



WORKING WITH MĀORI UNDER THE HSNO ACT 1996

A Guide for Applicants

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Introduction

This guide provides practical suggestions to applicants on the iwi/Māori consultation and information requirements of the Hazardous Substances and New Organisms Act 1996 (HSNO Act) as they relate to applications made to the ERMA New Zealand. Specifically the guide provides information about:

- 1 The types of applications requiring consultation with iwi/Māori;
- 2 The levels of information required by the Authority to inform effective decision-making;
- 3 Who should be consulted;
- 4 The levels of consultative effort required; and
- 5 A guide for applicants on best practice mechanisms for consultation.

For the purposes of this guide, the following terminology applies:

Agency:	The Chief Executive and staff of ERMA New Zealand
Authority:	The 8 members appointed by the Minister
Ngā Kaihautū:	The Māori Advisory Group to the Authority
ERMA New Zealand:	The Authority, Agency and Ngā Kaihautū.

Legislative Requirements

The HSNO Act makes specific provision for the incorporation of Māori perspectives and input into decision-making processes. Specifically:

Section 6(d) of the HSNO Act requires the Authority to *‘take into account the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, valued flora and fauna, and other taonga’*.

Section 8 of the HSNO Act requires the Authority to *‘take into account the principles of the Treaty of Waitangi’*.

In addition section 5(b) of the HSNO Act requires that the Authority *‘recognise and provide for ... the maintenance and enhancement of the capacity of people and communities to provide for their own economic, social, and cultural well-being and for the reasonably foreseeable needs of future generations’*.

Section 5(b) is significant because economic, as well as, social and cultural aspirations apply to the iwi/Māori community. Section 5(b) requires applicants to recognise and provide for these in relation to any application made under the HSNO Act.

In accordance with the HSNO Methodology, information must be provided to enable the Authority to:

‘recognise and provide for the principle of maintenance and enhancement of the capacity of people and communities to provide for – Their own economic, social and cultural wellbeing;’ (item 9(b)(i)) and to:

'take into account risks, costs, benefits, and other impacts associated with the substance or organism in an application which relate to – The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, valued flora and fauna, and other taonga;' (item 9(c)(iv))

It is important to note that the Methodology requires risks, costs and benefits to be assessed – not just risks (adverse effects). A common mistake is to just look at risks for Māori and not to consider whether there are benefits as well.

To do this, the Authority needs relevant information about Māori perspectives as it relates to specific applications. It is ERMA New Zealand's policy that in the first instance, applicants provide the necessary information in this regard. Applicants must also include the details of any consultation that has been carried out and provide a summary of what that consultation is likely to mean for the application in terms of these requirements.

Chapter 1: Is Your Application Significant to Māori?

Deciding what is of significance to Māori is one of the key decisions you'll have to make when preparing your application. Obviously iwi/Māori are in the best position to advise on this, and ERMA New Zealand and Ngā Kaihautū have developed a list of criteria to help applicants make an assessment about the significance to Māori or otherwise of proposed applications.

Table 1: *Potential Outcomes of Significance to Māori* will be used by ERMA New Zealand staff along with your comments, to assess whether each application has elements that will be significant to Māori. Using the table will help maximise the chances of your application being considered without delay or unnecessary expense.

In terms of the level of information required about potential risks to Māori, a key element in the Methodology for Part V decision-making is:

'The information used by the Authority when considering an application must be relevant and appropriate to the scale and significance of the risks costs and benefits.'

If the risk is not significant then this area of the application form can be dealt with quickly and with relatively little effort or expense. If the risk is significant then some assessment, consultation and information will be required. The required level of consultative effort is determined by the significance of the risk involved and an outline of the types and level of consultation is provided in Chapter 2 of this guide.

If you underestimate the potential impact of your proposal in terms of 6(d) and 8, the processing of your application could be delayed and additional costs incurred as the necessary information is subsequently gathered. If in doubt take a precautionary approach and discuss your application as early as possible with the Manager, Māori at ERMA New Zealand.

Potential Issues of Significance to Māori

The best way to use Table 1 is to consider the potential effect your application may have on each of the outcomes listed. In essence, if your application is likely to significantly affect any of these outcomes, ERMA New Zealand will need more information about those effects. The nature and extent of the information needed by ERMA New Zealand depends on how your application impacts on the outcomes.

