

General procedures following the discovery of possible archaeological sites, koiwi or taonga

Purpose

This specification sets out the standard procedure that the Responsible Kāinga Ora Project Manager (**Project Manager**) and Contractor will follow in the event that an archaeological site, koiwi or taonga (as defined by the Protected Objects Act), are discovered during investigation, construction and/or maintenance of Kāinga Ora housing (**work**).

Take a Proactive approach

These procedures are the minimum standard for all Kāinga Ora work. Our expectation is that Kāinga Ora and our Contractors will do all they can to be proactive in identifying archaeological sites, engaging suitably qualified archaeologists, engaging with Maori and agreeing protocols when archaeological sites, koiwi and other taonga is discovered.

Recommencing work

The decision to proceed with work on any project or to apply for an archaeological authority after the discovery of an archaeological site, koiwi or taonga, must be informed by a qualified archaeologist recognised by Heritage New Zealand Pouhere Taonga (**HNZPT**) the authority in respect to establishing and providing permissions in respect of archaeological sites (**project archaeologist**).

What to do

1. Immediately following the discovery of material suggesting that works are being undertaken in or about an archaeological site, or could be koiwi and/or other taonga, the Contractor will cease all work in the discovery area and immediately advise the Project Manager (or other nominated Kāinga Ora representative) of the discovery.
2. The Project Manager shall then notify the following people of the discovery:
 - a. The New Zealand Police, if any koiwi are uncovered to be satisfied that the remains are not part of a crime scene. This is also a requirement of the Coroners Act 1988;
 - b. Suitably qualified archaeologist (the project archaeologist);
 - c. If a project archaeologist is not nominated in the contract documents, a qualified archaeologist should be appointed to ensure all archaeological sites, koiwi and taonga are dealt with appropriately and to support liaison with key parties;
 - d. The Regional Archaeologist at HNZPT; and
 - e. Appropriate iwi group(s) or kaitiaki representative.
3. These key relationships may already have been established during project planning and design and may be expressed in a Memorandum of Understanding or similar document.

4. Note that statutory acknowledgement areas establish obligations on the Crown to work with iwi under specific Accords. Advice on the appropriate iwi group(s) can be discussed with Te Kurutao, relevant Regional Offices, Te Puni Kokiri and / or the Legal Team.
5. The Project Manager shall require the Contractor to secure the discovery area, ensuring the area (and any object(s) contained within) remains undisturbed and meets health and safety requirements.

Note: It is an offence under section 87 of the **Heritage New Zealand Pouhere Taonga Act 2014** to modify or destroy an archaeological site without an authority from Heritage New Zealand irrespective of whether the works are permitted or a consent has been issued under the Resource Management Act.

6. The Project Manager shall ensure that either themselves or the Contractor, as appropriate, are available to meet and guide the archaeologist, New Zealand Police, HNZPT regional archaeologist and the appropriate iwi group(s) to the discovery area. The Contractor and Project Manager will assist with any reasonable requests any of these people may make.
7. The Project Manager shall ensure that no information is released to the media except as authorised, in consultation with HNZPT and the appropriate iwi group(s).
8. Further assessment of the site by a qualified archaeologist may be required. In the event the discovery area is found to contain an archaeological site, an application for an archaeological authority must be made to HNZPT in accordance with the Heritage New Zealand Pouhere Taonga Act 2014. All requirements relating to any archaeological authority, will be instructed by the Project Manager as a variation to the contract.
9. While recognising the desire to ensure work recommences in the shortest possible time, Kāinga Ora will ensure that any possible archaeological sites, koiwi or taonga are protected so that as much information as practicable is obtained by the archaeologist and HNZPT and an informed decision is made regarding their appropriate management and recommencing work. This may include applying for an archaeological authority through HNZPT where necessary.
10. If an archaeological authority has been requested and granted the Project Manager will inform the Contractor, when HNZPT has authorised that work in the discovery area can recommence. The Contractor must not recommence work until all statutory and cultural requirements have been met, including any mandatory stand - down period determined by the relevant authority (may be requested by local iwi / hapu).
11. The Project Manager shall ensure the Contractor undertakes all subsequent works in accordance with the conditions of this authority.

