporting appropriate affirmative action by museums in their relationships with tangata whenua;
 - iii valuing the significance of tangata whenua and all other peoples who have made Aotearoa New Zealand home; and
 - iv recognising the principles of tino rangitiratanga and relationships between collections and peoples associated with those collections;
- l have regard to New Zealand's official languages, including te reo Māori and New Zealand sign language;
- m ensure that any actual or potential conflicts of interest are reported to the governing body and that their individual actions do not bring the museum or art gallery into professional, legal or public disrepute;
- n ensure that if, at the time they join the museum or art gallery governing body, they hold a personal collection or collections relevant to the museum's or art gallery's, they provide full details of that collection to the gallery director and, during their term on the governing body, adhere to the same guidelines as those outlined for staff in 3.2.d-g (p14-15).

Those responsible for appointing members of governing bodies should ensure that individuals appointed:

- a confirm their interest in the museum, its aims and objectives, and are prepared to ensure that they are achieved;
- b reflect a mix of skills and knowledge and are broadly representative of gender, age, Māori and other perspectives appropriate to the collection and operations of the museum or art gallery.

1.2 TO THE STAFF OF THE MUSEUM

Members of governing bodies or local authority managers will also:

- a act in all respects as a good and fair employer, to both paid and unpaid staff;
- b ensure appropriate delegations are in place so that policies and plans are developed and implemented; and
- c ensure that the responsibilities included in this Code are known, reinforced and met by the museum and its staff.

Responsibilities of Museum and Art Gallery Managers

All staff employed or volunteering within a museum or art gallery have ethical responsibilities both at work and when undertaking museum-related activities beyond the walls of the museum or outside working hours. Depending on its size and capacity, many collections-related responsibilities are shared with or entirely delegated to curatorial and collections management or registration staff in a museum or art gallery.

However, managers responsible for the overall operation and well-being of the museum have a key role in ensuring the regular review and updating of the museum's or art gallery's policies and practices in relation to the public, providing maximum access to their collections and the expertise of their staff, and ensuring best practices and the implementation of continuous improvements in relation to staff, collections and the museum building and infrastructure.

The following section summarises major ethical and professional practices under various headings for easy reference. Much is equally applicable to other senior staff with key responsibilities and it is recommended that all staff and volunteers working in museums become familiar with the Code and the principles which underlie it.

2.1 TO THE PUBLIC

Museums and art gallery managers will ensure:

- a the collections in their care are accessible to their audiences by any and – where practicable – all of the following means:
 - i publishing, through various means, including mounting exhibitions and displays;
 - ii interpreting and providing information about exhibitions and collections;
 - iii providing accurate and up-to-date data through various digital platforms;
 - iv where practicable, making works available to other museums and galleries;
 - v providing access to collections storage areas;
 - vi presenting and facilitating seminars, hosting lectures and events related to the collections;
 - vii creating and providing materials for learning and education purposes such as school kits, hands-on collections and staff-assisted visits;
 - viii providing facilities for researchers;
 - ix providing opportunities for the expression of Māori and Moriori tikanga.
- b accurate, relevant and accessible interpretative information is available to visitors, taking reasonable account of those with various impairments, in a variety of appropriate formats within and accompanying exhibitions and displays;
- c that there is active engagement with tangata whenua and other relevant communities in the development of exhibitions and displays, education and public programmes, whether stand-alone or presented within the museum, as well as in relation to the general and specific care, management and use of collections of their cultural heritage;
- d that their audiences, including those who cannot visit but whose interests align with the museum or gallery and its collections, are catered for as well as practicable within the staff's capabilities and resources and – if unable to be met – that

reasonable requests for information are passed to another suitable organisation or agency;

- e that they determine and retain responsibility for the form and content of any exhibition on their premises and any other publication or public programme it produces or schedules, including being prepared to support these in public in the event they become contentious.