There is no magic number of outcomes that need to be affected in order for your application to be regarded as significant to iwi/Māori. Where there are adverse effects impacting on the key outcomes, further information will be required. This will usually necessitate consultation with iwi/Māori in order to determine their views on the nature and extent of the potentially adverse effects, and to provide an opportunity for discussion as to how these might be avoided, remedied or mitigated.

As a general rule of thumb, applicants are likely to be required to consult with Māori if their application:

- 1 Involves or impacts on native or valued flora and fauna;
- 2 Involves or impacts on other taonga (e.g. waterways / water bodies) that have been either specifically recognised by any hapū or iwi, or are generally known to be taonga;
- 3 Utilises human genes or human cell lines of known Māori origin;
- 4 Involves the mixing of genes (or whakapapa) across species in a field trial, conditional release or release situation; or

- 5 Where adverse health and/or well-being effects are indicated to fall disproportionately to Māori.

These general criteria apply regardless of the nature of your application though specific consultative requirements for low-risk, rapid assessment applications can be obtained from ERMA New Zealand staff.

Table 1. Outcomes of Significance to iwi / Māori

Environmental outcomes of significance to iwi / Māori

The productivity and life-sustaining quantity and quality (including the spiritually based qualities) of the following:

- Traditional food resources (mahinga kai)
- New Zealand's indigenous flora and fauna
- Other flora and fauna valued by Māori
- Water (inland and coastal)
- Land
- Air
- Natural habitats and ecosystems
- Other natural resources valued by Māori

Cultural outcomes of significance to iwi / Māori

The potential adverse or beneficial effect on the ***kaitiakitanga*** role of Māori, including the protection and enhancement of the ***mauri, mana*** and ***tapu*** of:

- People – *Te tāngata*
- Native flora and fauna – *Ngā taonga koiora*
- Valued flora and fauna - *Ngā taonga tuku iho*
- Land – *Te whenua*
- Waterways (inland and coastal) – *Ngā moana, roto, awa manga*
- Air – *Te hau*
- Traditional Māori values and practices – *Ngā taonga tuku iho*
- Māori knowledge system and world view - *Mātauranga Māori*

Health & Well-being outcomes of significance to iwi / Māori

The protection and enhancement of:

- Taha wairua – the spiritual health and well-being obtained through balance with nature and the protection of mauri
- Taha whanaunga – the responsibility and capacity to belong, care for and share in the collective
- Taha hinengaro - mental health and well-being and the capacity to communicate, think and feel
- Taha tinana - physical health and well-being

Economic Development & Well-being outcomes of significance to iwi / Māori

- The ongoing capacity and capability of Māori to develop economically
- The ongoing participation of Māori in the generation of economic benefit, and the burden of economic cost

Treaty of Waitangi outcomes of significance to iwi / Māori

- The ongoing management by Māori of their cultural and natural resources (as recognised in section 6(d) of the HSNO Act)
- The ongoing rights of Māori to develop culturally, socially, spiritually, and physically (as recognised in section 5(b) of the HSNO Act)
- The implementation of the principles of the Treaty (as provided for in section 8 of the HSNO Act).

A checklist of these outcomes is provided for you to use in Appendix 1.

If after you have considered Table 1 and Checklist 1 you are still unsure of whether your application involves potential issues of significance to Māori, you can contact the Manager, Māori at ERMA New Zealand for advice or clarification.

NOTE: A glossary is set out in Appendix 5

Chapter 2: Consultation with Māori

Once you have made your initial assessment of risk to Māori, and where you have determined that your application warrants consulting with Māori, you must now decide how, when and who to consult.

The courts and the Waitangi Tribunal have variously outlined the requirements of genuine consultation with Māori, and these have been well tested over the years through a number of legislative avenues. In the *Air New Zealand Ltd v Wellington International Airport Ltd*, High Court Wellington CPNo. 403/91 case, Mr Justice McGechan used the following definition:

“Consulting involves the statement of a proposal not yet finally decided upon, listening to what others have to say, considering their responses and then deciding what will be done.”

