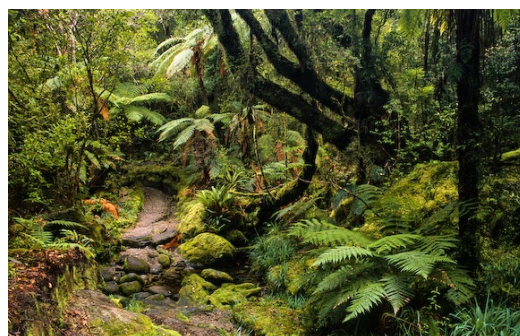




Te Rūnanga o NGĀI TAHU

# Hazardous Substances and New Organisms Policy 2025



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***“Nāia te toa a Tarewai, kei a ia anō tana Patu – the brave warrior Tarewai has retrieved his Patu (there is an appropriate authority for everything)”***

## **1 TE WHĀINGA (PURPOSE)**

Te Rūnanga o Ngāi Tahu (Te Rūnanga) expect to be consulted on applications made and policy implemented under the Hazardous Substances and New Organisms (HSNO) Act 1996. Applications made under this Act have the potential to severely impact Ngāi Tahu kaitiakitanga, as well as the ability for whānau to undertake cultural practices such as mahinga kai. In acknowledgement of this, Te Rūnanga o Ngāi Tahu established the Ngāi Tahu HSNO Komiti in 2003. The members of the committee are appointed by Te Rūnanga based on their knowledge and expertise in the areas of hazardous substances and new organisms. The HSNO Policy (2025) provides the Komiti with guidance on their response to applications made and policy implemented under the HSNO Act (1996).

The HSNO Policy (2025) replaces HSNO Policy Statement (2019) and was reviewed specifically to provide stronger recommendations around genetically modified organisms and gene technologies as a response to the Proposed Gene Technology Bill (2024).

### **1.1 Hazardous Substances and New Organisms Act 1996**

The Hazardous Substances and New Organisms (HSNO) Act 1996 manages the risks of using and introducing hazardous substances (such as explosives, corrosives, toxins and agricultural products) and new organisms (including new plants and animals and Genetically Modified Organisms) in or, into, New Zealand. Anyone wanting to import or manufacture a new hazardous substance or to develop, import or release a new organism must apply to the Environmental Protection Authority New Zealand (EPA) for approval.

Under the HSNO Act, the environmental and cultural health and well-being of Māori, and Treaty of Waitangi outcomes and values, must be taken into account when making decisions about introducing and using hazardous substances or new organisms into New Zealand.

- i) Section 5(b) of the Act provides (amongst other things) for the: ***“Maintenance and enhancement of the capacity of people and communities to provide for their own economic, social and cultural well-being”***.
- ii) Section 6(d) of the Act requires that the Environmental Protection Authority of New Zealand (EPA), when exercising functions under the Act, take into account: ***“The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, valued flora and fauna, and other taonga”***.
- iii) Section 8 of the Act requires that all persons exercising functions under the Act take into account: ***“...the Principles of the Treaty of Waitangi” including the recognition of the special relationship between the Crown and tangata whenua***.

## 1.2 Proposed Gene Technology Bill<sup>1</sup>

The Bill establishes a new regulatory regime for gene technology and genetically modified organisms (GMOs). It will replace parts of the HSNO Act that regulate GMOs and gene technology with a more enabling regulatory system for managing the use of gene technology.

Section 4 of the Bill states that:

- This Act recognises and respects the Crown’s obligations under the principles of the Treaty of Waitangi by—
  - a) establishing (in subpart 4 of Part 4) a Māori Advisory Committee; and
  - b) giving the Māori Advisory Committee a broad range of functions under section 122; and
  - c) requiring the Regulator under section 123 to have regard to advice from the Māori Advisory Committee, including advice about whether authorising an activity creates any risk to the environment that may materially affect a kaitiaki relationship.
  - d) including in the risk assessment under subpart 3 of Part 2 for an activity in relation to a regulated organism, the identification of any material adverse effect on a kaitiaki relationship that may result from an environmental risk posed by an activity.

## 1.3 Te Rūnanga o Ngāi Tahu

Te Rūnanga o Ngāi Tahu (Te Rūnanga) is statutorily recognised as the representative tribal body of Ngāi Tahu Whānui<sup>2</sup>. Te Rūnanga was established as a body corporate on 24 April 1996 under Section 6 of Te Rūnanga o Ngāi Tahu Act 1996 (the Act) to protect the beneficial interests of all members of Ngāi Tahu.

