



NGĀTI WHĀTUA ŌRĀKEI

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Accidental Discovery Protocol (2016)

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 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 Māori and early European origin, or human burials / remains.

In addition to any requirements under the Resource Management Act 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 Pouhere Taonga (HNZPT).

An archaeological site is defined by the HNZPTA s.6 as: 'any place in New Zealand...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

Authorities to modify archaeological sites can be applied for under s.44 of the HNZPTA. Applications relating to a site of interest to Māori require approval by the Māori Heritage Council of HNZPT. The tangata whenua must be consulted regarding applications to modify or destroy archaeological sites which have Māori cultural associations.

This document sets out Ngāti Whātua Ōrākei (NWŌ) protocols to be followed in the event that archaeological remains, taonga or kōiwi (human remains) are unexpectedly exposed during development work.



PROTOCOLS

If material that may be kōiwi (human remains) is identified the following protocol will be adopted:

1. Earthworks will cease in the immediate vicinity (10m) while an archaeologist is consulted to establish whether the remains are human.
2. If it is still not clear whether the material 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 material is identified by the archaeologist as human, earthworks will not be resumed in the immediate area (defined by the archaeologist and NWŌ) until HNZPT, the New Zealand Police and NWŌ have all given approval.
4. The area of the site containing the kōiwi will be secured in a way that protects them from further damage.
5. NWŌ representatives will be given the opportunity to conduct karakia and such other religious or cultural ceremonies and activities as are appropriate to NWŌ tikanga, and to remove the material should they wish, once the Police have confirmed that the site is not a crime scene.
6. If NWŌ so request, the human remains may be further analysed by the archaeologist or a qualified anthropologist / pathologist prior to reburial.
7. Activity in the immediate vicinity can recommence as soon as authorized by NWŌ, HNZPT and the site archaeologist.

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 (10m) while an archaeologist is consulted to establish whether the remains are part of an archaeological site as defined under the Heritage New Zealand Pouhere Taonga Act 2014.
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. HNZPT will be informed of the discovery and, if the site cannot be avoided, an application for an Authority to modify the archaeological site will be made (this is a legal requirement).
4. If the archaeological site relates to Māori occupation / use NWŌ must be consulted (an assessment of effects on NWŌ cultural values will be required as part of the Authority application).

Māori artefacts such as carvings, stone adzes, and greenstone objects are considered to be taonga (treasures). These are taonga tūturu 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 Historic Places Act.

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 (at least 10m radius) will be secured in a way that protects the taonga from further damage.
2. The archaeologist will then inform HNZPT and the nominated NWŌ representative so that the appropriate actions (from cultural and archaeological perspectives) can be determined.
3. Work may resume when advised by HNZPT, site archaeologist and NWŌ.
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. 5. The Ministry for Culture and Heritage, in consultation with NWŌ, will decide on custodianship of the taonga. NWŌ is a registered collector of taonga tūturu and hence legally permitted to hold such items. Ultimate ownership is determined by the Māori Land Court. 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.

i Under the HNZPTA a "place" includes any building or structure (or part of a building or structure)