

**NAMTOK Consultancy Limited**  
**PROTOCOLS FOR UNDERTAKING EARTHWORKS**

**1 PURPOSE**

- 1.1 These protocols set out the particular procedures that any developer must follow during any construction works within the rohe of **Nga Mana Toopu O Kirikiriroa**.
- 1.2 These protocols recognise and provide for the relationship of **NaMTOK, as the** mandated and recognised representative of Tangata Whenua for the rohe, and their culture and traditions with their ancestral lands, water, sites, Waahi Tapu and other Taonga and to have particular regard to Kaitiakitanga.

**2 DEFINITIONS**

In these protocols words will have meanings as follows

- 2.1 **“Archaeological materials”** means any chattel, carving, object or thing, which relate to the history, art, culture, traditions, or economy of European or any other non-Maori inhabitants of New Zealand.
- 2.2 **“Koiwi”** means human skeletal remains.
- 2.3 **“Kokowai”** means a deposit of iron oxide.
- 2.4 **“Nga Mana Toopu O Kirikiriroa’s nominated representative”** means Mr Wiremu Puke.
- 2.5 **“Taonga”** means any chattel, carving, object or thing, which relate to the history, art, culture, traditions, or economy of Maori or any other pre-European inhabitants of New Zealand.
- 2.6 **“The developer”** means any person who is responsible for, or has control over, the carrying out of any earthworks at a site.
- 2.7 **“The immediate vicinity”** means an area around the discovery site that:
- A. The New Zealand Historic Place Trust (NZHPT) or **NaMTOK** considers has a high probability of containing archaeological material, Koiwi or Taonga similar or those found at the discovery site and that warrants careful consideration.
- and/or
- b. The Developer determines is necessary as a safety buffer zone separating those investigating or retrieving archaeological material, Koiwi or Taonga, from those carrying out other construction activities, so as to provide an acceptable level of safety to all persons, and to the archaeological material, Koiwi or Taonga. The Developer will fence off the area using stakes and tapes.

2.8 “**Rohe**” means the area defined in the map appended to these Protocols.

### **3 GENERAL PROCEDURES FOLLOWING THE DISCOVERY OF ARCHAEOLOGICAL MATERIAL, KOIWI OR TAONGA.**

- 3.1 If archaeological material, Koiwi or Taonga, are uncovered which pre-date 1900, then the site is an archaeological site in terms of the Historic Places Trust Act and the relevant provisions of the Act will apply. The site, archaeological material, Koiwi and Taonga contained within the site must therefore be treated in accordance with the conditions of any relevant NZHPT authority existing at the time of the discovery. If no such authority exists, one must be obtained before the site is further excavated or modified.
- 3.2 Notwithstanding the terms of Clause 3.1 above, no site at which Koiwi or Taonga which are uncovered shall be in any way disturbed, altered, modified, or destroyed without the approval of **NaMTOK**.
- 3.3 Immediately following the discovery of archaeological material, Koiwi or Taonga, the developer will cease all excavation in the immediate vicinity of the discovery site.
- 3.4 The developer will then immediately advise the following of the discovery:
- ❖ **NaMTOK’s** nominated representative (07) 843 4472
  - ❖ The New Zealand Historic Places Trust (04) 472 4341
  - ❖ The NZ Police – if any Koiwi are uncovered. This is a requirement of the Coroners Act 1988. The Police will report the findings to the nearest Coroner in accordance with Sections 5 (4) of the Coroners Act 1988
- 3.5 The Developer will then secure the discovery area to avoid further disturbance by weather, scavengers, wandering animals or fossickers.
- 3.6 The Developer will arrange for a staff member or representative to be available to meet and guide the New Zealand Historic Places Trust representative, the Police and the **NaMTOK** representative to the discovery site. The Developer will assist with any reasonable request that any of these people may make.
- 3.7 As public notification of the discovery may result in the desecration of the site and fossicking of archaeological material, Koiwi or Taonga, no information will be released to the media about the discovery except as authorised by **NaMTOK**.
- 3.8 All construction work in the immediate vicinity of the discovery will remain halted until the NZHPT representative, the Police and **NaMTOK** have given approval for the work to recommence.