2.2 TO MUSEUM AND GALLERY STAFF

Museum and art gallery managers will:

- a have a genuine and confirmed interest in the unique characteristics of Aotearoa New Zealand and the Treaty of Waitangi;
- b ensure the value and significance of tangata whenua and all other peoples who have made Aotearoa New Zealand home is communicated;
- c create opportunities to use te reo Māori and New Zealand sign language;
- d provide appropriate financial rewards for the duties specified and, where practicable, provide for meaningful career paths and advice about these within the museum or gallery and/or within the broader sector, as applicable;
- e ensure staff members have opportunities for acquiring further skills through training, retraining, and personal development programmes within and, as appropriate, beyond the museum, so their potential is maximised in a given role;
- f provide essential training or development without cost to the staff member and, wherever practicable, encourage staff attendance at professional workshops, meetings and conferences;
- g ensure first aid and disaster preparedness training is given to front-line staff, including volunteers, and that an appropriate plan which ensures museum and gallery managers and all staff are aware of their responsibilities for the public, the collections and themselves in times of disaster, is developed and reviewed regularly;

- h ensure that new and revised position descriptions uniformly include reference to this Code of Ethics and to the maintenance of appropriate professional practice and ensure that staff are not required to act in a way that might conflict or be considered to conflict with its provisions;
- i ensure that they are champions of ethical and professional behaviour and acknowledge the need for co-operation and consultation between museum staff and other publicly-funded institutions with similar interests and collections.

2.3 TO THE COLLECTIONS IN THEIR CARE

Museum and art gallery managers will also ensure that:

- a there is a strong presumption that all items, once accepted into a given collection, will be maintained in optimum conditions, protected by good record-keeping and security systems and held in trust for the public and/or on behalf of iwi;
- b the collecting goals of the museum are stated clearly in its collections and acquisition, access and loans, deaccessioning and disposal and other collections-related policies (such policies should take account of collections sustainability, current and long-term storage requirements and, as appropriate, include consideration of the needs of living or working collections in its care and the specific mandates of other museums in their area);
- c except in exceptional circumstances, all items acquired for the collection or accepted on long-term loan fall within the acquisitions policy of the museum or gallery and that it can provide adequately for their physical protection, care and documentation;
- d as well as collecting the past, collections policies look to the future and consider the increasing plurality of Aotearoa New Zealand;
- e all reasonable efforts are made to ensure adequate provenance for all collection items is gained at the time of acquisition or, if not, that sufficient proof of legal title is established prior to the formal accessioning of an item into the collection;

- f provision is made for maximum public access to collection items, including making data relating to collection items available; recording provenance and other related information about them through various means, written and oral; and by lending works to exhibitions organised by other museums and galleries, providing their physical and cultural well-being is not unreasonably threatened.

In addition, museum and gallery managers will also ensure the following:

- a The museum does not acquire items collected in circumstances which are destructive or damaging to natural or cultural sites or monuments.
- b Museums may accept special responsibility for collectively-owned material, for example, Māori or Pacific Islands items, but a clear policy relating to the trusteeship of such material should be developed, new taonga registered as required by law and appropriate agreements in line with the museum's policy negotiated. Particular attention must be paid to ensuring appropriate access to and use of this material.
- c Museums will engage with people of the cultures concerned in the development of collections of cultural property, including their reproduction in digital and other formats. All museums will recognise the rights and interests of tangata whenua and Moriori in relation to cultural property. Prior to acquiring collection items, the institution will obtain the views of tangata whenua to promote the most appropriate ownership and placement of Māori cultural material.
- d No items are to be disposed of without careful consideration under the terms of an approved policy relating to the deaccessioning and disposal of collections. When practicable, views of donors or their descendants will be sought and taken into account. Policies will provide clear reasons for deaccessioning, which might include irretrievably damaged collections or items of unknown origin, or of no value within or relevance to the collection. Consideration should be given to offering these by exchange, gift or private sale to other museums or returning them to an appropriate iwi, whether or not they have an established market value.

2.4 EXHIBITION, RESEARCH AND PUBLIC PROGRAMMES

It is the responsibility of museums and art galleries to ensure that all research conducted under its auspices is conducted to a high ethical standard. Exhibitions and other programmes provided to the public will also reflect this level of care.

- a Within all museums and art galleries, processes will be established to ensure:
 - i research proposals, including those for exhibitions, are approved using an appropriate process; and
 - ii ethical and legal considerations are taken into account at the initial stages of preparing research proposals with respect to living persons and intellectual property, intangible heritage, oral histories, human remains, threatened or extinct species and animal welfare.

Note: The Museums Aotearoa Ethics Committee may be referred to for advice on such matters (see Appendix C).

- b Museums and galleries are encouraged to publish their research in a timely way, so that it is accessible and can be reviewed by communities of interest and critiqued by the scholarly community.
- c Art galleries and museums will ensure appropriate fees are paid to artists, writers and other creative practitioners involved in making and providing work for exhibition or making an additional creative contribution to the presentation of such work to the public.

Note: Reference may be made to the Artists' Alliance, Creative New Zealand, the Arts Council of New Zealand and other similar bodies (see Appendix D).