Therefore, consultation is a two way process and when considering consulting with Māori on applications under HSNO you should incorporate the following key elements of good consultation:

- 1 Provide sufficient time for iwi/Māori to respond i.e. consulting at the earliest possible stage in the development of the research programme;
- 2 Provide sufficient information to ensure those consulted have a good level of understanding of the research and are able to respond; and
- 3 Giving genuine consideration to the information provided by those being consulted.

The overall aim of good consultation is summarised in following objectives:

- 1 Provide easily understood information about your proposed application;
- 2 Obtain the necessary information and understanding of Māori perspectives and views as they relate to specific issues associated with your application; and
- 3 Discuss, where issues are raised by those consulted, ways of minimising, mitigating or remedying any potential adverse effects and enhancing any potential beneficial effects.

In addition, the broad principles established by the courts in relation to consultation should be kept in mind. These are *'acting reasonably'*, *'good faith'*, and *'actively protecting Māori interests'*.

How far should consultation go?

The purpose of consultation with Māori is to obtain information that will enable the Authority (or delegated decision-makers) to evaluate risks, costs and benefits and make informed decisions in accordance with its legal duty under the HSNO Act. Effective consultation requires every reasonable effort on the part of the party consulting and a willingness to respond reasonably on the part of those being consulted.

The Authority will consider what is 'reasonable' in determining whether consultation on specific applications has been appropriate or adequate. Consultation does not mean that you need to obtain consensus or agreement but it is essential that all of the relevant points of view are recognised and reported in good faith. The important outcome is that you demonstrate that every effort has been made to consult in a meaningful way to provide good quality information, and that you have done so with all of the relevant groups.

ERMA New Zealand does not expect you to go to unreasonable lengths to consult nor to incur unreasonable costs. Realistically however, consultation is likely to incur some cost. Costs can be kept to a minimum if consultation and information gathering is conducted at the pre-application stage, i.e. well in advance of lodging your application. It is also well established that longer term

costs will be lower if a good relationship is first established with relevant hapū and iwi. This is both more cost effective and efficient.

Once it has been determined that there are potential significant effects to one or more of the outcomes of importance for Māori, consideration must be given to whether those effects are:

- 1 local or national;
- 2 mitigated to negligible levels by the characteristics of the application type (e.g. low risk rapid assessments); and/or
- 3 able to be mitigated to negligible levels by the imposition of controls (where appropriate).

The general principle applying is that if an application will only have local impacts, then it is sufficient to consult with those Māori who are directly affected or who are tangata whenua in the area. National consultation is reserved for cases where there are likely to be national impacts of significance to Māori. There may be exceptions to this general principle, but they should be justified on a case by case basis.

Consultation in a Local Context

Where risks are confined to a local impact you will be required to consult with local whānau, hapū or iwi unless ERMA New Zealand, in consultation with Ngā Kaihautū, determines otherwise. Examples might include a new organism field trial in a particular location, or where genetic material is being sourced from a native or valued species in a particular region for the purposes of studying population genetics.

If you have not developed a relationship with the local hapū or iwi groups concerned, ERMA New Zealand can assist you in identifying the appropriate people. A list of recommended contact people can be obtained from ERMA New Zealand.

Where multiple groups are concerned, you should seek to consult with all of the appropriate groups and avoid becoming involved in any mandate disputes. The key thing to remember is that if any hapū or iwi group has legitimate concerns about an application, the Authority or delegated decision-makers need to know the nature and extent of those concerns.

It is emphasised again that experience has indicated that where pre-existing relationships with iwi/Māori groups have been developed and maintained (i.e. with the iwi/Māori groups in the region of your facility), consultation is easier and more cost effective with greater general outcomes achieved.

Consultation in a National Context

Many applications will potentially have national impacts e.g. those new organisms intended for release or a hazardous substance intended for nationwide distribution. In principle, if such applications involve issues of significance to Māori they will require national consultation with Māori. In such cases the following provisions apply:

- Applicants will not be required to undertake a comprehensive nation-wide consultation process with Māori unless ERMA New Zealand, in consultation with Ngā Kaihautū, states that this is required in order to satisfy its obligations under the HSNO Act. In such cases, ERMA New Zealand will outline the extent of the consultation process it considers to be adequate.
- Any national consultation will likely be at iwi rather than hapū level and a recommended list of contacts can be obtained from ERMA New Zealand

If requested by the applicant, ERMA New Zealand staff will carry out national consultation with the Māori community. The applicant will pay the full costs of such consultation, including any reimbursements of reasonable costs to the Māori community.

