

Memo to Team Manager, Memorials & Taonga

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| To: | Imelda Bargas, Team Manager, Memorials & Taonga |
| From: | , Memorials & Taonga |
| Date: | 18 January 2018 |
| Subject: | Permanent export application under section 6 of the Protected Objects Act 1975: <i>George Cross Medal</i> |
| Attachments: | Annex A: Application for permanent export permission Annex B: Expert Examiner Assessment completed by , Canterbury Museum Annex C: Expert Examiner Assessment completed by , Auckland War Memorial Museum |

Purpose

- 1 An export application has been received from (latter handled by the family's agent, Aubrey Bairstow) to permanently export the following object to the United Kingdom:
 - ***George Cross awarded to Sargent Stewart Guthrie of NZ Police, posthumously in 1991***
The George Cross was awarded to Sargent Stewart Guthrie posthumously for his bravery in the Aramoana incident in 1990
Made by Royal Mint, UK
Appraisal value – NZ\$30,000
26 years old
- 2 The export application included a Police Long Service and Good Conduct Medal, awarded to Sargent Stewart Guthrie in 1989, however this is not a protected New Zealand object under the Protected Objects Act 1975 (the Act). The export application is attached as Annex A.

Definition of a protected New Zealand object

- 3 A protected New Zealand object means an object forming part of the movable cultural heritage of New Zealand that—
 - (a) is of importance to New Zealand, or to a part of New Zealand, for aesthetic, archaeological, architectural, artistic, cultural, historical, literary, scientific, social, spiritual, technological, or traditional reasons; and
 - (b) falls within 1 or more of the categories of protected objects set out in Schedule 4 of the Protected Objects Act 1975.

- 4 Examples of the George Cross awarded to a New Zealander, or related to New Zealand, are expressly included under the 'Numismatic and philatelic objects' category in Schedule 4 of the Act. This category of objects do not have additional criteria like many of the other object categories do.

Criteria for refusing export permission

- 5 Section 7A(1) of the Act holds that the chief executive may not grant an application for permission to export if the chief executive determines that an object—
- (a) is—
- (i) a protected New Zealand object; and
 - (ii) substantially physically authentic and—
 - (A) made or naturally occurring in New Zealand; or
 - (B) made with New Zealand materials; or
 - (C) used by New Zealanders; or
 - (D) related to New Zealand; and
- (b) is—
- (i) associated with, or representative of, activities, events, ideas, movements, objects, persons, or places of importance to New Zealand; or
 - (ii) important to New Zealand for its technical accomplishment or design, artistic excellence, or symbolic, commemorative, or research value; or
 - (iii) part of a wider historical, scientific, or cultural collection or assemblage of importance to New Zealand; and
- (c) is of such significance to New Zealand or part of New Zealand that its export from New Zealand would substantially diminish New Zealand's cultural heritage.

Consultation with Expert Examiners

- 6 Section 7B of the Act requires that, when determining an application for permission to export, the Chief Executive must consult two or more expert examiners. Experts are asked to complete a report that addresses the relevant sections in the Act. They are asked to assess whether the object under application is a protected New Zealand object; and, if so, whether they consider the criteria for granting or refusing permanent export have been met.

- 7 Expert examiner advice was received from:

- ; Canterbury Museum
- ; Auckland War Memorial Museum

Expert examiner advice

- 8 The expert examiner advice received recommends that the application for this object to be permanently exported be approved for the reasons set out below. The full examiner assessments are attached as Annex B and C.

Protected object criteria

- 9 This section relates to definition of a protected New Zealand object as required at s 7A(1)(a)(i) and as defined at s 2 of the Act. The object has been assessed under the 'Numismatic and philatelic objects' category of protected New Zealand objects, as both examiners believe it falls under this category. provides some further reasoning:

In terms of the categories of protected objects set out in Schedule 4 of the Protected Objects Act 1875, 7(2)(d) specifically mentions examples of the George Cross medals. Stewart Guthrie's George Cross medal is one of three awarded to New Zealanders out of approximately 408 awarded in total. The George Cross is the second highest award in the United Kingdom's honours system and is awarded for acts of heroism or courage in circumstances of extreme danger but not in a war situation. New Zealand introduced its own bravery honours system in 1999 and the George Cross award was replaced by the New Zealand Cross, this country's highest award for civilian bravery.

- 10 considers the item is important for historical reasons. In her reasoning, she notes:

Sergeant Stewart Guthrie's George Cross medal is of historical importance to New Zealand and is intrinsically connected to the mass shootings at Aramoana in 1990 in which 13 people died including Sergeant Guthrie. Police Sergeant Guthrie is New Zealand's only civilian recipient of the George Cross.

- 11 considers the object is of importance for historical and cultural reasons. She comments:

The George Cross awarded to Sergeant Guthrie marks a traumatic event in New Zealand's social history, a mass shooting that resulted among other things in amendments (Arms Regulations 1992) to the Arms Act 1982, and contributed to ongoing discussion with the 1997 Thorp 'Review of Firearms Control in New Zealand', and further amendments to the Act introduced in 2012.

The award itself is one of only three such recognitions bestowed on New Zealanders (all posthumously) under the British Commonwealth system of gallantry awards, Guthrie's being the last before the implementation of a New Zealand system. The institution of the New Zealand Gallantry and Bravery awards reflected a cultural shift in this country's notion of its own identity.