- d Art gallery and museum managers will avoid confusion about the role of the museum and ensure they and museum staff avoid all activities that may be construed as trading or dealing in cultural property, unless authorised in advance by the governing body (for example, in situations where a long-standing arrangement exists with a local arts society to sell from an annual exhibition).
- e Particular care should be taken that material covered by the institutional acquisitions policy and actively collected by the museum or art gallery is not sold directly from exhibitions in the museum or gallery.

2.5 OPERATIONS

- a Museum and art gallery managers will ensure legal requirements and best professional practice in fiscal matters are applied throughout, including timely reporting and independent review (wherever practicable by annual audit). Reporting which aligns to New Zealand's Financial Reporting Standards must be ensured, both by an annual report of accounts, whether audited or not, and a review of activities made available annually to stakeholders.
- b Museums and galleries, their governing bodies or local authority managers will ensure that commercial activities and sponsorship enhance the museum's reputation. In particular, potential sponsors are to be carefully considered (and, in the event of any doubt, approved by the governing body or within the appropriate management structure) if, for example, their brands are associated with or connected to the manufacturing and distribution of tobacco, alcohol, pharmaceuticals, weapons or pornography.
- c Sources of funding and income-generating activities should not compromise the content and standards of a museum's or gallery's programme nor its publications.
- d Museum and gallery managers and staff are to be aware of and adhere to appropriate legislation in all commercial activities. This includes but is not limited to copyright, intellectual property and fair trading. Museum shops will only sell items for which legal title, provenance and necessary certification is available.
- e Museums and galleries are expected to apply principles of sustainability to all their operations as far as practicable. When new buildings or extensions to current museum buildings are planned, or when plant and equipment is renewed, principles of sustainability will also be paramount in their planning. Re-cycling of materials in keeping with current best standards is to be encouraged.
- f Museums and galleries with responsibility for human remains will establish tikanga appropriate to the care and management, including repatriation, of these (see Appendix B). Māori human remains will be housed in a separate area (wahi tapu).

Responsibilities of Museum and Art Gallery Staff

All staff employed or volunteering within a museum or art gallery have ethical responsibilities at work and when undertaking museum-related activities beyond the walls of the museum or outside working hours.

Museum or art gallery staff will take special note of the following specific responsibilities:

3.1 TO MANAGERS AND THE GOVERNING BODY

- a Museum and art gallery staff are expected to provide good advice to their managers and governing body on all matters relating to the museum, its policies and practices, or anything which impacts or may impact on its reputation and professional standing.
- b Staff will also:
 - i act in all respects as good employees;
 - ii ensure that none of their actions brings the museum into professional, legal or public disrepute; and
 - iii ensure that activities are in the best interests of the museum and relate directly to the policies approved by the governing body.

3.2 TO THE MUSEUM

- a Staff will 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;
- b Staff members will not solicit, directly or indirectly, nor accept, gifts, gratuities, favours or any other things of monetary value which may be construed as compromising their position.² The governing body or local authority manager is to be informed

² Examples include gifts or favours from an artist or other person, group, or corporation which has obtained, or is seeking to obtain, contractual or other business, financial or professional relationships with the museum or art gallery.

immediately of token personal gifts or koha to individuals which do not fall into this category. Where such gifts are items which the museum collects, they must be freely offered for acceptance into the museum's or art gallery's collection and recorded through the usual channel.

- c The nature of the obligations inherent in any koha are to be clearly defined and recorded at the time of giving of the koha. Where a koha is presented to a staff member or a museum or art gallery, it becomes a bond between the giver and the receiver. An obligation may exist for the return of the koha at some future date, or for a reciprocation in kind. Where a koha is made in public to an institution, it becomes the property of the accepting institution which may also be bound by obligations of reciprocity.
- d If, at the time they join the museum staff, members hold a personal collection or collections relevant to the museum's or art gallery's, full details of that collection are to be provided to the governing body or appropriate manager.
- e During their employment in a given museum:
 - i staff involved in collecting in the same areas as the museum or gallery are to inform the governing body, local authority manager or relevant established committee of personal acquisitions as they are made – whether by gift or purchase – so the museum or gallery has the option, for a specified and limited period, to acquire such objects at the purchase price;
 - ii staff will not use the museum's affiliation to promote personal collecting activities nor seek any undue advantage in the transaction;
 - iii staff wishing to dispose of any item from a personal collection will first offer it to the museum or art gallery for consideration.
- f In summary, no staff member is to compete with their employing organisation for an object of mutual interest.
- g If a work of art or other item owned by a member of staff or the board, or a close affiliate of the museum or gallery is borrowed for inclusion in an exhibition, care must be taken to distance the museum from being seen as an overt party to a possible increase in the work's value. A proper process is to be outlined

within the museum's policy framework and levels of approval for the inclusion of such works established. In addition, care is to be taken with personal acknowledgment of such works in labels and publications. The use of 'private collection' is generally favoured in such situations.

