



Te Rūnanga o NGĀI TAHU

# Hazardous Substances and New Organisms Policy Statement 2019



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

## **1 TE WHĀINGA (PURPOSE)**

### **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 ecotoxins/pesticides) 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***.

Te Rūnanga o Ngāi Tahu (Te Rūnanga) expect to be consulted on EPA applications for hazardous substances and new organisms. The cultural issues associated with these applications are diverse and often not well understood. To address this, Te Rūnanga developed the Te Rūnanga o Ngāi Tahu Hazardous Substances and New Organisms (HSNO) Policy Statement, in August 2008. The HSNO Policy Statement 2019 replaces the original 2008 version.

The HSNO Policy Statement 2019, was prepared by the Te Rūnanga o Ngāi Tahu Hazardous Substance and New Organisms (HSNO) Committee.

### **1.2 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>1</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.

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<sup>1</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, Ngāi Tūāhuriri and Ngāi Te Ruahikihiki.

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

### **1.3 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.

### **1.4 Purpose of this Policy**

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

### **1.5 Who will use this Policy Statement?**

Te Rūnanga o Ngāi Tahu HSNO Policy Statement 2019 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 statement recognises:

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

The Policy Statement 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.

Further, 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.

## 1.6 Te Rūnanga Values



Whanaungatanga	Manaakitanga	Tohutanga	Kaitiakitanga	Tikanga	Rangatiratanga
(family)	(looking after our people)	(expertise)	(stewardship)	(appropriate action)	(leadership)
We will respect, foster and maintain important relationships within the organisation, within the iwi and within the community.	We will pay respect to each other, to iwi members and to all others in accordance with our tikanga (customs).	We will pursue knowledge and ideas that will strengthen and grow Ngāi Tahu and our community.	We will work actively to protect the people, environment, knowledge culture, language and resources important to Ngāi Tahu for future generations.	We will strive to ensure that the tikanga of Ngāi Tahu is actioned and acknowledged in all our outcomes.	We will strive to maintain a high degree of personal integrity and ethical behaviour in all actions and decisions we make.

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

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 principles:

The authority and kaitiakitanga of whanau, 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.

## 2 OVERALL POLICY OBJECTIVES

***The overall objectives of this policy statement is to inform all parties of the 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) Reduce the total chemical burden on the environment;
- b) Minimise the detrimental impacts of HSNO activities on Ngāi Tahu taonga;
- 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 safety 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 EPA will:***

- a) Support EPA in requiring that applications to release a new hazardous substance be publicly “notified”;
- b) Expect the EPA to reassess existing authorized hazardous substances of a regular cycle;
- c) Initiate early engagement with Te Rūnanga on HSNO matters;
- d) Require the EPA, applicants and other relevant stakeholders to identify cultural risks, and ways to address such risks related to HSNO activity;
- e) Integration of mātauranga Māori in policy frameworks and in decision making.

***Applicants will:***

- a) Encourage the use of Cultural Impact Assessments when preparing HSNO applications;
- b) Carry out early engagement with Te Rūnanga;
- c) Seek to identify potential effects on resources or sites of significance to manawhenua.

### 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, the applicant will consider 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 and Genetically Modified Organisms (GMOs)

***New organisms introduced intentionally or unintentionally have the potential to negatively affect valued taonga, habitats and species. Te Rūnanga position is that new organisms do not establish as weeds or pests or are likely reduce a 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.***

- a) Assess the potential impact on Te Rūnanga values of GMO applications;
- b) Assess the degree of genetic modification proposed and the likelihood of escape associated with a given GMO application;
- c) Require applications involving genetic modification to include in the application strict provisions for monitoring and reviewing the new organism and its behaviour over time;
- d) Discourage the release of any new organism which will negatively impact on native ecosystems;
- e) Support the use of biological control where potential benefits will be demonstrated and risks to non- target species are avoided;
- f) Require that consultation occur with Papatipu Rūnanga in the area in which research or field-trials for release;
- g) 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.
- d) Require in-containment facilities to be fit for purpose and certified to regulatory standard.

### 3 TE RŪNANGA ENGAGEMENT WITH HSNO PROCESSES

***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;***

- a) Evaluate and provide accurate data on the cumulative effects and impacts a hazardous substance may have on habitat integrity and human health risks;
- b) That highly technical information is converted to lay summaries for the ease of interpretation by lay readers;
- c) Encourages pre-application consultation, to identify issues of cultural concern and to determine if the nature and extent of further consultation is required;
- d) 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) Costs to manawhenua participation in HSNO processes are not unreasonably borne by manawhenua and Te Rūnanga;
- f) That applications to release a new hazardous substance, are publicly notified.

