NEW ZEALAND
ARCHAEOLOGICAL
ASSOCIATION

ARCHAEOLOGY IN NEW ZEALAND

LETTERS

Dear Editor

Registration or scheduling is the least glamorous of heritage topics but it has the best potential for statutory long term protection of sites, for a number of the reasons outlined by Garry Law and Karen Greig in the June issue of *AINZ*. I concur fully with Garry and Karen's argument that effective protection requires making information readily available and that limiting information is self-defeating.

There are a few misinterpretations in their account and a few further remarks need to be made.

Precursors of the current register. There was only ever one project that registered sites in an all-inclusive fashion. That was in Tauranga County and it registered about 20 sites. Other than that there have been throughout the country a number of selective exercises, which together comprise 99% of the 1055 registered sites. 1) An initial (ca 1980) trial by HPT archaeologists determined the work load of citations for a number of selected individual sites. This produced a handful or two of registered sites but the procedure was unwieldy and expensive. If repeated today it would undoubtedly be done in the context of a more specific thematic context, adding tier upon tier of expense and delay. 2) Jill Hamel and an Otago team selectively registered sites for the whole of Otago and produced a report on the rationale and the programme. This seems to me to be the essential cheap, cost-effective model that should continue to be followed today. It just requires commitment from a team knowledgeable about the particular region. 3) Based on area surveys in Wairoa, Whakatane and Gisborne, sites were selectively registered (or listed for information in DPs) in Wairoa, Gisborne Plains, Tolaga Bay and the Whakatane Opouriao/Waimana areas. The criteria on which they were registered may need to be revised but the fact remains that these were selective registration exercises. The Gisborne and Wairoa examples show that local government *will* pick up on the protection implications, where there is a rational basis for action and good advocates. As the product of area surveys these registration programmes could easily provide a model for, and an output of, the NZAA upgrade scheme that would be welcomed by the HPT and local government, and which they should fund properly. Finally, 4) in the early 90s, in the course of the allocation of state forest cutting rights, many sites in former NZFS land that had been graded 'A' by their original recorders were registered. This created a great many registered sites in Northland and elsewhere,

again on a selective basis. All these projects were summarised by Jeffrey Mosen in an unpublished HPT report "Section 43 Register of Archaeological Sites: A Review of the Register and Implications for the 1993 section 22…" (1994).

Effects of registration. Most people when analysing the protective mechanisms which are enabled by registration fail to mention the criminal provisions of the Historic Places Act. These are more legally effective if an owner has been formally notified of the existence of a site.

The HPT policy on registration. I understand that the HPT does have an internal policy on registration. Amongst its provisions is that registration of archaeological sites will be at best laissez faire, waiting for motivated people to nominate a site, and at worst reactive to particular land developments, the latter being an open invitation to review by the courts. The 'policy' has not been consulted with other agencies or interest groups. Such consultation would no doubt lead to improvements and to increased political leverage for proper resourcing of a registration programme.

Registration of wahi tapu. This will inevitably overlap with registration of archaeological sites. The Historic Places Act states that 'any person' may seek to have a site registered as a wahi tapu or wahi tapu area. Some years ago a registration case was made for Wharetaewa (Mercury Bay) but the HPT merely referred this to the local Maori community there, inquiring about its wahi tapu status. Nothing was ever heard of again. Today, the HPT policy appears to be to act on wahi tapu registration only when sought by local Maori communities, and that their advice is followed in determining the area and the decision on whether or not to register. This position is re-affirmed in Harry Allen's brief paper in the recent Merata Kawharu (ed, 2003) *Whenua* volume.

There have been some instances where the HPT's apparent policy of following solely the nominations and recommendations of local Maori communities have proven, or will prove to be, inadequate and unsustainable. In particular the lack of wider consultation is a defect. This process cannot serve the *bona fide* long term interests of local Maori communities and it prevents 'any person' (which presumably includes archaeologists) from bundling, or for that matter unbundling, wahi tapu and other elements of a registration.

I have had reason recently to suggest to the HPT the following procedure, which is neither complicated nor enervating:

Registration called for by local Maori community or 'any person' (to use the statutory wording)

- Preliminary case received by HPT
- HPT staff seek further advice on the Maori-related values of the area and its environs, the standing of those who made the nomination, and other matters including archaeological site records and other published data

- HPT also makes an interim determination of the precise area or areas of land in relation to above and whether one or several registrations are needed
- HPT staff brief the local community on the overall values concerned and the interim land area or areas to be registered, following the requirements of ss. 25 (3) and 25 (5)
- Local Maori community determines its position and communicates this to the HPT
- HPT should make itself cognisant of any other opinion, for or against, in accordance with s. 25 (3) (a)
- HPT makes a balanced decision in light of the broad range of its statutory functions and its policy commitments, in a balanced and legally sustainable way

Why, on balance, is the register inadequate from an archaeology point of view and what should be done about it? There is one simple reason for the inadequacy. Since 1987 and the founding of DOC there have been no concerted efforts to register sites, despite the existence of a number of workable models. There may be deficiencies in the existing register base. That is no excuse for quibbles and a lack of action. The simple solution to any inadequacy, real or imagined, is to flood the system with new registrations. Even 100 new sites registered per year since 1993 would have more than doubled the register, improving coverage and coherence, and would have made it a worthwhile base for protection. The logical ways to go forward now are: (a) to produce registrations as NZAA upgrades are completed and (b) to reinstate regional reviews such as the successful Otago one. It should not be left solely to the initiative of motivated individuals.

Kevin Jones