- h Again in summary, museums and art galleries will ensure that there is no real or potential for perceived conflict of interest in showing works or items from the personal collections of individuals associated with the exhibition or with the museum or gallery.

3.3 TO THE PUBLIC

- a Staff will be proactive in their dealings with their multiple audiences, visitors and interested others, to the best of their ability and be courteous and efficient at all times.
- b Wherever practicable, staff will facilitate access to the collections by tangata whenua, Māori, and other individuals and groups wishing to study material important to their cultural heritage. Appropriate advice may be given to members of the public about items in their possession and, if given, should be provided freely or on a cost recovery basis only.

Note: Museums should formulate a set of guidelines for such advice, including the following:

- i although the results of scholarly research, examination and treatment of museum objects may make it possible for staff to contribute to the verification of an object and its history, they are never to undertake paid authentications nor paid or unpaid valuations of works in private possession;
- ii staff should not assist with the acquisition or disposal of private property, nor express an opinion about the relative merits of dealers or agents while giving advice to the public;³
- iii no object in a museum's or art gallery's collection will be deliberately or misleadingly identified or valued;
- iv no object will be undervalued by a staff member in order to acquire it for the collection at a price advantageous to the museum or art gallery.

3 It may be useful to formulate a list of dealers and agents in the museum or art gallery's areas of interest or refer to the Ministry for Culture & Heritage for an approved list of valuers, etc, such as may result from legislation currently under consideration to promote philanthropic donations of cultural property.

3.4 TO THE COLLECTION

- a To the best of their ability, staff will ensure all collection items and taonga are handled and cared for in their totality, physically and culturally in accordance with national and international standards of best practice, including:
 - i proactively researching thoroughly best practice standards for care of collection items and ensuring every collection item is housed in good conditions;
 - ii being diligent in keeping thorough and accurate records of objects, their provenance and condition, and proactively updating these over time as new information becomes available;
 - iii maintaining a register of accidental damage to collection and loan items; and
 - iv maintaining off-site backup storage of collection information.
- b Museums and art galleries will exercise due diligence when seeking to acquire or borrow items for acquisition (or for loan), including full provenance and other relevant information. They should also ensure vendors and other sources of material for acquisition are researched and enquiries relating to unprofessional and illegal activity in the field are carried out. This is a key consideration before seeking to import material on a fixed-term loan for exhibition or research purposes.⁴

3.5 EXHIBITIONS, RESEARCH AND PUBLIC PROGRAMMES

One of the key ways that museum and art gallery staff provide access to the collections and related material in their care is through up-to-date and well-researched exhibitions, displays, book and catalogue publications, journal articles and collections-related public programmes. Collections research, exhibitions and public programmes are inter-related activities and it is important that each is informed by the others and re-freshed as new information and interpretations become available.

4 Immunity from Seizure legislation or similar legislation has been passed in many countries, most recently in Australia. It is in preparation also for New Zealand; reference about its progress may be made to the Ministry for Culture & Heritage.

- a Museum and art gallery staff will undertake the study of collection items, within the limits of their professional competence and the facilities of the museum. Accessibility to collections and exhibition-related research can be greatly enhanced through the regular maintenance of the museum's or gallery's web-site and, where practicable, increasing the digitisation of records.
- b Museum and art gallery staff will ensure that what they do is informed by current research in the relevant field. Individuals are encouraged to exhibit, display and otherwise make available and to publish collections-related and other research regularly and in a timely way, so it is accessible to all communities of interest and so that it may be reviewed and critiqued within the scholarly community.
- c In relation to others' research, staff will:
 - i endeavour to become aware of and respect the research areas of other *bona fide* scholars actively working and publishing in the same or a similar field;
 - ii allow such scholars full access to museum collections or records, subject to the safety of the items concerned.
- d Museum and art gallery staff engaged in research will ensure an active contribution to education and other programmes designed for the museum's varied audiences, so that understanding of the collections and related scholarly research functions of the museum and art gallery staff are understood, widely supported and celebrated within their communities of interest.

