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# Guidelines for the Finding of Artefacts



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POUHERE TAONGA

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Cover image: Heritage New Zealand Archaeologist excavating the interior of the Daring, December 2018 (Heritage New Zealand Pouhere Taonga 5193)

Below image: Moa bone tab from Mangahawea Bay, January 2019 (Heritage New Zealand Pouhere Taonga 0185)



# 1. Introduction

This document was developed following a NZ Archaeology Professional Development Cell Workshop, held at Highwic House, Auckland on 6 July 2007. This workshop, entitled Artefacts from excavation to museum, was designed to provide professional advice to archaeologists when dealing with artefacts during their work.

The guidelines were derived from discussions at the workshop and are intended to show 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 likely to be found.

The guidelines have since been updated in 2019 to reflect the current legislation that governs Heritage New Zealand Pouhere Taonga (HNZPT).

These are guidelines only, and are not intended to replace legal advice or be binding. The guidelines specifically refer to actions required under the Protected Objects Act 1975 (POA) and the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPT Act). 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 for more details.

## 1.1. Abbreviations used in this Document

**MCH** Ministry for Culture and Heritage

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

**HNZPT** Heritage New Zealand Pouhere Taonga

**HNZPT Act** Heritage New Zealand Pouhere Taonga Act 2014, administered by HNZPT

## 2. Definitions

### Archaeological site

The HNZPT Act defines an archaeological site as:

- a. Any place in New Zealand, including any building or structure (or part of a building or structure), that-
  - i) was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where that wreck occurred before 1900; and
  - ii) provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and
- b. includes a site for which a declaration is made under section 43(1)

Only pre-1900 sites are automatically protected under the HNZPT Act, although under section 43(1) (a Declaration) a post-1900 site may be taken into protection under the HNZPT Act if it may be able, through investigation by archaeological methods, to provide significant evidence relating to the historical and cultural heritage of New Zealand. Without very good historical information, however, it is not always easy to determine the exact age of any site with certainty. The content of sites can assist in this, but it may not be possible to distinguish between sites occupied between 1880 and 1920.

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, X-ray fluorescence, microfossil analysis, tephrochronology).

### Māori and Non-Māori artefacts

Due to the Protected Objects Act (POA) there are differences regarding the treatment of Māori artefacts (taonga tūturu, see below) and non-Māori artefacts. Taonga tūturu are registered, and custody and ownership are determined in accordance with the POA. Conservation treatment may be provided for by MCH, but this must be pre-approved and discussed on a case-by-case basis (see 3.5). and any pre-approved conservation will be paid for by MCH. Decisions about ownership and custody also come under the POA. Non-Māori artefacts are not registered, conservation is not paid for by MCH and ownership is not regulated in an archaeological context under the POA. Therefore, a distinction has to be made between artefacts found at sites occupied by Māori and those found at sites occupied by others to satisfy the POA's requirements as to artefacts' treatment and disposal, while no such distinction is made under the HNZPT Act.

After 1780 in New Zealand, there were places in which Māori and non-Māori lived together (e.g. whaling and sealing stations, trading centres, farm settlements, mission stations etc). Unless there is very good archival information, 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 or at the same time. Archaeologists may find it difficult to determine who lived at a post-European contact site and whether objects were used by Māori or non-Māori. This has consequences for registration and conservation.

### 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<sup>1</sup>.

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<sup>1</sup> Waste from manufacturing can reveal information about the manner of manufacture, and, sometimes where the object is no longer present, what was made (e.g. leather off-cuts may show that a shoe was made).

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), and 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.

### Taonga tūturu

The POA refers to items made by both Māori and non-Māori, and controls regulates the export of all “Protected New Zealand Objects” as defined in the POA. from New Zealand. However, only taonga tūturu require registration, and the legislation controls regulates their trade and ownership within New Zealand.

Taonga tūturu is defined in the POA as an object that:

- a. relates to Māori culture, history or society; and
- b. was, or appears to have been:
  - i) manufactured or modified in New Zealand by Māori;
  - ii) brought into New Zealand by Māori; or
  - iii) used by Māori; and
- c. is more than 50 years old.

