

Appendix 3: Accidental Discovery Protocol

PRIOR TO COMMENCEMENT OF ANY WORKS, A COPY OF THIS ADP SHOULD BE MADE AVAILABLE TO ALL CONTRACTORS WORKING ON SITE.

Purpose

This Accidental Discovery Protocol (ADP) sets out the procedures that must be followed in the event that taonga (Māori artefacts), burial sites/kōiwi (human remains), or Māori archaeological sites are accidentally discovered.

The Protocol is provided by [----] Rūnanga. [----] Rūnanga is the representative body of the tangata whenua who hold manawhenua in the area defined as [----].

Background

Land use activities involving earthworks have the potential to disturb material of cultural significance to tangata whenua. In all cases such material will be a taonga, and in some cases such material will also be tapu. Accidental discoveries may be indicators of additional sites in the area. They require appropriate care and protection, including being retrieved and handled with the correct Māori tikanga (protocol).

Under the *Historic Places Act 1993*, an archaeological site is defined as any place associated with pre-1900 human activity, where there is material evidence relating to the history of New Zealand. It is unlawful for any person to destroy, damage or modify the whole or any part of an archaeological site (known or unknown) without the prior authority of the NZ Historic Places Trust (NZHPT). This is the case regardless of the legal status of the land on which the site is located, whether the activity is permitted under the District or Regional Plan or whether a resource or building consent has been granted. The NZHPT is the statutory authority for archaeology in New Zealand.

Note that this ADP does not fulfill legal obligations under the Historic Places Act 1993 regarding non-Māori archaeology. Please contact the Historic Places Trust for further advice.

Immediately following the discovery of material suspected to be a taonga, kōiwi or Māori archaeological site, the following steps shall be taken:

1. All work on the site will cease immediately.

2. Immediate steps will be taken to secure the site to ensure the archaeological material is not further disturbed.
3. The contractor/works supervisor/owner will notify the Kaitiaki Rūnanga and the Area Archaeologist of the NZHPT. In the case of kōiwi (human remains), the New Zealand Police must be notified.
4. The Kaitiaki Rūnanga and NZHPT will jointly appoint/advise a qualified archaeologist who will confirm the nature of the accidentally discovered material.
5. If the material is confirmed as being archaeological, the contractor/works supervisor/owner will ensure that an archaeological assessment is carried out by a qualified archaeologist, and if appropriate, an archaeological authority is obtained from NZHPT before work resumes (as per the *Historic Places Act 1993*).
6. The contractor/works supervisor/owner will also consult the Kaitiaki Rūnanga on any matters of tikanga (protocol) that are required in relation to the discovery and prior to the commencement of any investigation.
7. If kōiwi (human remains) are uncovered, in addition to the steps above, the area must be treated with utmost discretion and respect, and the kōiwi dealt with according to both law and tikanga, as guided by the Kaitiaki Rūnanga.
8. Works in the site area shall not recommence until authorised by the Kaitiaki Rūnanga, the NZHPT (and the NZ Police in the case of kōiwi) and any other authority with statutory responsibility, to ensure that all statutory and cultural requirements have been met.
9. All parties will work towards work recommencing in the shortest possible time frame while ensuring that any archaeological sites discovered are protected until as much information as practicable is gained and a decision regarding their appropriate management is made, including obtaining an archaeological authority under the *Historic Places Act 1993* if necessary. Appropriate management may include recording or removal of archaeological material.
10. Although bound to uphold the requirements of the *Protected Objects Act 1975*, the contractor/works supervisor/owner recognises the relationship between Ngāi Tahu whānui, including its Kaitiaki Rūnanga, and any taonga (Māori artefacts) that may be discovered.

IF IN DOUBT, STOP AND ASK; TAKE A PHOTO AND SEND IT TO THE NZHPT ARCHAEOLOGIST**Contact Details**

Kaitiaki Rūnanga	Xxx	xxx
NZHPT Archaeologist	03 357 9615	archaeologistcw@historic.org.nz
NZHPT Southern Regional Office	03 357 9629	infosouthern@historic.org.nz
NZHPT Māori Heritage Advisor	03 357 9620	mhadvisorcw@historic.org.nz
NZ Police	XXX	