In general the following types of **GMO new organism** applications will require national consultation.

- a) GMO release applications and conditional releases (generally excluding qualifying organisms, emergencies or special emergencies) which are of a widely dispersed nature, such as GM crops.
- b) On a case by case basis, GMO applications of any other type (including limited scale conditional release, field trial, containment and rapid assessments) which raise issues of national interest to Māori for the first time (i.e. are precedent setting), or that are likely to present potentially significant risk to the biological and physical environment generally, and/or to the cultural relationship of Māori to the environment. For example this might include applications for field trial that involve genetic material from a native taonga species such as harakeke (flax).

In general the following types of **new organism** (non-GMO) applications will require national consultation.

- a) All new organism release applications (including rapid assessments) that involve organisms that are either broadly related to, and/or have the potential to pose significant risk to native or valued flora and fauna (taonga koiora / taonga tuku iho).
- b) Conditional releases which are intended for wide dispersal geographically (i.e. not confined to a single location) and meet the criteria set out in a) above.
- c) On a case by case basis, new organism applications of any type (including field trial, containment and rapid assessments) which raise issues of national interest to Māori for the first time (i.e. are potentially precedent setting), or that are likely to present potentially significant risk to the biological and physical environment generally, and/or to the cultural relationship of Māori to the environment.

In general the following types of **hazardous substance** applications will require national consultation.

- a) Full release or rapid assessment applications which are indicated to present risk to:
 - Native flora or fauna;
 - Valued flora or fauna; and/or
 - Cultural practices and knowledge of Māori.
- b) Full releases intended for widespread sale or use, that poses significant risk to the productivity and life sustaining quality and quantity of natural habitats, ecosystems and resources.
- c) Full releases intended for widespread sale or use, that poses significant risk to human health and well-being which is indicated to fall disproportionately on Māori.

Appropriate Levels of National Consultation

Where applications are indicated to involve issues of significance to Māori (utilising the guide above in conjunction with Table 1 and Checklist 1), ERMA New Zealand will advise on the level of appropriate consultation. To aid in ensuring that the appropriate level of information about Māori perspectives is obtained, ERMA New Zealand has identified three different categories of national consultation (outlined below). The importance of advising ERMA New Zealand as early as possible about your proposed application cannot be overstated. This will ensure that you allow enough time and resource to complete the level of consultation indicated for your application.

It should be noted that the appropriate level of consultative requirement can be negotiated depending on any case that you might wish to advocate. There may also be instances of reduced risk, or general acceptance by iwi/Māori of the potential risk, and these situations will be assessed on a case by case basis. As already noted the key is to contact ERMA New Zealand as early as possible to discuss your application and to ascertain the appropriate level of consultation. There may also be other models of consultation, other than those set out below, which are acceptable in particular cases.

While the decision on the level and type of consultation ultimately rests with the applicant, consultation which is against the advice of ERMA New Zealand runs the risk of not being acceptable to either the Agency or the Authority when the application is submitted and/or considered.

Category One:

Applicants distribute written information and feedback forms to the national contacts list of iwi and Māori organisations (maintained by ERMA New Zealand) requesting feedback (written or oral) by a specified date (providing a minimum of 6 weeks). If those consulted request further information, or would like to meet to discuss the proposed application, every reasonable effort should be made to accommodate these requests.

Follow up communication of some kind should also be undertaken with those who do not respond by the specified date, reminding them of the application and advising them that the application is to be lodged with ERMA New Zealand for consideration.

Category Two:

Applicants will distribute written information and feedback forms as specified at category one above.

In addition, the applicant will meet and consult with a Māori Reference Group (established and maintained by ERMA New Zealand). You should contact the Manager, Māori to discuss this requirement and to organise the meeting and arrangements. Any costs associated with this meeting will be at the expense of the applicant.

Category Three:

Distribution of written information and feedback form as specified at category one.

In addition, the applicant will invite, organise and resource meetings / discussions with iwi and Māori organisations nationwide. These meetings might be held at a national level, or (more realistically) on a regional basis encouraging a face to face approach. All costs associated with

organising and facilitating these face to face meetings will be met by the applicant.

