

Minimum Standard P45 – Accidental Archaeological Discovery Specification

1 Purpose

This specification sets out the standard procedure that the Project Manager and contractors will follow in the event that an **archaeological site, koiwi** or **taonga** are accidentally discovered during investigation, construction and/or maintenance of the State Highway network.

This minimum standard P45 applies to all activities unless superseded by an archaeological authority granted by Heritage New Zealand Pouhere Taonga (HNZPT).

P45 replaces the earlier standard Z/22. P45 reflects the minimum requirements of the Client in accordance with statutory obligations under the Heritage New Zealand Pouhere Taonga Act 2014 and the Protected Objects Act 1975.

Drivers for the revision include the Heritage New Zealand Pouhere Taonga Act 2014, (which replaced the Historic Places Act 1993) and revised guidelines released by HNZPT for the handling of koiwi (human remains).

The procedure contained in P45 are also designed to recognise and provide for the protection of cultural and historic heritage and the special relationship of Māori in regard to their land, water, sites, wahi tapu and other taonga.

An assessment of effects on archaeological values should be completed during the earliest stages of NZTA project planning. NZTA has recently finalised guidelines for such an assessment (see Assessing historic heritage impacts guide for state highway projects on the highways information portal).

The decision to proceed with an accidental archaeological discovery specification P45 for earthworks on any project or to apply for an archaeological authority must be informed by a project archaeologist in conjunction with HNZPT.

This specification has been developed by archaeological professionals and will be subject to consultation through the NZ Transport Agency's consultation processes.

Words marked in bold are defined in Clause 1 of NZTA *Standard Specification for Contract Management*.

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

1. **Immediately** following the discovery of material that could be an archaeological site, koiwi and/or taonga, the Contractor will cease all work in the discovery area and immediately advise the Project Manager (or other nominated Client representative) of the discovery.
2. The Project Manager shall then notify the following people of the discovery:
 - 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.
 - Project Archaeologist
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 tuturu are dealt with appropriately and to support liaison with key parties;
 - The Regional Archaeologist at HNZPT
 - Appropriate iwi group(s) or kaitiaki representative;
In most situations these relationships will have been established during project planning and may be underpinned by a Memorandum of Understanding. However, note that statutory acknowledgement areas establish obligations on the Crown to work with iwi under specific Accords. Advice on the appropriate iwi group(s) is available through the Transport Agency's Environment Team.

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3. 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 S87 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.

4. The Project Manager shall ensure that either themselves or the Contractor, as appropriate, are available to meet and guide the Project 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.
5. 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).
6. Further assessment of the site by a Project 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 in relation to an archaeological authority will be instructed by the Project Manager as a variation to the contract.
7. The Project Archaeologist shall ensure work recommences in the shortest possible time, while ensuring that any possible archaeological sites, koiwi or taonga are protected until as much information as practicable is obtained and a decision is made regarding their appropriate management. This may include

applying for an archaeological authority where necessary.

8. When the archaeological authority has been 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 the mandatory stand-down period associated with an authority.
9. The Project Manager shall ensure the Contractor undertakes all subsequent works in accordance with the conditions of this authority.

3 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. Heritage New Zealand 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 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 Project Archaeologist, HNZPT regional archaeologist and appropriate iwi group(s) that Koiwi have been discovered, the Project Manager shall invite these parties to meet to discuss the next steps.
6. 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 NZAA 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.

4 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 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, following Treaty Settlement, the Accords between the Crown and iwi oblige the NZ Transport Agency to directly notify those 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.