- i) Section 3 of the Act States: *This Act binds the Crown and every person (including any body politic or corporate) whose rights are affected by any provisions of this Act.*
- ii) Section 15(1) of the Act states: *Te Rūnanga o Ngāi Tahu shall be recognised for all purposes as the representative of Ngāi Tahu Whānui<sup>1</sup>.*

The Charter of Te Rūnanga o Ngāi Tahu (1993, as amended) constitutes Te Rūnanga as the kaitiaki of the tribal interest.

Papatipu Rūnanga refers to one of the traditional rūnanga of Ngāi Tahu which constitute the Members (eighteen) of Te Rūnanga o Ngāi Tahu.

A Ngāi Tahu Whakataukī - *“Mō tātou, ā, mō kā uri ā muri ake nei”* – “for us and our children after us”, emphasises the ethic of, and commitment to, intergenerational responsibility.

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<sup>1</sup> This information is taken from the Gene Technology Bill and will be updated once passed into law

<sup>2</sup> “Ngāi Tahu Whānui” is the collective of individuals who descend from the five primary hapū of Ngāi Tahu, Ngāti Mamoe and Waitaha, namely Kāti Kurī, Ngāti Irakehu, Kāti Huirapa, Ngāti Tūāhuriri and Ngāti Te Ruahikihiki.

## **1.4 Te Rūnanga o Ngāi Tahu HSNO Committee**

Te Rūnanga o Ngāi Tahu HSNO Committee was established in 2003 and is mandated by Te Rūnanga. The members of the committee are appointed by Te Rūnanga based on their knowledge and expertise in the areas of hazardous substances and new organisms.

## **1.5 Purpose of this Policy**

This policy sets out Te Rūnanga expectations and perspectives on hazardous substances and new organisms. The policy provides guidance to;

- a) Understand issues of importance to Ngāi Tahu;
- b) Identify and assess effects (risks and benefits), from a Ngāi Tahu perspective;
- c) Identify options to avoid or minimise adverse effects on Ngāi Tahu values;
- d) Identify outcomes important to Ngāi Tahu (e.g. environmental, cultural, health and well-being, economic).

This policy is written in a way that promotes a case-by-case, and precautionary approach to HSNO matters. Such an approach is reliant on having effective engagement and consultation processes between iwi, Rūnanga, the EPA, applicants and other stakeholders, in order to maximise opportunities for positive outcomes.

## **1.6 Who will use this Policy?**

Te Rūnanga o Ngāi Tahu HSNO Policy 2025 will be implemented by Te Rūnanga and the Te Rūnanga o Ngāi Tahu HSNO Committee, as a tribal policy on behalf of the tribal collective.

However, the policy recognises:

- a) The customary authority of whānau, hapū, Papatipu Rūnanga within their own takiwā;
- b) The mana whenua of other iwi in their respective territories;
- c) The role of Māori as Tangata Whenua under the Treaty of Waitangi.

The Policy is first and foremost a mechanism to assist Te Rūnanga to provide tribal responses to HSNO matters. The policy may also be used by individual Papatipu Rūnanga as a basis for regional responses to specific HSNO matters. The policy does not exclude Papatipu Rūnanga or Ngāi Tahu individuals holding different views or perspectives.

Furthermore, this policy will be useful for those preparing an application under the HSNO Act, to identify potential issues of cultural concern for Te Rūnanga, and to assess the nature and extent of consultation that may be required. It may also be used by EPA to assist the Authority to fulfil its responsibilities under Sections 6 and 8 of the HSNO Act 1996.

## 1.7 Te Rūnanga Values



A common set of Te Rūnanga values (listed above) underpin and inform decision making on all matters<sup>3</sup>.

Sustainability of our whenua, waters, coasts, oceans, flora and fauna, and taonga is of utmost importance. Continued engagement with these taonga is crucial to Ngāi Tahu identity, sense of unique culture and ability to maintain tikanga and mahinga kai practices.

All Te Rūnanga activities are informed by the following principle:

*The authority and kaitiakitanga of whānau, hapū and their respective Papatipu Rūnanga resides at the flax roots and is framed in the knowledge of an interconnectedness, a whakapapa connection and reciprocal relationships.*

<sup>3</sup> <https://ngaitahu.iwi.nz/te-runanga-o-ngai-tahu/>

## 2 OVERALL POLICY OBJECTIVES

*The overall objectives of this policy is to inform all parties of Te Rūnanga position and expectations on HSNO matters and issues so that the iwi interest and the relationship of Ngāi Tahu whānui and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, valued flora and fauna and other taonga are recognized and provided for;*

***Te Rūnanga will:***

- a) Advocate for the reduction of the total chemical burden on the environment;
- b) Minimise the detrimental impacts of HSNO activities on Ngāi Tahu taonga and the Ngāi Tahu takiwā;
- c) Encourage the development and use of low risk alternatives;
- d) Consider the benefits to be gained from HSNO related activities as well as the risks;
- e) Encourage the use of appropriate species for ecotoxicology testing, to ensure the taxonomic and physiological status of test species are relevant to New Zealand endemic species;
- f) Participate in the development of key EPA policies relating to HSNO matters, including new technologies.