Again the Manager, Māori is available to provide advice and assistance in conducting this level of consultation, and we recommend you contact us as early as possible to discuss these requirements. This will ensure the most effective and cost efficient outcome can be obtained.

Best Practice for Consultation with Māori under HSNO

If consultation is considered to be appropriate, the following provides a guide to a recommended process.

Table 2 - Recommended Best Practice For Consultation With Māori Under HSNO

- Identify the appropriate people to contact by obtaining from ERMA New Zealand the list of tribal Runanga or Trust Boards. If in doubt over who to consult seek advice from the Manager, Māori at ERMA New Zealand who may be able to give you additional suggestions and/or the contact details of people well versed in the consultative requirements of HSNO.
- Make contact with the appropriate person/s well in advance of lodging your application i.e. very early in the pre-application phase – allowing a 6 week period for responses is standard.
- Inform them by letter of your application and request a response from them (within a specified time period) as to whether they have any issues they would like to discuss face to face with you concerning the application. If they have no issues requiring consultation ask that they convey this to you in writing. If they would like to meet with you to discuss the application, ask that they inform you of a suitable time and place, and of any costs involved.
- Include a short (no more than two pages) lay statement and feedback form with your letter (see the model lay statement and feedback form in Appendix 3 and 4 for suggested format).
- If no response is forthcoming by the set date, send another letter and/or attempt phone or email contact.
- If you are required to host a meeting/s, provide copies of the full application and be prepared to make a brief verbal presentation. Avoid scientific jargon and information overload. Explain as much as you can about the risks as well as the benefits. Listen carefully to what is said and seek to develop solutions that avoid, remedy or mitigate any concerns, and enhance any benefits.
- Request a written response (by a specified date) from all relevant persons involved in the consultation, and forward these with your own summary, in your application to ERMA New Zealand (or IBSC). Where specific groups are consulted via meetings, the written information may come from a designated representative of the group rather than all participants.
- Finally, avoid seeing consultation as a "one off"; instead see it as an opportunity to develop long term meaningful relationships. This will make future potential consultative efforts easier and more cost effective.

A checklist of this guide is provided for you to use in Appendix 2. If after consulting the checklist you are still unclear about how to conduct effective consultation, contact the Manager, Māori at ERMA New Zealand for more advice or assistance.

Chapter 3: Dealing with Risks (Adverse Effects)

In your final application you will need to outline how you identified any risks (potentially adverse effects) to iwi/Māori. This involves using the information gathered through your own assessment (Table 1 and Checklist 1) and where required through direct consultation with iwi/Māori.

Where the risk to iwi/Māori interests is potentially significant, you should provide an assessment of the risk. The type of assessment carried out will depend on the character of the risk. In particular if the risk is of a tangible nature (e.g. biological, physical, health related or economic), then a conventional approach should be taken. This would include taking a look at the likelihood (probability) of the adverse effect on iwi/Māori and how severe the effects might be (i.e. the magnitude of the effects).

If the risk is intangible (i.e. wholly cultural or spiritual in nature), then it is better to take a more holistic view so that instead of trying to describe likelihood and magnitude, give an overall characterisation of the risk. For example what is the nature of the cultural objection, and how wide and strongly is the objection likely to be felt. The size of the risk will be influenced by whether the risk is limited to a local hapū, iwi or will affect Māori generally.

It is **not** enough to merely attach letters from iwi/Māori to an application. You must analyse any information collected and describe for the Authority your understanding of what that information means in terms of the potential risks to iwi/Māori.

As well as assessing the likelihood and magnitude of the risk, also characterise the risk in the terms spelt out below. This will help the decision-maker decide how risk averse they should be in their decision-making.

- Is exposure to the risk involuntary (this will almost always be the case unless the applicant has entered into a joint venture with the local hapū or iwi)?
- Will the risks persist over time?
- Are the risks irreversible?
- Are the risks not known or understood (by Māori) and is there little experience or understanding of possible measures for managing the potential adverse effects?
- What is the distribution of effects (including temporal and spatial) i.e. is the impact likely to be confined to the local hapū, to other iwi or Māori generally?
- How can the proposal be modified to lessen the impact on the relationship of Māori culture, traditions and taonga? Note that local hapū and iwi will sometimes suggest how to modify a proposal in order to lessen its environmental and cultural impact. These suggestions should be considered and discussed to reach mutual agreement where possible.