APPENDIX A

Natural History Ethics for Aotearoa New Zealand

INTRODUCTION

This Appendix supports the *Code of Ethics & Professional Practice of Museums Aotearoa* with material specific to the curation, collection and display of natural history material.⁵ *The ICOM Code of Ethics for Natural History Museums* (see <http://icomnatistethics.wordpress.com/2013/02/23/icom-nathist-code-of-ethics/> updated in 2013) covers current best practice for natural history institutions globally and is to be referred to for broader ethical considerations.

However, this Appendix considers the collection and display of items of natural history and heritage taking into account Māori customary rights.

NATURAL HISTORY AND MĀORI

For Māori, the concepts of 'nature' and 'culture' are closely intertwined, if not the same. Ancestors and supernatural beings are ever present, helping to create, shape and nurture the landscape. Spiritual knowledge is inextricably interwoven with traditional knowledge and expertise about the environment, which is handed down to successive generations.

When including Māori concepts in the interpretation of nature or display of natural objects, it is important to remember that differences exist among iwi. Museums will engage fully in consultation to ensure that the correct kōrero is being presented.

TIKANGA (CUSTOMARY PROTOCOLS)

Tikanga should be observed for certain natural history objects. For example:

- a items in which an umbilicus, placenta or human remains have been deposited are considered tapu (sacred), and are not to be near food, representations of food or cooking implements;

5 The ICOM Code of Ethics for Natural History Museums covers collection and display of human remains, because some natural history museums globally have anthropology collections. However, this is not the case in New Zealand, so they are not considered here.

- b individual organisms, such as the kauri tree Tāne Māhuta and rocks, such as petroglyphs and the stern and bow of the Tainui waka and Wairaka may also have substantial cultural significance or be considered tapu;
- c huia feathers, because of their cultural significance, are to be displayed with respect.

TE WHAKAATUHANGA (DISPLAY OF LIVE ANIMALS AND PLANTS)

All living plants and animals contain ‘mauri’ a life force or essence. All displays of live organisms will be given the respect associated with their mauri. In addition, some live organisms contain a special life force of their own. These ‘tupua’ are associated in Māori culture with supernatural powers. Each iwi has its own tupua, which can range from a bird such as a white kererū, a river, a log that travels upstream, or an albino eel (tuna). A live tupua is never to be displayed.

Once an animal or plant is dead, it is devoid of mauri, and is not restricted from display.

Within this general rule, however, certain cultural mores apply. Some examples include:

- a parts of animals that have been made into weapons or other items associated with death (these items may be considered tapu and consultation with the appropriate iwi is required);
- b for some iwi seeing a gecko (moko kākārīki; moko tāpiri) is considered a symbol of bad luck, but this is not universal;
- c similarly, the fantail (pīwaiwaka/tīwaiwaka) may represent either good or bad luck, depending on the iwi and the circumstances.

Objects (taonga) that are considered tapu are not to be placed near, or in the same case, as those that are ‘noa’ (non-sacred or free from tapu). Tapu objects should also not be displayed lower than those that are noa, should not be near food, representations of food or cooking implements.

In summary, consultation is to be undertaken when displaying native species or those that may have cultural implications.

CULTURAL IDENTITY AND RELATIONSHIPS

Some iwi consider that they whakapapa back to (descend from) biological or geological entities. For instance, Ngāi Tahu maintain a special relationship to pounamu and Ngāti Kiore to the kiore (Pacific rat). While these relationships typically do not limit collection or display, broader issues of conservation or harvesting may arise and require consultation.

KŌRERO (STORIES)

Most iwi have kōrero that they keep only for themselves, passing them on to their own uri (descendants). These include information on whakapapa, pakanga (battles), waiata (songs) and whakatauki (proverbs). Through proper consultation it is possible to gauge which kōrero is correct and appropriate for public consumption.

COLLECTING AND IWI

The exemption of proprietary rights to minerals, the conservation estate, foreshore and seabed, coupled with the lack of compensation is contentious for Māori and continue to be key issues for claims to the Waitangi Tribunal. While the Conservation Act 1987 and the Resource Management Act 1991 cover collecting such material, ethical considerations remain in dispute in a number of unresolved areas.

MARINE MAMMALS

While legislation around the customary harvest of beached marine mammals is in flux, it is important for museum staff to understand that the beaching of a marine mammal can hold immense cultural significance for local hapū (sub-tribe). Some iwi, such as Ngāi Tahu, have formalised agreements with the Department of Conservation around processes in response to whale strandings. Museums that wish to collect material from stranded whales and other marine mammals will take into consideration any agreements or expectations in place with iwi within that geographical region.

