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GUIDELINES FOR ARCHAEOLOGISTS IN RELATION TO THE FINDING OF ARTEFACTS

NZ ARCHAEOLOGY PROFESSIONAL
DEVELOPMENT CELL

Introduction

This guideline shows the paths that archaeologists should take when either coming across a chance artefact, or when preparing for and undertaking an excavation in which artefacts are found.

These are guidelines only, and are not intended to replace legal advice. The guidelines specifically refer to actions required under the Protected Objects Act 1975 (POA) and Historic Places Act 1993 (HPA), and these actions are underlined. There may be variations according to particular situations and some of these are suggested.

The guideline is written to be accessible to a wider audience than just archaeologists, and therefore includes full descriptions of archaeological terms.

Note that both the term artefact and taonga tūturu are used: the former is used in the manner commonly referred to by archaeologists and the latter is specifically defined in the POA. Refer to the definitions below.

Abbreviations used in this document

MCH Ministry of Culture and Heritage

POA Protected Objects Act 1975 (amended Nov 2006), administered by MCH

HPT New Zealand Historic Places Trust

HPA Historic Places Act 1993, administered by HPT

Definitions

Archaeological site

Under the HPA an archaeological site is any place in New Zealand that (a) either was associated with human activity that occurred before 1900;

or is the site of a wreck of any vessel where that wreck occurred before 1900; and (b) is or may be able though investigation by archaeological methods to provide evidence relating to the history of New Zealand.

Only sites dating prior to 1900 are protected under the HPA – although under section 9(2) a site of any date may be taken into protection by the HPT, the legislation is mainly concerned with pre-1900 places. However, without very good historical information it is not always easy to determine the exact age of any site with certainty. The contents of sites assists in this, but it may not be possible to distinguish between sites occupied between 1880 and 1920.

Note that the range of methods that provide evidence to support archaeological findings is constantly growing and includes techniques requiring expertise from other sources, e.g., pollen analysis, charcoal identification, radiocarbon dating, microfossil analysis or tephrochronology.

Maori vs non-Maori sites

Under the POA taonga tūturu (see below) refers to objects made or used by Maori, therefore a distinction has to be made between sites occupied by Maori and those occupied by others. Under the HPA no distinction is made between those places lived in by any group of people. In fact, after 1780 there were places in which mixed groups lived, e.g., whaling and sealing stations, trading centres, farm settlements, mission stations, etc. In practice it is not always easy to determine who lived at a certain place, and on occasions different ethnic groups might have occupied the same place at different times.

Artefact

Artefact includes all those items manufactured for use, or part of the process of manufacture. Examples include stone tools, flakes and cores, glass and metal objects, wooden items and shavings, fibre products and hanks, leather objects and off-cuts.¹

Other archaeological material collected from a site may include midden (food waste such as shell, bone, plant materials and associated charcoal and hangi stones, though some shells were also used as artefacts on occasion) or soil samples that may contain micro-fossils and minerals that can be analysed. Both midden and soil are regarded as separate categories to artefacts, being the matrix of a site in which artefacts are found.

¹ The reason behind including the waste from manufacturing is that it tells a lot about the manner of manufacture, and sometimes where the object is no longer present actually what was made, e.g., leather off-cuts may show that a shoe was made.

Taonga tūturu

The POA refers to items made by both Maori and non-Maori. However, only taonga tūturu are registered and afforded special protection within New Zealand.

Taonga tūturu are defined in the POA as an object that: (a) relates to Maori culture, history or society; and (b) was, or appears to have been: manufactured or modified in New Zealand by Maori; brought into New Zealand by Maori; or used by Maori; and is (c) is more than 50 years old.

This includes all finished objects made by Maori (MCH guidelines refer to tekoteko, toki/adze, wakahuia, kaheru/spade, matau/fishhooks, taiaha and patu, and carved firearms from the New Zealand wars). The Ministry's current view is that waste and by-products of manufacturing such as flakes,² shells, oven stones and other 'scientific material' are not taonga tūturu, unless there is evidence that the object had a secondary use.

