

Te Pūtara

ENVIRONMENTAL RISK MANAGEMENT AUTHORITY

ERMA
New Zealand



NGĀ KAIWHAKATŪPATO WHAKARARU TAIAO



Toitu he whenua, whatungarongaro he tangata
The land is permanent, man disappears

E ngā mana, e ngā reo, e ngā maunga, e ngā awaawa, e ngā pātaka o ngā taonga tuku iho, tēnei te mihi atu ki a koutou katoa.

Kia mihia te mano tini kua mene ki ngā Hawaiki katoa, rātou te tutūtanga o te puehu, te whiunga o te kupu i ngā wā takatū ai rātou. Heoi, waiho ake rātou ki a rātou, tātou te urupā o rātou mā, ngā waihotanga mai e hāpai nei i ā rātou wawata, tūmanako hoki. Kia ora tātou katoa.

Kaitiakitanga Principles For New Biotechnologies

By Mere Roberts, Te Whare Wānanga o Awanuiārangi

South Island Māori views on novel biotechnologies eg genetically modified organisms, were the subject of a Lincoln University based project recently undertaken as part of a Foundation for Research, Science & Technology funded programme.

The overall aim of the project is to improve policy, decision making and communication by key government agencies and science providers regarding the development and application of biotechnology in New Zealand.

Dr Mere Roberts was contracted to undertake the interviews with Māori participants. With the backing and assistance of Te Rūnanga o Ngāi Tahu (TRONT), 91 individual or group interviews were conducted involving 58 women and 33 men, at various venues throughout Te Wai Pounamu including 10 of Ngai Tahu's 18 Papatipu Runaka Marae.

Although the research project itself is broad-based and wide ranging on the issue, we have summarised below suggestions made by participants concerning more appropriate cultural risk assessment processes or frameworks.

Suggestions for Culturally Appropriate Decision Making Frameworks

The overwhelming context for the feedback received was one of tino rangatiratanga and kaitiakitanga. People were concerned at the perceived lack of involvement and control by Māori in the existing risk assessment and decision making processes. In their view a Treaty of Waitangi framework should form the basis for Māori involvement.

Most participants believed that Article II guaranteed them their rights and responsibilities to participate as partners in the policy setting and approval processes surrounding research on novel biotechnologies. These rights and responsibilities, inherent in tino rangatira provided the mandate for kaitiaki and the practice of kaitiakitanga. Many who were formally involved as kaitiaki either for TRONT or at a local level with their own Papatipu Runaka, had concerns about existing research and ERMA New Zealand processes. This concern led to a range of suggestions that a more culturally appropriate process should include a political/pragmatic approach based on Article II rights, and a spiritual based approach centred on culturally specific values.

Pragmatic Considerations

Participants felt that the following should be considered as minimal guidelines for research proposals that involve novel biotechnologies:

- prior informed consent of individual/whanau/hapū/iwi
- ongoing monitoring to ensure the sustainability of resources

(continued on page 3)





Linda Robinson
Pouwhakatui - Manager, Māori

Kaupapa Korero

E ngā mātāwaka o te motu, tēnā koutou katoa

Welcome to this edition of Te Pūtara. It is timely that we provide this edition now - as it marks a period of progress and, for a whole range of reasons, a movement into a new and exciting phase.

Prior to October 2003, the focus for ERMA New Zealand was very much on developing a robust foundation from which to work toward achieving the purpose of the HSNO Act. For iwi/Māori, it represented a challenging period during which the impacts of new legislation and technologies were being felt across the motu.

Ngā Kaihautū and predecessors of the Māori Unit (Bevan Tipene-Matua and Parekura White) worked hard on the development of frameworks and resources, and in the provision of advice to both ERMA New Zealand and iwi/Māori on navigating an appropriate and workable path through the requirements of the Act for Māori. Although the process was difficult and at times frustrating, the team remained uncompromising in their efforts to ensure iwi/Māori perspectives were appropriately considered in decision making.