- 12 Both experts consider the medal to be a protected New Zealand object. The experts agree that the object forms part of the movable cultural heritage of New Zealand that is of importance to New Zealand, or to a part of New Zealand, for historical reasons. Therefore, it is considered the object meets all of the criteria

to fall under the 'Numismatic and philatelic' category of protected New Zealand objects.

'Chief executive may not grant applications for permission to export in certain circumstances' criteria

- 13 After determining that an object is a protected New Zealand object, Section 7A asks whether the object is 'substantially physically authentic'; and requires the object to also meet one of the criteria under s 7A(1)(a)(ii)(A)-(D). Both examiners believe the object is 'substantially physically authentic and related to New Zealand'. notes:

The object appears to be physically authentic and in excellent condition. While produced in the United Kingdom the objects are related to New Zealand through being awarded posthumously to New Zealander Stuart Guthrie for his bravery during the tragedy at Aramoana in 1990, New Zealand's worst mass murder.

- 14 The next test, at s 7A(1)(b) asks if the object is:

- (i) associated with, or representative of, activities, events, ideas, movements, objects, persons, or places of importance to New Zealand; or
- (ii) important to New Zealand for its technical accomplishment or design, artistic excellence, or symbolic, commemorative, or research value; or
- (iii) part of a wider historical, scientific, or cultural collection or assemblage of importance to New Zealand.

- 15 considers the object is 'important to New Zealand for its technical accomplishment or design, artistic excellence, or symbolic, commemorative, or research value'. She explains:

While the object is naturally of the most significance to the surviving members of the Stuart Guthrie's family, it has importance to New Zealanders as symbolic recognition of the courage and sacrifice made by Guthrie while responding to a horrific event.

- 16 considers the object is 'associated with or representative of, activities, events, ideas, movements, objects, persons, or places of importance to New Zealand'. She notes:

The George Cross is a tangible reminder of the Aramoana rampage which remains the most deadly shooting spree in New Zealand and the personal, local and national effects of which have been long-lasting. The event triggered social reflection in a number of areas including the law.

- 17 The final test in section 7A(1) asks whether the object is 'of such significance to New Zealand or part of New Zealand that its export from New Zealand would substantially diminish New Zealand's cultural heritage'. Both examiners answered 'no' to this question. In her reasoning, explains:

Stewart Guthrie's George Cross medal is one of three awarded to New Zealanders. Both of the other two medals (Lance Corporal David Russell

1948 and Sergeant Ken Hudson, 1974) are held by the National Army Museum at Waiouru where they are viewable.

At present Stewart Guthrie's medal is held privately by his family and is not available for viewing by the New Zealand public. Given that the family would like to sell the medal and its probable high value, it is unlikely to end up in a public institution. It is preferable for the medal to go to an international museum rather than a private collection.

It is proposed by the Guthrie family that the George Cross medal is sold to Lord Ashcroft so that it can be added to his permanently displayed collection at the Imperial War Museum in London.

The export of Stewart Guthrie's medal to the Lord Ashcroft collection at the Imperial War Museum will allow the medal to be publicly displayed to a large audience including New Zealanders. In addition Stewart Guthrie's bravery will be internationally recognised alongside the stories of the 241 Victoria Cross and George Cross medals from the United Kingdom and the Commonwealth already displayed in the Lord Ashcroft Gallery. The gallery will be able to provide an international context which would not be possible in a New Zealand setting.

The export of the medal to an international museum does not preclude the medal returning to New Zealand on a temporary basis for display.

18

provides further reasoning as follows:

The George Crosses awarded posthumously to New Zealand military personnel L/Cpl D/ Russell and Sgt M.K. Hudson are both held at the National Army Museum.

While acknowledging the exceptional bravery and deservedness of both these recipients, I believe that the context for Police Sgt. Guthrie's George Cross makes this decoration of greater national significance than either military example.

The argument that export is an appropriate action because the award originated in Britain is not relevant to the discussion in my opinion, and the stated alternative to export is unfortunate. However, while it would be preferable for Guthrie's George Cross to remain in this country in a public institution where more New Zealanders might have the opportunity to connect with it, the intended destination is an acceptable repository being a well-known collection on purportedly permanent public display in a stable, respected and well-managed institution.

19 The examiners recommend that export permission be approved, as they believe that the object is not of such significance that its export would substantially diminish New Zealand's cultural heritage.

20 Both examiners also recommend that the Ministry impose a condition on the export. recommends a condition that 'the medal is sold to Lord Ashcroft for his collection and placed on display at the Imperial War Museum'.

recommends that 'the George Cross remain on display in the Ashcroft collection'.

Recommendation

21 It is recommended that permission be approved to permanently export this protected New Zealand object under section 6 of the Protected Objects Act 1975:

- *George Cross (GC) awarded to Sgt Stewart Guthrie of NZ Police, posthumously in 1991*

AGREE / DISAGREE

22 Furthermore, it is recommended that the following condition be imposed on the permanent export approval:

- That the object be sold to Lord Ashcroft for his collection, and be placed on display in the Imperial War Museum

AGREE / DISAGREE

Memorials & Taonga


Imelda Bargas
Team Manager
Memorials & Taonga

19/01/2018