In deciding on the term taonga tūturu the Maori Reference Committee wanted a term that reflected the worth and value of objects handed down and found. The exclusion of waste and by-products is seen to be in line with the intent of the definition. However, the explanation that objects have to have been used by Maori and/or had a secondary use means that flakes and other artefacts may be included as taonga tūturu.

The rolling date of 50 years means that items of glass and metal can also be taonga tūturu. Consequently, the same item (e.g., a bottle) may be classed as a taonga tūturu if it is within a Maori site, but not if the site was occupied by non-Maori.

Outline

A variety of scenarios and procedures are discussed below:

1. Chance finds, such as on a survey
 - a. Non-Maori artefacts
 - b. Maori artefacts
2. Excavation preparation
 - a. Non-Maori site
 - b. Maori site
3. Finding in a Maori tapu site³ (requiring reburial on-site)
4. Notification and Registration of Maori finds

² Flakes are not the same as shells and oven stones (samples of shells and oven stones are collected as part of midden analysis; on occasion shells were also used as tools in which case they would be regarded as artefacts) – see comments in section above.

³ Maori burial sites are very rarely excavated and only at the invitation of Maori, but other places close to burials are sometimes regarded as being tapu, and sometimes Maori regard all things of the past as tapu, including midden.

5. Conservation
 - a. Non-Maori artefacts
 - b. Taonga tūturu
6. Packing and Labelling
 - a. All artefacts
7. Depositing finds
 - a. Non-Maori artefacts
 - b. Maori artefacts
 - c. All artefacts
8. Ownership and Custody
 - a. Non-Maori artefacts
 - b. Taonga tūturu
 - c. Other Maori artefacts

1. Chance finds

- a. *Non-Maori artefacts*
 - Individual items (especially those which may relate to a site dating prior to 1900) should be noted on Site Record Forms, either as findspots or in relation to an associated site.
 - They may be held by the landowner or collector.
 - There is no requirement for them to be archaeologically collected, nor any requirement for them to be conserved.
- b. *Maori artefacts*
 - Individual items should be noted on Site Record Forms, either as findspots or in relation to an associated site.
 - Taonga tūturu should be notified to MCH.⁴
 - If taonga tūturu need conservation treatment the cost will be met by MCH. All conservation treatment to be charged to the MCH must be pre-approved by the Ministry.

2. Excavation preparation

- a. *Non-Maori sites*
 - Discuss and consult with the applicant, museum and conservator (if relevant) regarding the possibilities of finding artefacts, and what will happen to the assemblage.

⁴ Under the POA the following points are irrelevant to the notification of the object: the condition of the objects; it is no longer complete or is broken; its commonness; its monetary value; the title of the land on which it was found; how it was found (i.e., accidentally or during an archaeological investigation), and any protocols and agreements in place that have ignored the legal requirements of the POA.

- All these details should be in management/strategy plan, as this gets approved by HPT as part of the conditions of an authority.
- b. *Maori sites*
- Discuss and consult with the applicant, iwi, museum and conservator (if relevant) regarding what will happen to the whole assemblage, and the process of notification, registration, and storage and conservation.
 - All these details should be in the management/strategy plan, as this gets approved by HPT as part of the conditions of an authority.
 - Authority conditions include “any archaeological work shall be undertaken in conformity with any tikanga Maori protocols or monitoring requirements agreed to by tangata whenua and the authority holder, so long as the legal requirements of the authority are met”.
 - Note: “so long as the legal authorities are met” should be a phrase included in the archaeological management plan, which means that, whether or not the archaeologist sees the protocols between iwi and applicant, the HPA and POA provisions override them.