***The Crown will:***

- a) Require that applications to release a new hazardous substance be publicly “notified”;
- b) Require that new organism (genetically modified and non-genetically modified) applications for release are notified and require agreement from Te Rūnanga prior to release;
- c) Partner with Ngāi Tahu if a New Organism application will impact Ngāi Tahu taonga and the Ngāi Tahu takiwā;
- d) Reassess existing authorized hazardous substances on a regular cycle;
- e) Initiate early engagement with Te Rūnanga on HSNO matters;
- f) Require applicants and other relevant stakeholders to identify cultural risks, and ways to address such risks related to HSNO activity;
- g) Provide for expression of mātauranga ā Ngāi Tahu in policy frameworks and in decision making.

***Applicants will:***

- a) Carry out early engagement with Te Rūnanga at the outset of the application;
- b) Seek to identify potential effects on resources or sites of significance to Ngāi Tahu;
- c) Provide mitigations and controls that will mitigate potential risks to Ngāi Tahu cultural values and the Ngāi Tahu takiwā;

### 2.1 Te Rūnanga approach to Hazardous Substances

*Hazardous substances have the potential to benefit people, communities and the environment. Such substances also can potentially pollute and contaminate the natural environment, and damage valued mahinga kai species and their habitat, wāhi taonga and people’s wellbeing. Te Rūnanga takes a holistic approach to managing the beneficial and adverse effects of hazardous substances, integrating the assessment of interactions between the environment and hazardous substances and will;*

- a) Generally, oppose the use of any hazardous substance where it will have direct adverse effects on cultural values, including mahinga kai or other valued flora or fauna, or their “habitats”;
- b) Not accept the discharge of any hazardous substance to water or land whereby the discharge will result in the contamination (physical or spiritual) of that water or land;
- c) Advocate for research into, alternatives to and/or the use of, less harmful substances and techniques;
- d) Generally, support any application where there is evidence of benefit to Ngāi Tahu cultural values, including mahinga kai or other valued flora or fauna, or their habitats;
- e) Where that substance may have impacts on mahinga kai species, ensure the applicant considers the impacts (including bioaccumulation) on such species, and on the health and well-being of people who may consume those species;
- f) Require that assessments of effects consider both site specific information and ‘downstream’ effects (e.g. herbicides used on land entering water and having adverse effects in lower catchment areas);
- g) Recommend measures to avoid, remedy and mitigate the effect of hazardous substances on mahinga kai, wāhi taonga/tapu and other taonga tuku iho, including the provision of exclusion zones (particularly around waterways), buffer zones, and the use of alternative, less harmful techniques;
- h) Advocate for monitoring and reviewing of provisions in applications, to address long term and cumulative effects;
- i) Require that applications for the storage, use, disposal and transportation of hazardous substances include robust contingency plans, with clear identification of liability;
- j) Require that, in the event of an accidental spill, the appropriate Papatipu Rūnanga (see Appendix 2 for a list of Papatipu Rūnanga) is/are contacted immediately.

## 2.2 Te Rūnanga approach to New Organisms (Non-genetically modified)

***New organisms introduced intentionally or unintentionally have the potential to negatively affect valued taonga, habitats and species. Te Rūnanga position is that new organisms must not establish as weeds or pests or adversely impact native or valued species. While in principle biological control is supported, management of the risk for unintended consequences is a significant priority for Te Rūnanga. Te Rūnanga will:***

- a) Discourage the release of any new organism which will negatively impact on native ecosystems;
- b) Support the use of biological control where potential benefits will be demonstrated and risks to non- target species are avoided;
- c) Require that consultation occurs with Papatipu Rūnanga in the area in which research or field-trials for release.
- d) Require applications to import new organisms into containment for research, ornamental, commercial or breeding purposes to;
  - i. fully address the risks of escape of the organisms and the potential for non-target effects (e.g. hybridisation) with native species;



- ii. have a robust contingency plan with clear identification of liability in the case of escape and adverse effect on the environment;
  - iii. include robust contingency plans that address gene escape via human vandalism, extreme weather events, natural disasters;
  - iv. identify who will receive the benefits of the importation, development or field-testing, and who will bear the cost (liability) if something goes wrong.
- e) Require in-containment facilities to be fit for purpose and certified to regulatory standard.