Working from that foundation, the Māori Unit and the suite of participation programmes were initially set up in late 2003 enabling ERMA New Zealand to move forward in its relationships and interactions with iwi/Māori. Now in April 2005, it is satisfying to reflect on the successes and learnings of the last 18 months, and particularly the many relationships and friendships we've developed in that time. Notable amongst the successes are:

- improved support provided to Ngā Kaihautū
- three wānanga held to date (two GM wānanga, and a hui on 1080)
- growth of the Māori National Network and the success of its two annual hui
- ongoing development of iwi based relationships with Ngāi Tahu, Raukawa, Ngāti Whatua, Ngāti Wai and the Tamaki Regional Network

- policy work including updated consultation policies, the decision making protocol for incorporating Māori perspectives, and the development of guides and resources for applicants, decision makers and iwi/Māori
- production of publications that aim to provide useful information and resources to assist iwi/Māori in their interactions with the HSNO Act and ERMA New Zealand (including the hazardous substances video and DVD)
- improved ability to ensure iwi/Māori interests are appropriately involved in significant applications.

We look ahead with optimism and anticipation, having reflected on these achievements, with the knowledge there are many challenges still to overcome. The focus for the next 12 to 18 months lies across four key areas:

- continuing to provide regular opportunities for sharing information and keeping people informed through our programmes of wānanga, hui and iwi based interactions
- developing and implementing mechanisms for building HSNO capability amongst iwi/Māori, applicants and decision makers
- ensuring Ngā Kaihautū continue to be able to operate effectively in their role as advisors to the Authority
- working within ERMA New Zealand to ensure we continue to meet the needs of iwi/Māori stakeholders.

We are grateful to all who have given their time and commitment to working with us as we strive to protect and enhance the many taonga left to us by our tūpuna, and look forward to continuing to work with you in the future.

The 'Swell' Of Kaupapa Kura Taiao

In talking about moving into a new phase, we thought it a good opportunity to advise you of some upcoming changes to Kaupapa Kura Taiao.

Having established a productive whanau around her (in the form of the Māori Unit), our Pouwhakatui (Manager, Māori - Linda Robinson) will be leaving us temporarily to establish her own whanau.

As many of you will have noticed by how 'swell' she looked at the recent GM wānanga, Linda will be going on parental leave starting in early June. We wish her all the very best and look forward to her return to work (with pepi in tow) in 2006.

Zack Bishara will be taking on the Acting Manager, Māori role in Linda's absence, ensuring the continuity of Kaupapa and whanaungatanga with our iwi/Māori stakeholders. We also hope to be able to announce in the near future, the appointment of a temporary Kaitakawaenga (Māori Advisor) who will join the team keeping it at full strength during this period.

Front Cover Story continued.....

- ongoing access by tangata whenua to mahinga kai, and maintenance of subsistence livelihoods based on their resources; and
- sharing in the control and the benefit.

There was however a number of 'no go' areas particularly concerning issues where boundaries had already been set by nature and reflected in the relationships depicted in whakapapa or in ecosystem relationships. For example participants were unanimous in their opposition to human cloning; any alteration of the genetic make up of native flora and fauna, and to the commercialisation of rongoa and other taonga species.

Less decisive views were put forward regarding the use of human genes in genetically modified organisms with one kaumatua reasoning that as no one could tell the difference between a human and an animal gene he would have no problems eating a human gene. Several others were of the same opinion considering that all things were related by whakapapa, and yet we continue to share in the bounty of our brothers and sisters.

Another area of less certain opinion was that of medical research, particularly where stem cell research is involved. Suggestions included the establishment of a national kaitiaki group to oversee this type of research and to address the many questions posed by the technology, including about benefits, access, alternatives, protocols and safeguards. In addition it was felt that stringent controls and

procedures needed to be developed or improved to better manage the technology over time.

Key to making these suggestions work, is the need for Māori to be involved every step of the way to facilitate the development of trust in these technologies.

Culturally specific considerations

Participants asserted that a spiritually based approach based on culturally specific values and beliefs was required in decision making. It was noted that spiritual protocols are just as important (in some cases more important) to Māori as scientific protocols and that before embarking on any research, research proposals need to meet the requirements of a 'spiritual test' by taking account of key values and beliefs. Participants noted that these values provide an important context for research that includes caution, respect and cultural appropriateness.

Key among these values were the concepts of whakapapa, mauri, tikanga, natural and unnatural, respect and reciprocity (balance and utu), and he tangata, he tangata, he tangata.

A copy of the full report is available from:

Dr John Fairweather, University of Lincoln
Private Bag 84, Lincoln

Genetic Modification

The second wānanga on genetic modification (GM) was held by ERMA New Zealand in early April.