3. Finding in a Maori urupa or wahi tapu site⁵

Maori burial sites are very rarely excavated and only at the invitation of Maori, but other places close to burials, or other significant places, are sometimes regarded as also being tapu. In such places Maori sometimes regard all things of the past as having acquired tapu, including midden. In these situations it is not uncommon for Maori to request that all the materials found and analysed (artefacts and samples) be reburied on site.

- Discuss and consult with the applicant, iwi and MCH regarding the possibilities of finding artefacts, and what will happen to the whole assemblage.⁶
- All these details should be in management/strategy plan, as this gets approved by HPT as part of the conditions .
- MCH should be informed if taonga tūturu are found.
- Conservation is not undertaken.
- Packing (in labelled bags) may be part of the on-site analysis process, but further labelling is not required .

⁵ Note koiwi do not come under the POA, but items made from human bone do.

⁶ This avoids the need to assess ownership/custody after the recovery and reburial of objects, and also avoids problems of assigning taonga to groups other than those who have requested reburial on-site.

- Deposition is done according to tikanga Maori protocols, but with approval of the landowner.
- Include location of re-deposited material in report, or as a separate secret Site Record File if there are precious taonga .

4. Notification and registration of taonga tūturu finds

- Any taonga tūturu found must be notified to the MCH within 28 days from completion of the fieldwork .
- This must be done on the MCH registration forms, either:
 - hand written on the “Notification of Finding an Artifact” form, commonly known as the ‘Green Form’ or ‘Z-Form’; or
 - electronic form from the MCH website (note that you have to be a registered user and the form is password protected).
- If you complete a ‘Green Form’ you will be informed of the Z-number when the Ministry first contacts interested parties. If you complete an electronic form the Z-number will be issued when the form is approved by MCH.⁷

5. Conservation

a. *Non-Maori artefacts*

- The Historic Places authorities require that a “representative collection of any artefacts and building material recovered from [the site] shall be offered to the appropriate local or regional museum”.
- Some artefacts might need conservation and, as these are not funded by MCH, they have to be funded by the HPA authority applicant. Consequently the archaeologist has to allow for this possibility in their budget when quoting for the job.

b. *Taonga tūturu*

- MCH must be notified of the requirement for taonga tūturu to undergo conservation treatment before any costs are incurred. This can be done by phone call or email before the ‘Z-Form’ being completed (which should follow very closely). The Z-number will be sent to the archaeologist who notified the object, which should then be passed on to the conservator.

⁷ Note there can be a significant difference in the time that it takes for the notifier to be advised of the Z-number according to the method used. Notifying electronically is faster than a paper form.

- Waterlogged wooden and fibre items may have to be treated for many years at the Conservation Laboratory at University of Auckland.

6. Packing and labelling

a. *All artefacts*

- Dry artefacts thoroughly, except for waterlogged items, before objects are packed.
- The type of labelling depends on where the objects are to be finally housed.
- If the artefacts are to be housed in a museum, contact the museum regarding the best way to accommodate both the archaeologist's and museum's cataloguing systems.
 - Museums may want the archaeologist's number, Z-number and museum number on the object, or alternatively the label may be written on a photograph, label or bag if the item is not large enough or not stable.
 - Different museums have different processes; some may require the archaeologist to put their number on the object, and possibly the Z-number, others will write the numbers themselves.
- If artefacts are to be retained by the landowner or collector, they need to be labelled by the archaeologist for the purposes of future identification.
- For all finds that are to be held for any length of time, the archaeologist may need to label each find using paraloid B72 (20%) in acetone (80%) and Indian ink (contact www.conservationsupplies.co.nz), wrap fragile objects in acid-free tissue or Tyvek, and place in polythene zip lock bags. Contact your museum regarding their requirements.

