

DRAFT

*GENERAL ACCIDENTAL DISCOVERY
PROTOCOLS FOR ARCHAEOLOGICAL SITES,
TAONGA AND KOIWI TANGATA*

By

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INTRODUCTION

Accidental Discovery

In any area where archaeological sites have been recorded in the general vicinity, and even in cases where they have not, it is possible that unrecorded archaeological sites are present below the ground surface and may be exposed by earthworks.

Archaeological Sites

Archaeological features and remains can take the form of burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or 19th century glass and crockery, ditches, banks, pits, old building foundations, artefacts of Maori and early European origin, or human burials.

Heritage New Zealand Pouhere Taonga Act 2014 Requirements

In addition to any requirements under the RMA 1991, the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) protects all archaeological sites whether recorded or not, and they may not be damaged or destroyed unless an Authority to modify an archaeological site has been issued by Heritage New Zealand (Heritage NZ).

An archaeological site is defined by the HNZPTA Section 6 as follows:

‘archaeological site means, subject to section 42(3), –

(a) any place in New Zealand, including any building or structure (or part of a building or structure) that –

(i) was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and

(ii) provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and

(b) includes a site for which a declaration is made under section 43(1)’

Authorities to modify archaeological sites can be applied for either in respect to archaeological sites within a specified area of land (Section 44(a)), or to modify a specific archaeological site where the effects will be no more than minor (Section 44(b), or for the purpose of conducting a scientific investigation (Section 44(c)). Applications that relate to sites of Maori interest require consultation with (and in the case of scientific investigations the consent of) the appropriate iwi or hapu and are subject to the recommendations of the Maori Heritage Council of Heritage NZ. In addition, an application may be made to carry out an exploratory investigation of any site or locality under Section 56.

If a site is exposed by works and cannot be avoided, an authority must be in place before works can proceed that affect the site. Up to two months should be allowed for from the time of application, including a statutory appeal period of 15 working days within which the authority may not be exercised.

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INTRODUCTION, CONTINUED

Protocols

This document sets out protocols to be followed in the event that archaeological remains, taonga or koiwi are unexpectedly exposed during development work.

PROTOCOLS

Discovery of Archaeological Features or Deposits

If remains are exposed that are potentially archaeological features or deposits, the following procedure should be adopted:

1. Earthworks should cease in the immediate vicinity while an archaeologist is consulted to establish whether the remains are part of an archaeological site as defined under the HNZPTA.
 2. If the archaeologist confirms that it is an archaeological site, the area of the site will be defined by the archaeologist and excluded from earthworks.
 3. Heritage NZ will be informed of the discovery and, if the site cannot be avoided and no Authority has been obtained, an application for an Authority to modify the site must be made (this is a legal requirement).
 4. If the archaeological site relates to Maori occupation the tangata whenua must be consulted (an assessment of effects on Maori cultural values will be required as part of any Authority application),
 5. No work can be carried out that will affect the site until 15 working days after an Authority has been granted.
 6. Any conditions attached to the Authority must be complied with (these may involve archaeological recording, sampling or more detailed investigation, and the completion of an archaeological report).
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Discovery of Koiwi Tangata (Human Remains)

If bone material that may be human bone is identified the following protocol will be adopted:

1. Work should cease in the immediate vicinity while an archaeologist is consulted to establish whether the bone is human.
 2. If it is still not clear whether the bone is human, work shall cease in the immediate vicinity until a reference collection and/or a specialist can be consulted and a definite identification made.
 3. If the bone is identified by the archaeologist as human, the archaeologist will immediately contact iwi representatives, Heritage NZ and the NZ Police.
 4. The site will be secured in a way that protects the koiwi as far as possible from further damage.
 5. Consultation will be undertaken between the iwi representatives, Heritage NZ and the Authority holder/project manager to determine the most appropriate course of action with regard to retention in situ, or removal and reinterment of the koiwi.
 6. The iwi representatives will advise on appropriate tikanga and be given the opportunity to conduct any cultural ceremonies that are appropriate.
 7. If the iwi representatives are in agreement and so request, the bones may be further analysed by the archaeologists prior to reburial.
 8. Activity on site can recommence as soon the bones have been reinterred or removed and authorisation has been obtained from Heritage NZ.
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PROTOCOLS, CONTINUED

Discovery of Taonga

Maori artefacts such as carvings, stone adzes, and greenstone objects are considered to be taonga (treasures). These are taonga tuturu within the meaning of the Protected Objects Act 1975. Taonga may be discovered in isolated contexts, but are generally found within archaeological sites, modification of which is subject to the provisions of the HNZPTA.

If taonga are discovered the procedure set out for the discovery of archaeological sites (above) must be followed, and the following procedure will apply to the taonga themselves:

1. The area of the site containing the taonga will be secured in a way that protects the taonga as far as possible from further damage.
 2. The archaeologist will then inform Heritage NZ and the nominated iwi representatives so that the appropriate actions (from cultural and archaeological perspectives) can be determined.
 3. Work may resume when advised by Heritage NZ or the archaeologist.
 4. The archaeologist will notify the Ministry for Culture and Heritage of the find within 28 days as required under the Protected Objects Act 1975. This can be done through the [Auckland War Memorial Museum/other museum].
 5. The Ministry for Culture and Heritage, in consultation with the tangata whenua, will decide on custodianship of the taonga. If the taonga requires conservation treatment (stabilisation), this can be carried out by the Department of Anthropology, University of Auckland (09-373-7999) and would be paid for by the Ministry. It would then be returned to the custodian or museum.
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Iwi Representatives Contact Details

The following people/organizations should be contacted in the event that koiwi tangata, taonga or sites relating to Maori occupation are found:

[Name and contact details]

Archaeologist Contact Details

The project archaeologist to be contacted in the event that koiwi tangata, taonga or sites relating to Maori or early European occupation are found:

[Name and contact details]

Heritage NZ Contact Details

The Heritage NZ regional archaeologist to be contacted if archaeological sites or koiwi tangata are found:

[name and contact details]
