



NEW ZEALAND  
ARCHAEOLOGICAL  
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**NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION NEWSLETTER**



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VIEW OF THE DEPARTMENT OF LANDS AND SURVEY.

F.T. Barber (Chief Administration Officer)

## THE ADMINISTRATION OF THE RESERVES AND DOMAINS ACT IN THE PROTECTION OF PREHISTORIC SITES

The Reserves and Domains Act 1953, while concerned to a great extent with the provision and control of land for recreation and scenic purposes, also contains provisions for the preservation of archaeological sites and similar areas by their reservation as historic reserves. Before dealing specifically with historic reserves I will briefly outline the general aspects of the Reserves and Domains Act and the Department's thinking on reserves administration.

Our land resources are a heritage from the past. In many ways the legislation under which certain aspects of land use are administered is somewhat dated, and not geared to present day needs. Even comparatively recent legislation is not now sufficiently up-to-date to enable the requirements of the present, and more important the future, to be met.

One of the areas requiring attention, and I might add currently receiving study, is that affecting land administered for scientific and related purposes. The Department of Lands and Survey is at present investigating all reserves with a view to making special provision for those of scientific value.

Over recent years the rapid increase in population, and associated greater mobility have highlighted the need for a changed approach to the development and administration of these reserves. Along with the popular demand for additional recreational and scenic areas has come a challenge to preserve unique and irreplaceable natural features and the historic remnants of our earliest settlement - both Maori and Pakeha.

Then too in the interests of the natural sciences it is important that we preserve undisturbed, certain flora and fauna. Their conservation is required as an aid to their examination by both national and international students in these fields.

But these are only some of the many and sometimes conflicting interests which have to be considered if this country is to make full and wise use of these resources. At the national level it is not always an easy matter to reconcile these demands and at the same time provide a legislative and administrative framework which is workable and yet flexible enough to cater for these competing requirements.

New Zealand is well endowed with land reserved for recreation, but this does not mean that the Government and the Departments responsible for administering government policy are blind to the need for a continuing review of the use of land set aside for other purposes. Our aim is to cater for the reserves of national importance - national parks, bird sanctuaries, Waitangi National Trust and the like - with local government responsible for reserves for active recreation, and the smaller reserves catering for the local public. These principles are applied to some extent to historic reserves, but not all of these are suitable for local administration because they require expert knowledge to ensure their proper conservation.

The Government has shown its awareness of the rising tide of public opinion about the preservation of these areas by passing the Nature Conservation Act 1962. This statute established the Nature Conservation Council, an independent body serviced by the Department of Lands and Survey. Its members are appointed by the Government and Dr. R.A. Falla is the present chairman. The Council's responsibility is to serve as an expert advisory body to the Government on matters affecting nature conservation - defined in the Act as "The preservation of the native flora and fauna and The Natural Features and natural beauty of New Zealand." This includes geological formations and, for example, areas containing unique communities of plants and invertebrate animals. One of its statutory responsibilities is to enquire into the effect of proposed public works and private or other works

on places of scenic, scientific or special recreational value. The Council, because of its constitution and its aims, is tied to a great extent with the conservation of all of our reserves irrespective of purpose.

To return to the main point of this paper - The Reserves and Domains Act - I believe that it is necessary to consider all facets of reserve administration as an entity, and those concerned should, I think, be aware of the problems and relationships if they are to make a worthy contribution in their own fields.

Knowing the particular interests of the Archaeological Association I should like now to deal in greater detail with historic reserves. The Reserves and Domains Act provides, in the words of the statute itself, for "The preserving in perpetuity as historic reserves for the use, benefit or enjoyment of the public such places and objects and such things as may be thereon or therein contained as are of historic, archaeological, scientific, educational or other special national interest." Although the Reserves and Domains Act does not provide for absolute protection of prehistoric sites, it does enable them to be established and maintained and available for examination by authorised parties.

As at 31 March last there were 45 historic reserves in New Zealand covering an area of 3,012 acres. Eleven of these were reserved for both historic and scenic purposes.

Historic reserves mark the landfall and landing places of early voyagers such as Tasman and Cook, the site of Missionary Samuel Marsden's first sermon on New Zealand soil, sites of early fortifications and engagements during the Maori wars and buildings of historic significance. Sites of Maori rock drawings and places of significance in New Zealand's early constitutional history are also reserved.

Under the provisions of the Act any freehold land possessing historic, archaeological, educational or other special national interest, that is sufficiently fenced or otherwise protected from damage by stock, may be declared a private historic reserve. These areas remain in private ownership but receive the protection of the Act. There are at present seven private historic reserves - five in Canterbury and two in the Nelson region. Four

are the sites of early homesteads, one contains a limestone cave with Maori rock drawings and another an excellent example of faulted river terraces.

Under the Act suitable signs may be erected and steps taken to protect any historic or notable building or any other object. The Act provides penalties for people who light fires, allow animals to trespass, wilfully break, injure or remove anything, or injure the soil, take or remove any substance or interfere or damage the scenic or historic features. The Minister of Lands may authorise excavations intended for the discovery and preservation of relics, chattels or other things of historic interest or national importance. In the case of private historic reserves, the consent of the owner is also required. If the owner himself wishes to excavate on the reserve he may do so without the consent of the Minister.

Historic reserves, like other reserves, may be vested in local bodies or other organisations appointed to control and manage them. Five of these are administered by historic boards, eight by scenic boards, thirteen by local authorities, four by other authorities and fifteen by commissioners of Crown Lands. Of the four reserves controlled or administered by other authorities one is under the jurisdiction of the New Zealand Historic Places Trust which has also been appointed to control and manage several of the private historic reserves. Where the reserves are vested in the Department it cooperates closely with the New Zealand Historic Places Trust in their administration, and investigations of historic areas are carried out at the request of the trust. Mr. Ormond Wilson's paper deals with the responsibilities of the Historic Places Trust. Where historic reserves are vested in local bodies there is a statutory requirement prohibiting their use for purposes which would conflict with their preservation as historic areas. Any special conditions or restrictions are set out in the notice in the Gazette establishing the reserves, and the Minister of Lands may cancel the vesting if the land is not being used for the purposes of the reservation.

CONCLUSION

The number of historic reserves is small compared with the number of scenic and recreation reserves. The fact that there are comparatively few of them makes it all the more important that they be administered wisely. To achieve this the Government and those organisations responsible for administering them rely on the active help and continued cooperation of organisations such as this.

This support can be given in a number of ways. It can take the form of careful use of existing reserves, suggestions for the establishment of additional areas, or it can be expressed in representations about the legislative requirements necessary for more effective administration. For example, by presenting reasoned and representative views when legislation affecting these reserves is under consideration, this organisation can help to establish a legislative framework geared to the special requirements of these areas. In these ways the Archaeological Association will help us in our endeavour to preserve the past for the future.

I mentioned earlier that historic reserves, and I include 'archaeological' in this broad definition, are in effect more suitable for administration by those with expert knowledge, and I am sure that this is where this organisation can greatly help the department. Certainly experts who, I feel sure, are members of the Association have been very helpful in the past, and I can confidently hope for continued assistance. The Department for its part appreciates this interest and in the review of the legislation now being undertaken would greatly welcome the view of the Association on amendments to the statute, and in securing legislation which could more effectively ensure protection of historic and prehistoric sites.