7. Depositing finds

a. *Non-Maori artefacts*

- The Historic Places authorities require that the representative sample "shall be offered to the appropriate local or regional museum for their collections or for use as a comparative collection".
- Landowners or applicants may also retain historic items, and may want to display these.

b. *Maori artefacts*

- If items, such as waterlogged wooden taonga tūturu, are being conserved it will not be necessary to deposit them temporarily in a museum while ownership/custody is determined.
- The archaeologist, as the finder of the object/s, may have to complete a ‘temporary custody receipt’ for the museum.
- Under the POA registered collectors do not have any special claims to obtain taonga tūturu directly from an archaeological site. Any interested party can claim for ownership or custody under the POA by contacting MCH.
- MCH recommends that all taonga are placed in a ‘neutral’ facility such as a museum on temporary basis until custody or ownership has been determined.

c. *All artefacts*

- Decisions as to the most appropriate storage location, and agreement from that facility should be included in an Archaeological Site Management Plan, to be completed as part of the application for an HPA authority. This should be submitted to affected parties prior to any investigation.⁸
- Note that applications under an HPA authority request that: If any archaeological material (e.g. artefacts, faunal samples etc) is recovered during the exercise of this authority, the final repository of the material will be as set out below. This notification is partially determined by the requirements of the *Protected Objects Act 1975*; whereby Maori artefacts are prima facie the property of the Crown and it is recommended that they are deposited in a public museum as a neutral and safe repository. Historic/European artefacts are the property of the landowner, if they wish to retain them. [Please indicate proposed action].
- It is not advisable for archaeologists to retain artefacts until custody or ownership is decided.
- However, many museums do not have the dedicated space, access and retrieval processes required for the temporary housing of objects.
- Note that museums may also be reluctant to receive partial or fragmented assemblages,⁹ so discuss the issue with all parties before excavation or monitoring begins.

⁸ Many museums do not have the dedicated space for temporary storage and some iwi do not approve of certain museums, so check all this out before hand.

⁹ The policies of museums may vary according to their size and collection protocols, and

8. Ownership and custody

a. *Non-Maori artefacts*

- Landowners may retain ownership of these items, or ownership may be transferred to a museum or other institution
- These items only come under the POA if they are going to be taken out of the country.

b. *Taonga tūturu*

- Although this part of the process does not involve the archaeologist they should be aware of it, so they can advise all concerned.
- When the Z-Form is sent to MCH they assign a number and notify the find. The Ministry tries to notify 4–6 cases a month due to the amount of follow up that is required.¹⁰
- A public notice is put in the daily paper in the region in which the taonga tūturu was found. It is also listed on the Ministry's website <http://www.mch.govt.nz/protected-objects/taonga-public.html>.
- The Ministry sends letters to people it understands have an interest in the find and explains how they can claim for ownership or custody. It is very useful if MCH is told of people who might have an interest so it can contact them. Note that the HPT authorities list tangata whenua and archaeologists can forward these details to assist MCH.
- Claimants have 60 working days from when the notice is published to apply for custody or ownership to MCH.
- The Ministry can apply to the Registrar of the Maori Land Court for an order of ownership when resolving competing claims.
- The amount of time needed for a decision on custody or ownership can vary according to a number of factors, such as the number of claims received, the outcomes of negotiations between interested parties, and whether the case is referred to the Māori Land Court for a ruling, but can take up to several years.
- If iwi do not have facilities for retaining taonga tūturu, they may opt for them to be housed elsewhere, in which case the museum may be the final repository.

some smaller local museums may prefer a representative sample or items that are pertinent to their collections.

¹⁰ This might mean a 1–2 month delay from when the find is notified until the notice is published.

c. *Other Maori artefacts*

- In many sites there is a predominance of waste artefact material (not defined as taonga tūturu), midden and soil samples. It may also be the case that iwi registered collectors do not want or do not have the facilities for this material.
- It may be that a museum or other institution will house the non-taonga tūturu items with the other recovered material, together with copies of notebooks and reports. However, museums may be reluctant to receive partial or fragmented assemblages, so discuss the issue with all parties before excavation or monitoring begins.

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