Uncertainty Associated with Risk

Uncertainty associated with the risks will depend largely on the availability and quality of information as well as the robustness of the information provided by those iwi/Māori consulted. An area of particular difficulty for applicants, and for those consulted, is that of dealing with cultural risks that are of a spiritual or intangible nature. It may be advisable for you to seek agreement with the hapū/iwi group/s involved to conduct a Cultural Impact Assessment (CIA)¹ in

¹ A CIA is similar to the Assessment of Environmental Effects conducted for resource consents, though is specific to an assessment of cultural effects. More information about CIA's can be obtained from ERMA New Zealand.

order to obtain more comprehensive information pertaining to potential adverse effects. You and the hapū/iwi involved will need to identify a person or persons with credibility in this area to undertake the CIA.

Other factors that may contribute to the provision of good quality information include whether:

- 1 The applicant has provided a reasonable amount of information on the application (including an assessment of risks and benefits) to the hapū or iwi; and
- 2 The nature of the process undertaken by hapū or iwi in order to formulate their own response to the application. For example:
 - a) How widely was the information disseminated among the hapū/iwi?
 - b) How was discussion conducted (by hui?) was there a consensus?
 - c) Was the hapū /iwi response signed or supported in writing by the wider group organisation (i.e. the Iwi Trust Board or Rūnanga)?

If even after the CIA the quality of the information is such that there is a high level of uncertainty and it is known that there is a significant risk, then two things could happen. The Authority may:

- 1 Seek additional information before considering the application, with the costs being charged to the applicant; or
- 2 Decline the application (the HSNO Act specifies this as being a reason for declining).

The Manager, Māori can provide you with some advice regarding ERMA New Zealand's experience with issues where iwi/Māori have clear objections, on cultural grounds, and of up-to-date policy developments in this area. ERMA New Zealand continues to establish initiatives to improve the availability of this type of information and will keep applicants informed of developments.

Mitigating Potential Adverse Effects

As noted throughout this guide, where it is indicated that there are significant risks to iwi/Māori arising from your proposed application, all reasonable efforts should be made to avoid, remedy or mitigate potential adverse effects. In identifying mechanisms for taking such measures, discussions should be had with those consulted. As they are the ones identifying the adverse effects, they are most likely to be able to provide you with some advice on how those effects could be avoided or mitigated.

The following are examples of mitigating mechanisms that have been successfully implemented for past applications:

- Observing Māori protocol (tikanga) such as working with the iwi/Māori group/s involved to conduct appropriate ceremonial requirements.
- Involving the relevant iwi/Māori group/s in the development of the research, manufacture or use to ensure that specific sites of significance are not affected, or that specific cultural obligations can be observed.
- Working with the relevant iwi/Māori group/s to monitor any effects and to deal effectively with issues as they arise.
- Incorporate measures in the research, manufacture or use (such as the self imposition of containment measures) that restrict the dispersive nature of the hazardous substance or new organism involved.

How to Present Your Consultation Results

Your final application should include:

- 1 An assessment of the risks to Māori and their culture;
- 2 All correspondence sent to and received from those consulted;
- 3 Any minutes from any consultation hui held to discuss your application including who was present (and who they represented), what information was presented, what issues were raised and the final outcome of the consultation process;
- 4 Any file notes taken as a result of telephone conversations; and
- 5 If available, confirmation that your account of the consultation process and the resulting information has been accurately reflected (e.g. confirmation by a representative of those consulted that the account is true and correct).

Maintaining Relationships Beyond the Decision

Where iwi/Māori groups have been consulted with regard to an application, applicants should endeavour to continue to provide them with information about the development and outcomes of the research/application. This will be particularly important where measures to mitigate risk have been worked through with the group/s involved.

However, it is important that a relationship be maintained in regard to the research/application whether requested or not. At the very least, this will assist in future potential consultation requirements. Establishing robust and long term relationships with iwi/Māori is also likely to add value to future research opportunities or commercial ventures.

Appendix 1

Checklist 1 : Outcomes of Significance to Iwi / Māori

Checklist 1 - Potential Effects on Outcomes of Significance to Māori

Complete the following checklist before making your decision as to whether to consult with Māori concerning any outcomes identified as being of significance.