The term taonga tūturu includes all finished items made by Māori and those items used by Māori (MCH guidelines give examples such as tekoteko, toki/adze, wakahuia, kāheru/spade, matau/fishhooks, taiaha and patu, and carved firearms from the New Zealand Wars) but it does not include waste and by-products of manufacturing such as flakes, shells, oven stones and other 'scientific material' unless there is evidence that the object had a secondary use. To an archaeologist, flakes would be regarded as by-products of manufacturing, whereas shells and oven stones generally would not (some shells were used as artefacts on occasion), and many flakes have evidence of secondary use.

Modified flakes may be classed as taonga tūturu, whereas waste flakes are not. This relies on the ability to differentiate modification and use, which is not always easy. The definition of taonga tūturu focuses on objects crafted for purposed use, which generally does not apply to any stone flakes, whether modified or not. The term taonga tūturu does not easily equate to the groupings employed by archaeologists. The splitting of assemblages will occur as a consequence of the requirements of the POA, because treatment of taonga tūturu is guided by the legislation, and this is not the case for manufacturing waste and midden samples. Where there is evidence that material such as shells and flakes had a secondary use or had been modified in any way they should be notified to the Ministry under the POA. If there is any doubt, the Ministry is happy to discuss individual cases and on a case-by-case basis.

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 Māori site, but not if the site was occupied by non-Māori.

## 3. Guidelines for the Finding of Artefacts

The process to be followed when artefacts are found may vary depending on factors such as the circumstances in which the find occurred, cultural associations (i.e. Māori or non- Māori) and the type of artefact(s) in question. This section discusses the processes that should be followed by archaeologists when encountering artefacts by chance (for example during a survey), during the preparation for excavation or monitoring work under an authority from the HNZPT, and special considerations in circumstances where iwi wish for material to be reburied on-site following analysis. Required and suggested processes for notification to MCH, conservation work, packing and labelling, depositing of finds, and ownership and custody are also set out.

For further information relating specifically to taonga tūturu see the Ministry for Culture and Heritage's website

### 3.1. Chance Finds

It is important to note that all pre-1900 archaeological sites are protected under the HNZPT Act, and must not be deliberately disturbed in order to remove artefacts. It is preferable that they are left in situ.

#### a. Non-Māori 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. Māori 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<sup>2</sup> (see 3.4).
- If taonga tūturu need conservation treatment contact MCH to discuss before incurring any costs (see 3.5).

### 3.2. Excavation Preparation

#### a. Non-Māori sites

- Discuss and consult with the applicant, museum and conservator (if relevant) regarding the possibility of finding artefacts, and what will happen to the assemblage.
- These details should be included in the management plan/research strategy for the project. Any proposals for the discarding of artefactual material after analysis must be supported by clearly spelt out reasoning.

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<sup>2</sup> Under the POA the following points are relevant to the registration of the object: the condition of the object; it is no longer complete or is broken; its commonness; its monetary value; the title of the land on which it was found; who found the object; how it was found (i.e. accidentally or during an archaeological investigation); and any protocols and agreements in place that have not complied with the legal requirements of the POA.

b. Māori sites

- Discuss and consult with the applicant, tangata whenua, museum and conservator (if relevant) regarding what will happen to the whole assemblage, and the process of notification, registration, and storage and conservation.
- These details should be included in the management plan/research strategy for the project:
  - Authority conditions include “any archaeological work shall be undertaken in conformity with any tikanga Māori protocols or monitoring requirements agreed to by tangata whenua and the authority holder, so long as the legal requirements of the authority are met”; and
  - Note: “so long as the legal requirements 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 HNZPTA and POA provisions override them.

### 3.3. Finding in a Māori Urupa or Wahi Tapu Site<sup>3</sup>

Māori burial sites are very rarely excavated and generally only with the consent of Māori, but places close to burials, or other significant places, may be regarded as being tapu. In such places Māori may regard all things of the past as having acquired the tapu, including midden. In these situations it is not uncommon for Māori to request that all the materials found and analysed (artefacts and samples) be reburied on-site. In such cases the following steps should be followed:

- Discuss and consult with the applicant, tangata whenua and MCH regarding the possibilities of finding artefacts, and what will happen to the whole assemblage<sup>4</sup>;
- These details should be included in the management plan/research strategy for the project;
- MCH must be informed if taonga tūturu are found, and Z-forms completed;
- Conservation may be undertaken to preserve fragile organic material;
- Packing (in labelled bags) may be part of the on-site analysis process, but further labelling is not required; and
- Deposition is done according to tikanga Māori protocols, but with approval of the landowner.