Organised by Ngā Kaihautū and Kaupapa Kura Taiao (the Māori Unit), the hui was hosted by Ngāti Whatua ō Orakei at Orakei Marae in Auckland to discuss GM and our growing experience with this controversial technology. Participants represented iwi and hapū from all over the motu.

Facilitated by independent contractor Murray Hemi, the programme included a range of presentations such as;

- how the HSNO Act and ERMA New Zealand regulate GM activity in New Zealand
- history of GM and current GM activity in New Zealand
- what is GM – a scientists perspective
- what signposts exist in our mātauranga Māori for dealing with GM
- three iwi perspectives, experiences and learnings from being involved with GM research (Raukawa, Te Arawa and Ngāi Tahu)
- Ngāti Whatua ō Orakei – the history behind the Ngāti Whatua presence and struggle in the Tamaki region
- consultation : A Best Practice Model.

With plenty of opportunity for discussion, participants shared their thoughts, views, opinions and insights on the issues associated with GM.

Ngā Kaihautū and ERMA New Zealand extend our very special thanks to Matua Grant Hawke, Bernadette Papa and the whanau of Ngāti Whatua ō Orakei for their manaakitanga and continued commitment to participating and leading dialogue of this nature. We also thank the iwi presenters – Wally Papa, Edward Ellison, Penengarū Moke, Phillip Willcox, and to matua Mana Cracknell (who travelled from the Chathams to give his presentation) for sharing their experiences and learning from the interactions with GM research and the HSNO Act decision making process.

Ngā mihi mahana ki a koutou katoa!

A report on the outcomes of the wānanga will be produced by the end of May and will be available on request by contacting Maraea Faulkner on 04 918 4837, or via email maraea.faulkner@ermanz.govt.nz



View of Rangitoto Island from Orakei Marae

Ngā Kaihautū Tikanga Taiao – A Statutory Advisory Group



Terry Smith, Tumuaki (Chair),
Ngā Kaihautū Tikanga Taiao

Ngā Kaihautū Tikanga Taiao (Ngā Kaihautū) was established by the Environmental Risk Management Authority (the Authority) in 1997 as an advisory committee under the Hazardous Substances and New Organisms (HSNO) Act 1996. The HSNO Amendment Act 2003 (October) established a committee called Ngā Kaihautū Tikanga Taiao as a statutory advisory group to the Authority.

Current Ngā Kaihautū membership includes:

Terry Smith:	(Tumuaki) Ngā Puhī, Ngāti Kahu
Kei Merito:	(Tumuaki Tuarua) Mataatua, Te Arawa, Tainui
Darcia Solomon:	Ngai Tahu, Rangitane, Ngāti Kuia, Ngāti Apa, Ngāti Toa, Ngāti Raukawa, Te Atiawa
Glenice Paine:	Te Atiawa, Ngai Tahu
Matire Harwood:	Ngā Puhī
Shaun Ogilvie:	Te Arawa, Ngāti Awa

May 2005 will see two additional members join Ngā Kaihautū bringing its membership to eight; Ms Bella Tuau [Ngāti Porourangi, Ngāti Pou, Ngāti Korokihukura, Ngāti Karewa Hikairo], and Mr James Ataria [Ngāti Kahungunu, Rongomai Wahine, Ngāti Tuwharetoa]. We'll bring you more details on these two members in the next issue of *Te Pūtara*.

Ngā Kaihautū provides advice to the Authority on applications to introduce new organisms to New Zealand or for the importation or manufacture of hazardous substances. The advice provided specifically relates to the relationship of Māori and their culture to their taonga, and also requires ERMA New Zealand to take into account the principles of the Treaty of Waitangi. Ngā Kaihautū also

has a wider role in providing advice to the Authority on Māori perspectives ensuring that its functions are consistent with tikanga Māori.

Goals set for Ngā Kaihautū for the 2004/2005 financial year included:

- to provide advice to organisational planning, and the development of policy and procedure that takes account of Māori perspectives including tikanga and mātauranga Māori, te Tiriti o Waitangi (Treaty of Waitangi), economic, scientific and other Māori aspirations;
- to ensure HSNO decision making processes appropriately incorporate, enhance and protect tikanga Māori and Māori aspirations and to ensure every research institution that has an Institutional Biological Safety Committee (IBSC) has the required mandated Māori representative;
- to assist to build the capacity, understanding and participation of Māori in relation to HSNO;
- to advocate Māori interests relevant to HSNO amongst other government and non-government agencies where appropriate to assist in the achievement of effective Māori participation.

