

Appendix 17: Sample Accidental Discovery Protocol (ADP)

KŌIWI TĀNGATA AND ACCIDENTAL DISCOVERY PROTOCOL

Purpose

The purpose of the 'Kōiwi Tāngata and Accidental Discovery Protocol' is:

- » To manage and protect the integrity of 'known' and 'unknown' archaeological and rock art sites from damage and loss.
- » To maximize the opportunity to retrieve physical and archaeological evidence from disturbed sites.
- » To obtain quality information on the lives, activities, food and resource use, trails and campsites of resource use, trails and campsites of Ngāi Tahu ancestors from archaeological sites.
- » To ensure Te Rūnanga o Kaikōura is happy with the management if any kōiwi tāngata is discovered.

Definition

"Archaeological site" means any place in New Zealand that –

- (a) Either –
 - (i) Was associated with human activity that occurred before 1900; or
 - (ii) Is the site of the wreck of any vessel where that wreck occurred before 1900;
- and
- (b) is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand" (Historic Places Act 1993).

Process for Discovery of Archaeological Sites

The applicant shall consult with Te Rūnanga o Kaikōura to determine, in accordance with Tikanga Māori, if there are any matters of protocol which tangata whenua wish to undertake in relation to the commencement of any development works, significant events or the commissioning of completed works.

In the event of any discovery of suspected cultural remains (e.g. shells, charcoal or charcoal-stained soil, fire-fractured stone, or bones) the contractor / workman shall take the following action:

1. Cease all works immediately.
2. Advise the site supervisor of a find.
3. The site supervisor shall contact an appointed expert to advise on the significance of the find.
4. If the 'expert' believes the find is of potential significance to Ngāi Tahu, 'contact person (s)' from Te Rūnanga o Kaikōura must be advised.
5. The Historic Places Trust must be advised in all cases (not that it is an offence under section 99 of the HPA 1993 to modify, damage or destroy an archaeological site without the prior authority of the New Zealand Historic Places Trust).

In cases of wāhi taonga and wāhi tapu

- » The appointed expert and site supervisor will consult with the nominated Te Rūnanga o Kaikōura representatives to determine further actions to avoid, reduce, remedy or mitigate any damage to wāhi taonga and wāhi tapu.
- » The applicant shall consult with Te Rūnanga o Kaikōura on any matters of protocol, which they may wish to undertake in relation to the find and prior to the commencement of any investigation.
- » The applicant shall consult with the Historic Places Trust for advice of any requirements under the HPT 1993.

In cases of suspected Kōiwi Tāngata

- » The site supervisor shall take steps to immediately stop work, shut down all machinery or activity, and secure the area to ensure that the remains are not touched.
- » The applicant shall notify the nominated Te Rūnanga o Kaikōura representatives and the police.
- » The applicant shall consult with the Historic Places Trust for advice of any requirements under the HPT 1993.
- » The site supervisor must ensure that staff is available to meet and guide Police (note that the Coroners Act applies), Kaumatua, and Historic Places staff to the site and to assist with any requests made. The area shall be marked off and if the remains are of Māori origin, Kaumatua will decide what will happen to the remains and advise the Police and other parties of their decision.
- » Work may only recommence in the area with the approval of the Police, Kaumatua, and the Historic Places Trust.

In all other cases

- » The expert and site supervisor shall determine what further actions are appropriate to avoid, reduce, remedy or mitigate any damage to archaeological sites.
- » The Historic Places Trust shall be consulted for advice of any requirements under the HPT 1993.

Responsibilities

Te Rūnanga o Kaikōura

1. To inform the applicant of the position of any known sites prior to earth disturbance.
2. To inform the applicant in accordance with tikanga Māori, if there are any matters of protocol which tāngata whenua wish to undertake in relation to the commencement of work or significant events.
3. To provide a list of contact persons and phone, fax and mobile numbers to the applicant.
4. To adopt a policy of guaranteeing response to notification of a site find, within a 24-hour time frame.
 - (a) this will consist of contacting appropriate people and organizations depending on the nature of the 'find';
 - (b) arranging a time for inspection of the site;
 - (c) coordination of the appropriate action to remove or otherwise any archaeological material from the site.

The Applicant

1. To ensure staff are aware of the applicant's responsibilities under this Accidental Discovery Find Protocol.
2. To implement a reporting procedure in the instance of a 'find' of any archaeological material.
3. To ensure that all statutory obligations under the Historic Places Act 1993 are met.
4. To provide the following reports to Te Rūnanga o Kaikōura no less than 25 working days prior to any earth moving works:
 - A schedule of the dates of all significant earthmoving events, their sequence and duration.
 - A summary of all measures being undertaken to ensure that adverse effects on archaeological values are avoided, remedied or mitigated.
5. To invite Te Rūnanga o Kaikōura to attend any episode of archeological, monitoring or earthmoving activity.
6. To provide Te Rūnanga o Kaikōura with a copy of all-archaeological monitoring and investigation results with an invitation to respond, comment or meet to discuss any results.
7. To appoint an expert, jointly approved by Te Rūnanga o Kaikōura, who will advise on identification or protection of wāhi tapu, wāhi taonga, urupā, or historic cultural sites.