### 3.4. Notification and Registration of Taonga Tūturu Finds

The POA requires notification of newly found Māori artefacts to MCH within 28 days of the completion of field work undertaken in connection with an excavation. This is potentially a problem for archaeologists. In a few excavations the analysis of all material is done on-site, so it would be possible for excavators to complete the registration of taonga tūturu soon after the excavation has ended. However, in most excavations, even those in which all items are recorded by total station, it is not until all the items have been analysed that the true number and all details can be determined. The time taken for this process depends on the number and range of items found. In most cases archaeologists will be able to retain custody of taonga tūturu for the process of analysis and report writing, following Z registration.

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<sup>3</sup> Note koiwi do not come under the POA, but items made from human bone do.

<sup>4</sup> 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.



In general:

- Any taonga tūturu found must be notified to the MCH within 28 days of being found OR 28 days from completion of the fieldwork (whichever is the longest)<sup>5</sup>.
- This must be done online, via the Protected Objects Database Electronic form from the MCH website (note that you have to be a registered user and the form is password protected. Contact MCH to apply).
  - MCH will notify you of the 'Z' registration number once details of the find have been confirmed and approved.

### 3.5. Conservation

#### a. Non-Māori artefacts

- Some artefacts may require conservation work, and this is the responsibility of the authority holder. This should be discussed with the authority holder prior to work beginning, and the archaeologist should allow for this possibility in their budget when quoting for the job.

#### b. Taonga tūturu

- The Ministry 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 registration of the Taonga is completed. The Z-number will be sent to the archaeologist who notified the object, which should then be passed on to the conservator.
- It is essential that MCH gives approval prior to objects being deposited with any conservator or laboratory.

### 3.6. 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 should 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.conservationssupplies.co.nz](http://www.conservationssupplies.co.nz)), wrap fragile objects in acid-free tissue or Tyvek, and place in polythene zip lock bags. Contact your museum regarding their requirements.

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<sup>5</sup> If this timeframe is problematic, contact the Ministry to alert them of the delay and to discuss options as soon as possible. Under the standard authority conditions the final report for small to moderate-sized excavations is required within a year, and large excavations may take longer to reach report stage.

## 3.7. Depositing Finds

### a. Non-Māori artefacts

- Local museums may be interested in housing artefacts
- Landowners or applicants may also retain historic items, and may want to display these.

### b. Māori artefacts

- In general MCH requires that all taonga are placed in a facility such as a local public museum on temporary basis until custody or ownership has been determined. However there are exceptions to this, and interim custody of taonga tūturu should be discussed with MCH on a case by case basis.
- The archaeologist may have to complete a 'temporary custody receipt' for the museum as the finder of the object/s.
- If items, such as waterlogged wooden taonga tūturu, are in need of conservation treatment the process must be discussed with MCH.
- Under the POA registered collectors do not have any special claims to obtain taonga tūturu directly from an archaeological site, or to be given interim custody of newly found taonga tūturu. Any interested party can claim for ownership or custody under the POA by contacting MCH.

### c. All artefacts

- Proposals as to the most appropriate storage location should be included in an Archaeological Site Management Plan, to be completed as part of the application for an Archaeological Authority.
- 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<sup>6</sup>, so discuss the issue with all parties before excavation or monitoring begins.

## 3.8. Ownership and Custody

### a. Non-Māori 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, at which time an export permit from MCH may be necessary.

### b. Taonga tūturu

Although this part of the process does not involve the archaeologist they should be aware of it, so they can provide advice on the subject.

- When taonga tūturu is registered with MCH, they assign a number (Z-number) and publicly notify the find.

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<sup>6</sup> The policies of museums may vary according to their size and collection protocols, and some smaller local museums may prefer a representative sample or items that are pertinent to their collections.