COLLECTING AND THE CROWN

Depending on the circumstances of their initial collection, wildlife items or items from conservation land may remain the property of the Crown.

APPENDIX B

Human Remains Policy and Practice

The following are offered as exemplars for the reference of other museums in Aotearoa New Zealand.

MUSEUM OF NEW ZEALAND TE PAPA TONGAREWA

This can be accessed at: <http://www.tepapa.govt.nz/SiteCollectionDocuments/AboutTePapa/Repatriation/DraftKoiwiTangataPolicy1October2010.pdf>

Otherwise go to www.tepapa.govt.nz
click on About Te Papa
select Work with iwi & museums
Read more about Karanga Aotearoa Repatriation Programme.

This takes you to Repatriation where there is a pdf of the Koiwi Tangata Policy.

CANTERBURY MUSEUM

Canterbury Museum's Human Remains Policy includes Ngāi Tahu's policy. The museum will share their policy with museum colleagues on request. Please contact: info@canterburymuseum.com.

APPENDIX C

Museums Aotearoa Ethics Committee Terms of Reference

The following draft ToR were agreed at the Annual General Meeting of Museums Aotearoa in April 2011.

- 1 To establish a small representative panel when the mediation of an ethical dilemma is required;
- 2 To advise on induction and training needs for new staff in museums and ensure progress on this is regularly reported to the Board;
- 3 To advise on specific ethical issues which individual or organisational members draw to its attention;
- 4 To consider the advice of Kaitiaki Māori in relation to ethical issues as they pertain to the Museums Aotearoa Code of Ethics;
- 5 To deal with any other ethical matters which arise within the period.

Proposed membership:

Two Museums Aotearoa Board members

2-3 Fellows of Museums Aotearoa or other senior, suitably qualified museum/gallery professionals.

Tenure:

3 year terms, renewable; appointed by Museums Aotearoa Board.

APPENDIX D

Other Relevant Codes and sources of information for New Zealand Practitioners

1 Anti-seizure legislation

Such legislation exists in UK, Europe, US and in Australia, and is under consideration in New Zealand (www.legislation.govt.nz)

2 Legislation relating to Protected Objects

Protected Objects Act, 1975 (amended 2006) (www.legislation.govt.nz)

3 New Zealand Conservators of Cultural Material Code of Ethics, 1995

(www.nzccm.org.nz/code-of-ethics)

4 Everyday decisions: a code of ethics for Australian registrars

Compiled and edited by Christine Law, Catherine Belcher and Carol Cooper, 2003

5 Copyright Legislation

(www.legislation.govt.nz)

6 Artists' Alliance Code of Practice

(www.artistsalliance.org.nz)

APPENDIX E

The UNESCO and UNIDROIT Conventions

UNESCO maintains that the world's cultural heritage must be preserved and transferred to future generations as evidence of human achievement and as sources of information and education. However, there is international concern at the historic and more recent examples of the pillage of various world cultural heritage and archaeological sites. In addition, the theft of objects from museums is increasing.

Museums and art galleries may protect themselves against theft by putting into place a systematic inventory of collections and by improving security norms. Museum and art gallery staff can also protect themselves and their institutions by seeking full details of provenance and other information related to items being considered for acquisition. They should also ensure sources are researched and sufficiently exhaustive enquiries relating to illegal activities in the field are made before recommending the acquisition of or import for exhibition or research purposes of loan material.

It is important to be familiar with a range of international legal instruments such as the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property and the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects adopted in Rome on June 29, 1995.

- 1 UNESCO Convention on the Transfer of Cultural Property**
([UNESCO.org](http://unesco.org))
- 2 UNESCO Convention on the Trade in Endangered Species**
(cites.org)
- 3 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects**
([UNIDROIT.org](http://unidroit.org))

Other International Treaties may also be relevant to the collections and activities of museums and art galleries in Aotearoa New Zealand and include:

5 Antarctic Treaty

(www.ats.aq)

6 Madrid Protocol for international trademark registration

(www.madridprotocol.info)

7 International Commission on Zoological Nomenclature

(www.iczn.org)

8 Berne Convention for the Protection of Literary and Artistic Works

(www.berne.org)



2013



Museums Aotearoa Te Tari o Ngā Whare Taonga o te Motu
The Museums of New Zealand Inc
Adopted 20 November 2013