Further procedures in the event that koiwi are discovered

1. The discovery of human remains needs to be handled with respect and sensitivity. Decisions on the next steps should not be unduly rushed.
2. The New Zealand Police are involved in all cases of koiwi tangata/human remains discovery. Their primary role is to determine if a crime has been committed.
3. HNZPT regional archaeologists have a responsibility to visit a site following notification of the discovery of koiwi, especially where no archaeological authority has been granted. HNZPT will confirm the site is secure, and that the police and iwi have been notified. It is also the responsibility of HNZPT to notify the local Public Health Unit of the find and confirm formal identification of the remains as human.
4. Iwi, hapu and whanau also play an important role as *kaitiaki* (guardian) in the care and management of koiwi tangata/human remains following discovery.
5. As soon as practicable after the Project Manager has given notice to the NZ Police through the local police station, the archaeologist, HNZPT regional archaeologist and appropriate iwi group(s) that koiwi have been discovered, then the Project Manager shall invite these parties to meet to discuss the next steps (unless these matters have already been agreed).
6. While these matters should be agreed up-front with local Maori, if the remains are of Maori derivation there are a number of sensitive issues to work through including: any cultural ceremonies, the possibility for the remains to stay where they are; if a disinterment licence is required from the local Public Health Unit; what protocols will be followed for the removal of the remains if in situ preservation is not possible, the final location of the remains, the level of recording and extent of any further scientific analysis, and who will remove the remains.
7. The Project Manager shall make the necessary arrangements for any cultural ceremonies as soon as practicable.
8. Once these ceremonies are completed, the Project Manager shall arrange for the project archaeologist, in consultation with the New Zealand Police, HNZPT regional archaeologist, and the appropriate iwi group(s), to proceed as agreed with potential recording, further analysis, in situ retention or exhumation in a manner to meet professional standards and the New Zealand Archaeological Association code of ethics.
9. The project archaeologist will record details of the koiwi, the site of discovery, and any other relevant facts, and these records will be made available to the New Zealand Police, HNZPT, and the appropriate iwi group(s).
10. An archaeological authority may be required from Heritage New Zealand before work affecting the site can recommence, particularly if the remains are identified as human and within an archaeological context.

Custody of taonga (excluding koiwi) or material found at an archaeological site

1. The project archaeologist will have initial control of, and responsibility for, all material contained in the discovery area.
2. The Project Manager shall ensure no objects are removed from the site until it has been determined, in consultation between the project archaeologist and the appropriate iwi group(s), whether it is associated with an archaeological site or the object is taonga (be it *taonga tuturu*¹ or otherwise).
3. If the object is of Māori origin and found in an archaeological site and/or is a *taonga tuturu*, the project archaeologist will record the object and notify the **Ministry for Culture and Heritage** of the finding as required under the **Protected Objects Act 1975**.
4. Where statutory acknowledgement areas exist, (check the provisions of the relevant Treaty Settlement), the Accords between the Crown and iwi oblige Kāinga Ora to directly notify the iwi of *taonga tuturu* finds and to transfer these finds for temporary custodianship to these iwi, until ownership is determined. The Maori Land Court makes the final determination on ownership of all *taonga tuturu*.
5. If the object is a taonga and less than 50 years old, (i.e. **not** *taonga tuturu*), the Project Manager shall invite the appropriate iwi group(s) to remove the taonga from the site.
6. If the object is European in origin the project archaeologist shall deliver any such object to the Project Manager so that the legal right to ownership can be determined.

¹ **Taonga tūturu** means an object that;

(a) relates to Māori culture, history, or society; and

(b) was, or appears to have been;

(i) manufactured or modified in New Zealand by Māori; or

(ii) brought into New Zealand by Māori; or

(iii) used by Māori; and

(c) is more than 50 years old;

See sections 11 to 16 of the **Protected Objects Act 1975**