- A public notice is put in the local daily newspaper in the region in which the taonga tūturu was found. The find is also listed on MCH's website <http://www.mch.govt.nz/protected-objects/taonga-public.html>
  - MCH sends letters all interested parties alerting them to the find and how they can claim for ownership or custody. It is very useful if MCH is told of people who may have an interest. Note that the HNZPT Act Archaeological 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 to MCH ownership and/or custody.
  - Following the consultation period, the Ministry makes a recommendation to the Māori Land Court on ownership and/or custody. The final decision rests with the Māori Land Court.
  - MCH can apply to the Registrar of the Māori Land Court for an order of ownership when resolving competing claims.
  - The amount of time needed for a decision on ownership and/or 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 hearing.<sup>7</sup>
  - If iwi do not have facilities for retaining taonga tūturu, they may opt for them to be housed elsewhere, such as the local museum. MCH is happy to facilitate such a shared ownership/custody arrangement where appropriate.
- c. Other Māori material
- In many sites there is a predominance of waste artefact material (not defined as taonga tūturu), midden and soil samples. It may be the case that iwi do not want or do not have the facilities to house this material.
  - Museums or other institutions may 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.

### 3.9. Other issues

A number of other issues were identified during the course of the workshop. Many of these are long-standing problems, such as storage, and it is suggested that these need to be addressed by further discussion by NZ Archaeological Association and the Ministry for Culture and Heritage (MCH), but others may require clarification by the relevant institutions (MCH, HNZPT and museums) to assist practising archaeologists in fulfilling the requirements of the legislation.

#### Representative samples of historic artefacts

One of the major issues is the retention of historic artefacts, their curation and housing. At present there is no dedicated place where such items can be housed; especially if they are to be used as a comparative collection, as this requires databases, access and retrieval processes. Furthermore, there may be conflicts between those deemed to be representative that should be in museum or other repository, and those the landowner might want to keep.

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<sup>7</sup> The time it takes to determine ownership in cases may be of concern for iwi, and for museums who temporarily house artefacts until ownership/ custody is determined. If the archaeologist becomes aware of any such issues, they should be addressed to MCH as they arise.

## Temporary or Permanent Storage

Many museums do not have the dedicated space to temporarily house objects. Such storage has to be under a different system to those on long-term loan. Some museums have this as a criterion for acceptance, as they are reluctant to house fragmented assemblages requiring resources to track dispersed components for users. Currently, there are few repositories for midden and soil samples by themselves.

Implicit in the POA and HNZPTA is the ability to revisit the artefacts, collections and assemblages. This also raises issues of databases, access and retrieval.

## Splitting the Collections

The issue of splitting archaeological assemblages does reflect the view that the material recovered from the site is a 'whole' (e.g. that taonga tūturu are related to manufacturing waste, midden, soil samples and all the information recovered). Obviously what has been recovered is a sample, especially where parts of the site still remain. In large-scale developments, where site/s are totally destroyed it may be all that still exists.

In the past, many assemblages have been split, with special artefacts being deposited at museums, samples at universities and the notes being retained the archaeologist. Some classes of item, such as human bone or artefacts requiring special treatment, were often separated from others. This has resulted in problems when trying to reconstruct what was recovered in order to re-analyse the site, or for exhibition descriptions.

In the future, it may be that the various types of material from archaeological sites will be more easily managed by databases, and this will no longer be a problem.

## 4. Acknowledgments

A focus group made up from the speakers at the workshop agreed to produce guidelines from the discussions that had taken place. This group included: Ailsa Cain (then Ministry for Culture and Heritage), Bev Parslow (then Historic Places Trust), Kath Prickett (Auckland War Memorial Museum); together with Caroline Phillips (chair), and Meri Low (admin support NZ Archaeology Professional Development Cell), Dean Flavell (Tauranga District Museum), Dianne Harlow (Architage) and John Coster. An initial draft of these guidelines was drawn up by Caroline Phillips and sent to the focus group. Following their input a second draft was distributed to the PDC email list for additional comments. Thanks to Garry Law, David Wilton, Tony Walton, Karl Gillies and Gerard O'Regan for their input.

The final draft was submitted again to Bev Parslow, Kath Prickett and Elizabeth Cotton (Ministry for Culture and Heritage).

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