## 2.3 Te Rūnanga approach to Genetically Modified Organisms (GMOs)

***Genetic modification raises many issues for Ngāi Tahu and has the potential to adversely affect cultural values, whakapapa and taonga species through direct changes to an organism's genetic code. Genetic modification also has the potential to make advances in healthcare, support pest management and eradication programs, increase the resilience and genetic diversity of taonga species, and increase agricultural productivity. When assessing applications for GMO development or release Te Rūnanga will:***

- a) Oppose the use of genetic technologies unless the risks to whakapapa, kaitiakitanga, and rangatiratanga are addressed to its satisfaction.
- b) Oppose the application of genetic technologies to, or the use of genetic material from, taonga species unless the risks to whakapapa, kaitiakitanga, and rangatiratanga are addressed to its satisfaction.
- c) Oppose the release of genetically modified organisms within the Ngāi Tahu takiwā unless the risks to whakapapa, kaitiakitanga, and rangatiratanga are addressed to the satisfaction of Papatipu Rūnanga and Te Rūnanga .
- d) Assess the risk of medical treatments utilising genetically modified organisms and genetic technologies during registration processes.
- e) Require monitoring of the modified organism and the results of this monitoring to be reported to Te Rūnanga o Ngāi Tahu.
- f) Require the development of recall mechanisms and a robust risk management plan that includes Ngāi Tahu in the incident response plan.
- g) Require applicants that wish to undertake field trials within the Ngāi Tahu takiwā consult with Te Rūnanga o Ngāi Tahu and the relevant Papatipu Rūnanga.
- h) Consider the implications of a genetic technology or genetically modified organism to Te Rūnanga o Ngāi Tahu tribal economy.
- i) Require applications to develop genetically modified organisms in containment to:
  - i. fully address the risks of escape of the organisms and the potential for non-target effects (e.g. hybridisation) with native species;
  - ii. have a robust contingency plan with clear identification of liability in the case of escape and adverse effect on the environment;
  - iii. include robust contingency plans that address gene escape via human vandalism, extreme weather events, natural disasters;
  - iv. identify who will receive the benefits of the importation, development or field-testing, and who will bear the cost (liability) if something goes wrong.
- j) Require in-containment facilities to be fit for purpose and certified to regulatory standard.

### 3 TE RŪNANGA ENGAGEMENT WITH HSNO APPLICANTS

***Te Rūnanga expectations are that applicants assess at an early stage the potential impacts a proposal may have on Te Rūnanga values and interests, such that applicants will;***

- a) Evaluate and provide accurate data on the cumulative effects and impacts a hazardous substance may have on the environment and human health risks;
- b) Provide the Ngāi Tahu HSNO Komiti with adequate information for their decision making, including ecotoxicology studies, and human health studies;
- c) Undertake pre-application consultation, to identify issues of cultural concern and to determine if the nature and extent of further consultation is required;
- d) With the support of the Ngāi Tahu HSNO Komiti, undertake appropriate consultation with the appropriate Papatipu Rūnanga (see Appendix 2 for a list of Papatipu Rūnanga) with respect to the management and use of hazardous substances in specific regions or area;
- e) Remunerate Te Rūnanga and/or Papatipu Rūnanga so that costs from participation in HSNO processes are not unreasonably borne by Te Rūnanga and/or Papatipu Rūnanga;

## 4 KUPUTAKA (GLOSSARY)

hapū	Sub-tribe / extended family
iwi	tribe
kaitiaki	guardian
mahinga kai	places where food is produced or procured
mana whenua	those who exercise customary authority or rangatiratanga
patu	traditional handheld weapon
takiwā	area
tangata whenua	people of the land
taonga	treasure
taonga tuku iho	treasured ancestral heirlooms
tikanga	customary values and practices
wāhi tapu	places sacred to tangata whenua (people of the land)
wāhi taonga	resources, places and sites treasured by manawhenua
whakataukī	proverb
whakapapa	genealogy
whānau	family
whānui	extensive / broad / wide
whenua	land

## 5 DOCUMENT HISTORY AND VERSION CONTROL

Document History and Version Control					
Title	HSNO Policy - 2025				
Version number	V3.0	Last approved	May 2025	Next review	2030
Owner	HSNO Committee	Reviewer / Approver	Te Apārangi		
History	v1.0 (2008) New Policy				
	v2.0 (November 2019) Updated following review.				
	v.3.0 (May 2025). Updated following review. Approved by Te Apārangi 15 May 2025				