#### 3.1 Monitoring

***Te Rūnanga requires applications involving genetic modification include strict provisions for monitoring and reviewing the new organism and its behaviour over time.***

### 4 GLOSSARY

hapū	Sub-tribe / extended family
iwi	tribe
kaitiaki	guardian
mahinga kai	places where food is produced or procured
manawhenua	those who exercise customary authority or rangatiratanga
patu	club
takiwa	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
whakatauki	proverb
whakapapa	genealogy
whanau	family
whānui	extensive / broad / wide
whenua	land

## **APPENDIX 1**

Te Rūnanga o Ngāi Tahu HSNO Committee Members, as at September 2019:

Edward Ellison (Chair)

Dr Emma Wyeth

Gerry Coates

Dr Benita Wakefield

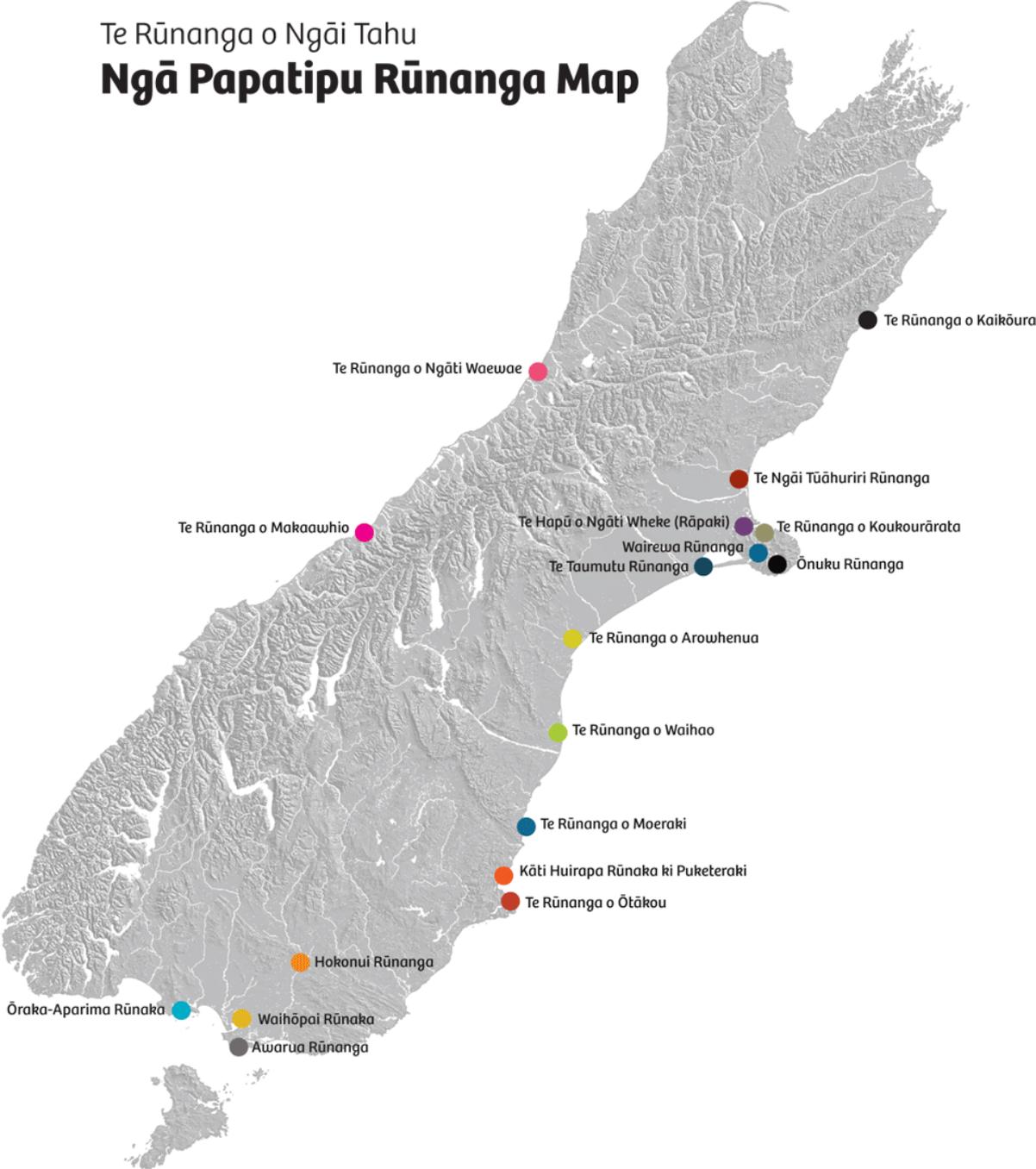
Stephanie Dijkstra

Terence Scott

Karen Coutts

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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