The 2004 year was a busy time for Ngā Kaihautū, especially with the departure of two valued members, Mere Roberts and Hirini Matunga – whose terms had expired. Ngā Kaihautū members spent considerable time attending various wananga, hui, and ERMA New Zealand meetings, providing input to policy papers, commissioning and considering research projects, providing input to publications, attending face to face meetings with Māori, and providing advice to the Authority on applications.

The 2005 year is looking to be just as busy and with the continued support of Kaupapa Kura Taiao (the Māori Unit), and two new members starting in May 2005, Ngā Kaihautū will continue to ensure that Māori perspectives are included in hazardous substances and new organisms applications and other activities of ERMA New Zealand.

We look forward to telling you more about what's coming up for Ngā Kaihautū in the next edition of *Te Pūtara*.

Applications Update

Between 1 October 2004 and 28 February 2005 the Authority made decisions on 121 applications; 49 were hazardous substances applications and 72 were new organism applications.

Of the hazardous substances decisions made, 28 were for the release of new substances including insecticides, herbicides, industrial products and antifouling paints. Seventeen were decisions made on the development and manufacture of new substances in containment and four for the 'transshipment' of substances arriving temporarily on ships in transit through New Zealand ports. There has been an increase in the number of applications for release of new substances by rapid assessment (of similar composition) following the transfer of pesticides to the HSNO regime in June 2004.

In the new organisms area four applications were for genetically modified organisms in containment and six for non-GMO organisms in containment.

Three applications were to determine whether specific organisms plant species are already present in New Zealand and two of these applications were determined to be a new organism. This means that to proceed further, an application for approval to import the new organism must be submitted to ERMA New Zealand for formal consideration. Six decisions were made on minor or technical amendments to previous approvals and Institutional Biological Safety Committees (IBSCs) acting under delegated authority made 53 decisions during this period.

Further details about applications are in *The Bulletin* and are also available on our register at www.ermanz.govt.nz If you would like to receive an electronic copy of *The Bulletin*, email bulletin@ermanz.govt.nz

Darcia Solomon – ‘Be honest with ourselves’



‘It is important for us all to be honest with ourselves and be exactly who we are. Try to avoid the riddles and get to the point of the issues at hand’, says Darcia Solomon, Ngā Kaihautū Tikanga Taiao member.

Darcia is from Kaikoura and is affiliated with the: Ngāi Tahu, Rangitane, Ngāti Kuia, Ngāti Apa, Ngāti Toa, Ngāti Raukawa, and Te Atiawa iwi.

Born in Havelock, Marlborough, a mother of three, grandmother of seven and great grandmother of three, Darcia says she is a grass roots person who is not afraid to speak out, and that her whole life has been about her marae and the people.

With a background in environmental management and customary rights of Māori, Darcia has represented Ngai Tahu on the

Nelson/Marlborough Conservation Board for over 11 years and is a member of Te Rūnanga o Kaikoura. She is actively involved in hapū and iwi development and with the activities of the Takahanga Marae in Kaikoura.

She believes that the members of Ngā Kaihautū, the Māori advisory group to the Authority of ERMA New Zealand, are the philosophers of ERMA New Zealand, whose role is to assist in the maintenance of a healthy environment for everybody and everything to enjoy. As philosophers Darcia believes they help to create a balance between science and the environment, but admits that this is not always easy. From her viewpoint it is often a struggle to understand Māori concepts let alone the added difficulties of integrating them with science. ‘It is a learning process for all of us’, she says.

Darcia enjoys the work that she does with Ngā Kaihautū and has a lot of respect for the Authority members and Agency staff.

Maori Cultural Perspectives In The Decision Making Process

In December last year ERMA New Zealand Authority members and Senior Management were treated to a two day hui at Orongomai Marae in Upper Hutt. Ngā Kaihautū facilitated the hui (with support from Kaupapa Kura Taiao the Māori Unit) as an opportunity to share some insights to considering Māori cultural perspectives and te Tiriti o Waitangi when assessing applications made under the HSNO Act.

