New Zealand Historic Places Trust Pouhere Taonga
Archaeological Guidelines Series

Section 18 Authorities, Historic Places Act 1993

Note: This guideline only relates to authorities granted under the Historic Places Act 1993
1. Introduction 3

2. Interpretation of Section 18, Historic Places Act 1993 3
   2.1. Section 18 3
   2.2. When Section 18 applies 4
   2.3. When Section 18 does not apply 4

3. The Application Process and Information Requirements 5
1. Introduction

These guidelines have been prepared by the New Zealand Historic Places Trust (‘NZHPT’) to clarify to the archaeological community how the Trust interprets section 18 of the Historic Places Act 1993, which allows for the archaeological investigation of any archaeological site.

They have been developed in consultation with the archaeological community.

2. Interpretation of Section 18, Historic Places Act 1993

2.1. Section 18

Section 18 of the Historic Places Act 1993 (the “HPA”) states:

18 Investigation of archaeological sites

1) For any purpose consistent with this Act, but subject to subsections (2) and (4) of this section, the Trust may—
   a) Carry out an archaeological investigation of any archaeological site:
   b) Authorise in writing any person to carry out an archaeological investigation of any such site subject to such conditions as it thinks fit to impose.

2) Any person may apply to the Trust for an authority under subsection (1)(b) of this section and the Trust, in considering the application, shall take into account the purposes of the investigation, the competency of the person, and the adequacy of the institutional and professional resources available to that person to enable the investigation to be satisfactorily carried out.

3) No archaeological investigation shall be carried out under this section except with the consent of the owner and occupier of the land on which the site is situated and, where the Maori Heritage Council considers it appropriate, with the consent of such iwi authority or other body as the Maori Heritage Council considers appropriate.

4) All archaeological work done under subsection (1) of this section shall conform to accepted archaeological practice and the land shall be returned to its former state as near as possible, unless otherwise agreed with the owner.

5) Nothing in this section applies to an investigation required as a condition of an authority imposed under section 15 of this Act.
2.2. When Section 18 applies

A section 18 authority should be applied for in relation to any archaeological investigation of any known pre-1900 archaeological site, whether recorded or registered or not, including any archaeological investigation of any ruined or derelict pre-1900 building or structure.

In respect of any archaeological investigation on any site recorded in the New Zealand Archaeological Association Site Recording Scheme a section 18 authority should be applied for, except where:

i) the archaeological site derives solely from human activity which evidence shows occurred post-1900;

ii) the site record describes a site which is proven to be destroyed, has never been identified or is known to be non-existent; or

iii) an archaeological site has not been identified in previous archaeological investigations, reported to and considered satisfactory by the NZHPT, designed to identify whether or not an archaeological site exists.

In respect of the paragraphs above and for the purpose of section 18 of the HPA, an archaeological investigation includes excavation, drilling, tunnelling, trenching, test pitting, augering, sectioning or sampling, whether by mechanical or manual methods, including the insertion of sampling or recording equipment, that may destroy, damage, modify, disturb or move any pre-1900 archaeological material or feature.

2.3. When Section 18 does not apply

A section 18 authority is not required for the purposes of identifying an archaeological site in the first instance, defining the extent of an archaeological site in areas where it does not appear to exist, or confirming that an archaeological site does not exist.
3. The Application Process and Information Requirements

Please note that there is no standard application form for a Section 18 application. A cover letter with supporting documentation is an acceptable format in which to apply, and applications should be made directly to the Senior Archaeologist (via email or post).

Landowner consent is required for all Section 18 applications (if the applicant is not the landowner) and consent of the relevant iwi authority or other Maori body where appropriate.

In addition to these required consents, the following information should also be submitted:

- A location map;
- An investigation strategy outlining the proposed work (including a plan showing the proposed investigation areas- trenches, test pits, excavation units etc);
- Copies of the relevant NZAA Site Record Form(s)

The Senior Archaeologist will acknowledge receipt of S18 applications in writing, and will advise of whether further information is required at this stage. There is no statutory time frame for deciding on Section 18 applications, but decisions will generally be made within one month where possible.