Environmental Outcomes	Significant adverse effect?		Comments
	Yes√	No√	
Productivity and life-sustaining quantity and quality of:			
Traditional Māori food resources (mahinga kai)			
New Zealand's indigenous flora and fauna			
Other flora and fauna valued by Māori			
Water (inland and coastal)			
Land			
Air			
Natural habitats and ecosystems			
Other natural resources valued by Māori			
Cultural Outcomes	Significant adverse effect?		Comments
Protection and enhancement of:	Yes√	No√	
People – <i>Te tangata</i>			
Native flora and fauna – <i>Ngā taonga koiora</i>			
Valued flora and fauna – <i>Ngā taonga tuku iho</i>			
Land – <i>Te whenua</i>			

Waterways (inland and coastal) – <i>Ngā moana, roto, awa, manga</i>			
Air – <i>Te hau</i>			
Traditional Māori values and practices – <i>Ngā taonga tuku iho</i>			
Māori knowledge system and world view – <i>Mātauranga Māori</i>			
Health & Well-being Outcomes	Significant adverse effect?		Comments
Protection and enhancement of:	Yes √	No √	
Taha wairua (spirituality, health and well-being)			
Taha whanaunga (family/wider group health and well-being)			
Taha hinengaro (mental health and well-being)			
Taha tinana (physical health and well-being)			
Economic Development Outcomes	Significant adverse effect?		Comments
	Yes √	No √	
Ongoing capacity and capability of Māori to develop economically			
Ongoing participation of Māori in the generation of economic benefit, and the burden of economic cost			
Tiriti o Waitangi / Treaty of Waitangi Outcomes	Significant adverse effect?		Comments
	Yes √	No √	
Ongoing management by Māori of their cultural and natural resources			
Ongoing rights of Māori to develop culturally, socially, spiritually and physically			
Implementation of the principles of the Treaty of Waitangi			

Appendix 2

Checklist 2 : Consultation Best Practice

Checklist 2 – Checklist for consulting with Māori under HSNO

- 1 Have you identified who is/are the appropriate person/s to contact?
- 2 Have you sought advice or assistance from the Manager, Māori at ERMA New Zealand?
- 3 Have you made contact with the appropriate person/s well in advance of lodging your application i.e. early in the pre-application phase?
- 4 Have you informed them by letter of your application and attached a feedback form allowing them to raise any issues they would like to discuss with you concerning the application? Have you checked if they would like to meet with you to discuss the application and asked that they inform you of a suitable time and place, and of any costs involved?
- 5 Have you included a short (no more than two pages) lay statement and a feedback form with your letter?
- 6 If you hosted a meeting/s, did you make a brief verbal presentation (avoiding scientific jargon and information overload) and make available the full application? Have you explained as much as you can about the risks as well as the benefits? Have you listened carefully to what is said and tried to avoid, remedy or mitigate any concerns?
- 7 Have you requested a written response from all relevant people involved in the consultation, and forwarded these with your own summary, in your application to ERMA New Zealand (or IBSC)?
- 8 If no response was forthcoming following your initial contact, did you send another letter and/or attempt phone contact?
- 9 If those you consulted requested more information – have you provided it to them?
- 10 Finally have you viewed consultation as an opportunity to develop long term meaningful relationships, rather than a one off exercise?

Model Lay Statement

MODEL LAY STATEMENT	
1. Applicants name and contact details	Application Number (If known)
Name:	
Organisation:	
Address:	
Phone numbers:	
Email address:	
2. Title of the application	
3. Purpose of the application	
4. Potential benefits including uncertainty about benefits	
5. Potential risks and costs (adverse effects) including uncertainty about risks and costs	

Model Feedback Form

MODEL FEEDBACK FORM

This form is provided for your ease of response to the consultation information attached. Please complete the form and return it in the self-addressed, pre-paid envelope provided.