The overall purpose of the HSNO Act is to ‘protect the environment, and the health and safety of people and communities, by preventing or managing the adverse effects of hazardous substances and new organisms’. To achieve this, the Authority have the responsibility of making decisions regarding the import, manufacture and use of hazardous substances and new organisms in New Zealand. In doing this, the Authority must consider a vast range of information when assessing applications. Included in this, is the requirement to consider Māori cultural perspectives and the principles of the Treaty of Waitangi.

To aid the Authority in this responsibility a range of guidance material has been compiled to provide signposts for decision makers about what the key cultural issues are, and how they should be considered.

The Orongomai hui provided an opportunity to work through this guidance material within a marae context enabling Authority members to be immersed in a tikanga Māori environment.

The hui worked from a mātauranga Māori platform covering principle cultural concepts and practices such as kaitiakitanga, mauri, mana, tapu, tikanga, taonga koiora, and taonga tuku iho. In this way the Authority was able to obtain a broader understanding of these issues and to cement their awareness of what it means to work within a Treaty of Waitangi framework in relation to HSNO Act decision making.

Ngā Kaihautū members provided presentations, facilitated discussion and ran workshops on a range of issues identified by iwi/Māori as being important. These included environmental, cultural, health and well-being, economic and Treaty of Waitangi outcomes that can provide a reference against which applications can be assessed. Ngā Kaihautū also stressed the importance of utilising information obtained from iwi/Māori through consultation and submissions, to aid in weighing cultural information alongside scientific, ethical and other information during the decision making process.

Authority members provided positive feedback from the hui, and sessions such as this will become a regular annual feature in its work programme. Our special thanks and gratitude to the whanau at Orongomai Marae for providing a tranquil and inspiring atmosphere that was warmly and appreciatively noted by all participants at the hui.

Upcoming Events

Event	Date	Venue
2005 Māori National Network Hui	Wednesday 25 May to Thursday, 26 May	Whakatu Marae, Nelson
Wānanga – Biological Control	October 2005	TBC

Information Is Key To Decision Making

The huge task of compiling and analysing reference material on Māori perspectives relevant to HSNO Act decision making, was recently undertaken by contractor Ngaire Burley (*Te Arawa*) on behalf of ERMA New Zealand's Māori Unit.

The purpose of this work is to provide the Authority with readily available information on key iwi/Māori issues and interests relevant to making decisions under the Hazardous Substances and New Organisms Act. Information has been compiled and analysed from four different iwi/Māori related sources of information:

- iwi Claims Settlement Acts
- iwi Management Plans (IMPs)
- the indigenous flora and fauna Waitangi Tribunal claim (Wai262) and
- environment Court Decisions.

Four internal reports will be produced from this project covering each of these sources of information with a focus on matters of relevance under sections 6 (d) and 8 of the HSNO Act.

Two in this series of reports have been completed so far. The first – on Iwi Claims Settlement Acts – outlines issues of interest and importance to Māori contained within a number of Iwi Claims Settlements Acts. This includes providing details about the special relationships specific iwi have with particular areas, sites, flora and/or fauna within their respective rohe. Similarly, the second report – on Iwi Management Plans - takes an in depth look at matters of importance to specific iwi and of relevance to ERMA New Zealand.

Though these plans are largely prepared to assist Resource Management Act decision making, the information is often equally as relevant to HSNO decision making.

The third report investigates the large volume of information compiled to date in relation to the Wai262 Flora and Fauna claim to the Waitangi Tribunal and is due to be completed in May. A range of information will be considered in preparing this report including reports commissioned by the Tribunal, information provided by claimants, and other commentaries made over recent years. The scope and scale of the Wai262 claim is comprehensive and ERMA New Zealand is keen to begin considering its implications to HSNO Act decision making as early as possible.

Finally, a fourth report on iwi/Māori perspectives presented to the Environment Court in various high profile cases of relevance to HSNO Act decision making is also to be completed. Again, this report will enable the Authority to better understand the range of environmental issues and interests raised by iwi/Māori that might have relevance to their decision making. It will also provide some information on the way in which the Environment Court has dealt with these issues.

For further information about this project, contact Linda Robinson, Manager, Māori on 04 918 4836 or via email linda.robinson@ermanz.govt.nz

Te Pūtara is the panui for the Māori National Network. The Māori National Network is a formal network set up by ERMA New Zealand for the reciprocal sharing of knowledge on HSNO. We welcome your comments and suggestions.

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Te Pūtara

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