#### 4 FURTHER PROCEDURES IN THE EVENT THAT KOIWI ARE DISCOVERED.

- 4.1 With four (4) hours of the Developer giving notice to the **NaMTOK** representative that Koiwi have been discovered, the **NaMTOK** representative will inspect the site and advise the developer whether **NaMTOK** wish to undertake any cultural ceremonies at the site.
- 4.2 If **NaMTOK** wish to undertake such ceremonies, the **NaMTOK** representative will arrange for Kaumatua of **NaMTOK** to undertake the appropriate cultural ceremonies at the site within twelve (12) hours.
- 4.3 Once these ceremonies are completed, the NZHPT representative in consultation with the Police and **NaMTOK** representative will inspect the remains.
- 4.4 The Developer will record details of the Koiwi, the site of discovery and any other relevant facts and these records will be made available to the Police and/or **NaMTOK**.
- 4.5 If the Koiwi are Maori, and the Police and/or Coroner have no suspicion about the Koiwi, the **NaMTOK** representative and Kaumatua will then gather up the Koiwi and remove them from the site.
- 4.6 In the event that the Police and/or the Coroner have any uncertainty or suspicion about the Koiwi, they are responsible for making any record they require and for any Koiwi that they remove from the site.
- 4.7 If the Koiwi are Maori and the Police and/or Coroner remove only part of the Koiwi, the **NaMTOK** representative and Kaumatua will remove the remaining Koiwi.
- 4.8 If the Koiwi are non-Maori, the Police and /or the Coroner will be responsible for removing any remaining exposed Koiwi.
- 4.9 Provided there are no conditions in the relevant HPT authority to the contrary, and with the agreement of the **NaMTOK** representative, the Police and /or Coroner, excavation of the site may then continue.

## **5 CUSTODY OF ARCHAEOLOGICAL MATERIAL OR TAONGA EXCLUDING KOIWI.**

- 5.1 The Developer will have initial control of, and responsibility for, any Archaeological material or Taonga which is uncovered.
- 5.2 No object will be removed from the site until it has been determined, in consultation with the NaMTOK representative and NZHPT representative whether the object is archaeological material or Taonga.
- 5.3 If the object is Archaeological material, the NZHPT representative will record the object and notify the Secretary of Internal Affairs on the prescribed form of the finding of the archaeological material within the requirements of the ANTIQUITIES Act 1975. The NZHPT representative will then hand the material to the local Public Museum.
- 5.4 If the object is a Taonga, the NaMTOK representative will record the object and will notify the Secretary of Internal Affairs on the prescribed form of the finding of a Taonga within the requirements of the Antiquities Act 1975. The NaMTOK representative will then remove the Taonga from the site.

## **6 PROCEDURES FOLLOWING A DEATH ON THE WORKSITE.**

- 6.1 Following a death on the worksite, work in the vicinity of the place of death will cease. The normal statutory procedures relating to the recovery of the deceased persons body and investigation of the death by the Police and Department of Labour (Occupational Safety and Health) will be followed.
- 6.2 Immediately following the death, the Developer will advise the NaMTOK representative that the death has occurred and the NaMTOK representative will advise the Developer whether or not NaMTOK wishes to carry out any cultural ceremony at the site. If required, the ceremonies will be performed following the recovery of the deceased persons body from the site.
- 6.3 If cultural ceremonies are to be performed the Developer will arrange for a staff member or representative to be available and guide NaMTOK Kaumatua to the site. The Developer will assist with any reasonable request that NaMTOK may make associated with the performance of these ceremonies.

6.4 Following the completion of:

- a. The statutory investigation of the site of the death  
and
- b. NaMTOK having carried out any ceremonies or have advised the Developer that they do not wish to carry out any ceremonies.

Work on the site may resume.

## **7 SAFETY REQUIREMENTS**

7.1 Prior to any NaMTOK person entering any site, the Developer will inform the NaMTOK representative of the Developers Health and Safety procedures and practices on the site. NaMTOK hereby warrants that all NaMTOK persons will comply with these procedures and practices **provided** the Developer provides NaMTOK persons with any requisite safety items such as hard hats, for the time during which NaMTOK persons are on the site.

7.2 The Developer shall have the right to order any NaMTOK person who fails to comply with these procedures and practices, to leave the site. NaMTOK hereby further warrants that all NaMTOK persons will comply with any such order.

## **8 INSTRUCTING THE DEVELOPER**

8.1 NaMTOK hereby agrees that NaMTOK shall have no authority to issue instructions to the Developer's staff about any physical work on the site. Any request of which NaMTOK may make with regard to NaMTOK persons performing any ceremony or duty on the site pursuant to these Protocols, shall be addressed to the Developer only.

## **9 VARIATION OF THESE PROTOCOLS.**

9.1 The terms and conditions of these protocols may be varied at any time by mutual written agreement of the Developer and NAMTOK Consultancy Ltd.

## **10 ADDRESS FOR SERVICE**

Mr Wiremu Puke  
NAMTOK Consultancy Limited  
C/- PO Box 1377  
Waikato Mail Centre  
HAMILTON

Ph (07) 843 4472  
Fax (07) 843 4472  
E-mail: [wiremupuke@xtra.net.nz](mailto:wiremupuke@xtra.net.nz)