Please provide your and/or your organisations name and contact details:

Thank you for the information, we:

Options

Please tick

Have no issues or comments to make on your proposal

Have no issues or comments, but would like to receive updates on the progress of this project/research

May have issues or comments to raise and would like you to contact us by phone or email at your earliest convenience

May have issues or comments and would like to meet with you to discuss the proposal further

May have issues or comments and will provide you with our written response by _____ (date)

Or

Have a number of issues and/or comments and they are attached/outlined below:

Appendix 5

Glossary

Ancestral lands - lands that have historical, cultural or spiritual value to Māori.
Hapū – collection of families with common ancestry and common ties to land.
Iwi - Māori social and political grouping made up of hapū and whānau.
Kaitiakitanga – guardianship rights, the ability of Māori to act as stewards or caretakers.
Māhinga kai - food gathering practices and traditional Māori foods including indigenous shellfish, inland fish (tuna [eels], freshwater kōura [crayfish]) and plants (pūha, kūmara etc).
Mātauranga Māori –Māori knowledge and knowledge system.
Mauri - spiritual integrity or life-force, for Māori all things have an inner spiritual force, the mauri.
Ngā Kaihautū Tikanga Taiao - name of Māori Advisory Group to Authority meaning the determinants of environmental wellbeing.
Rāhui – A mechanism employed for the sustainable management of resources. A means of prohibiting people from activities that are not consistent with sustainable management.
Sites - important sites to Māori (particularly archaeological sites and ancient dwellings).
Taonga - things deemed to be of value to Māori.
Tapu - sacred, forbidden, confidential.
Tikanga Māori - Māori processes, norms and traditions.
Wāhi tapu – sacred sites or sites of spiritual significance to Māori.
Whakapapa – Genealogy, the layering of generation upon generation.
Whānau – family (including the extended family).

Appendix 6

Key Resources

Environmental Risk Management Authority (August 2000) *Taking account of cultural, ethical and community issues: Guidelines to work on genetically modified organisms carried out under the HSNO Act 1996.*

Environmental Risk Management Authority (September 1999) *Revised Protocol 1: Taking account of Maori Perspectives.*

Ministry for the Environment (2001) *Whakamau ki Nga Kaupapa: Making the best of Iwi Management Plans under the Resource Management Act 1991*, report prepared by Enviro Solutions NZ Ltd.

Ministry for the Environment (2000) *Talking Constructively: A Practical Guide for Iwi, Hapū and Whānau on Building Agreements with Local Authorities.*

Ministry for the Environment (2000) *Te Raranga a Mahi – Developing Environmental Management Plans for Whānau, Hapū and Iwi.* Prepared under the Sustainable Management Fund by Beca Carter Hollings and Ferner Ltd, Wellington Tenth Trust and Te Runanga O Ngai Tahu.

Ministry for the Environment (February 2000) *Iwi and Local Government Interaction under the Resource Management Act 1991: Examples of Good Practice.*

Ministry for the Environment (June 1995) *Case Law on Consultation – Case law under the Resource Management Act 1991, regarding the issue of consultation with tangata whenua to May 1995*, Working Paper 3.

Ministry for the Environment (November 1994) *Case Law on Consultation – Case law under the Resource Management Act 1991, regarding the issue of consultation with tangata whenua to 30 November 1994*, Working Paper 2.

Ministry for the Environment (January 1993) *Taking into Account the Principles of the Treaty of Waitangi: Ideas for the Implementation of Section 8 of the Resource Management Act 1991*, prepared by Di Crengle.

Ministry for the Environment (June 1992) *The Resource Management Act, Kai Matiratira: A Guide for Māori.*

Ministry for the Environment (June 1991) *Consultation with Tangata Whenua: A guide to assist local authorities in meeting the consultation requirements of the Resource Management Act 1991.*

Office of the Parliamentary Commissioner for the Environment (June 1992) *Proposed Guidelines for Local Authority Consultation with Tangata Whenua.*

Te Puni Kokiri/Ministry of Māori Affairs (1997) *Consultation with Iwi – A Guidebook.*

Te Puni Kokiri/Ministry of Māori Development (1993). *Mauriora Ki Te Ao – An introduction to Environmental and Resource Management Planning.*

Sustainable Management Fund, (August 2000). *Te Raranga a Mahi – Developing Environmental Management Plans for Whānau, Hapū and Iwi.*

Working Party of the Environmental Risk Management Authority, Ngā Kaihautū and ERMA New Zealand (October 2002) *Dealing with Māori concerns and perspectives in new organism decision-making under the HSNO Act.*