## **APPENDIX 1**

Te Rūnanga o Ngāi Tahu HSNO Committee Members, as at September 2024:

Stephanie Dijkstra (Chair)

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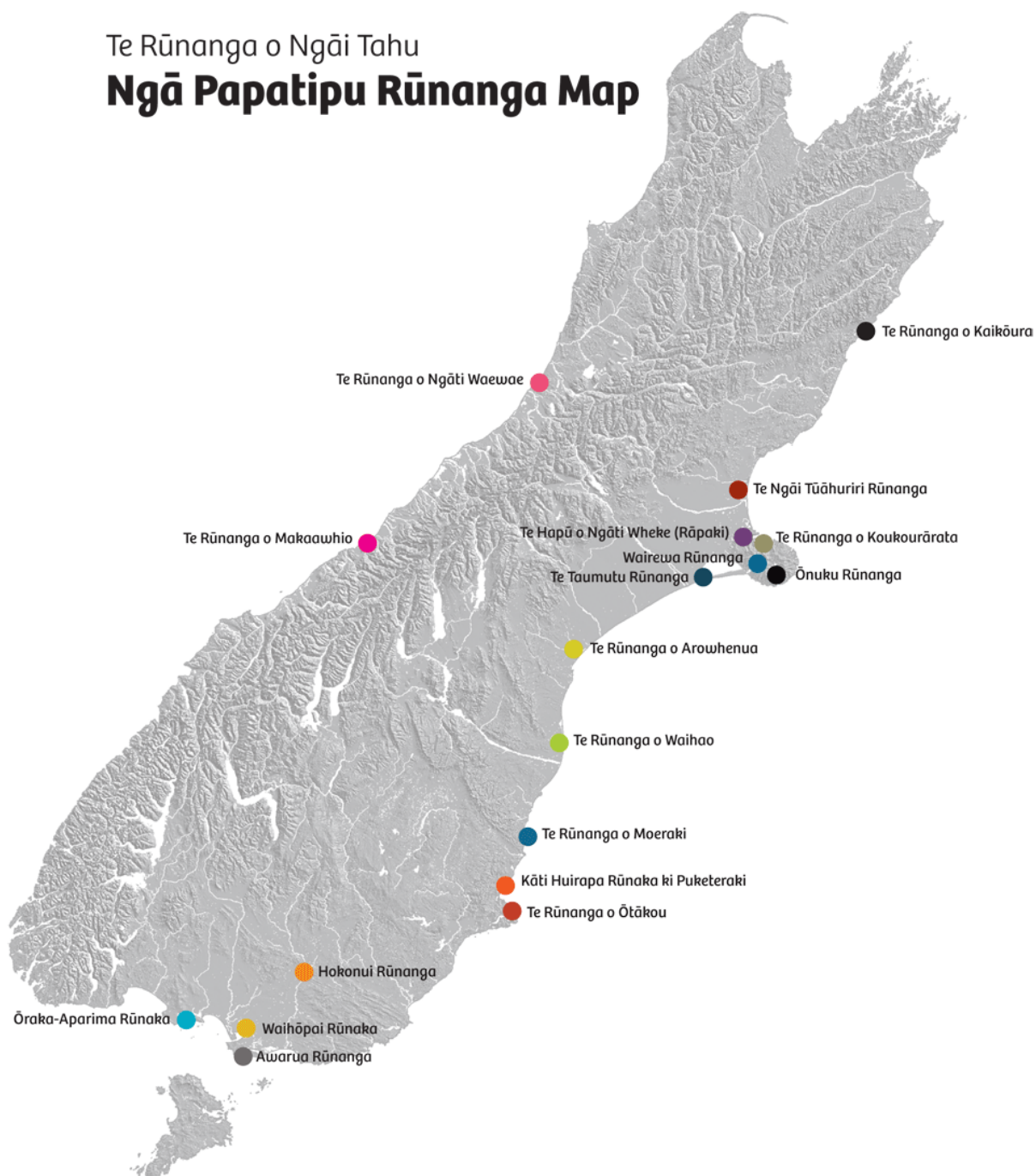
Tina Nixon

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## APPENDIX 2

Te Rūnanga o Ngāi Tahu

### Ngā Papatipu Rūnanga Map



Contact details for the Papatipu Rūnanga can be accessed from the website:

<https://ngaitahu.iwi.nz/contact/contact-papatipu-runanga/>

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