



Environmental  
Protection Authority  
*Te Mana Rauhi Taiao*

# MĀORI ENGAGEMENT GUIDELINE FOR HAZARDOUS SUBSTANCES NOTIFIED APPLICATIONS

January 2015



**'Kia mau koe ki te aka matua, kei mau koe ki te aka taepa'**

Hold fast to the parent (firm and reliable) vine, take not hold of the loose (unreliable) vine. (Hold to what is right and not what is wrong).



# What this guide is for

It is appropriate for applicants to engage with Māori about any application to the Environmental Protection Authority (EPA) to import or manufacture a hazardous substance that poses a significant tangible or intangible impact (whether positively or negatively) on outcomes of significance to Māori. These outcomes are outlined in this guide, with examples. They are:

- environmental outcomes
- cultural outcomes
- social, spiritual, health and well-being outcomes
- economic development and sustainability outcomes
- Tiriti o Waitangi/Treaty of Waitangi outcomes.



# Background

The functions and activities of the EPA reflect the desire and commitment of New Zealanders to live in healthy, productive and sustainable communities supported by an environment that enhances social, cultural and economic wellbeing.

The purpose and responsibilities of the EPA are outlined in the EPA Act 2011. These include a range of regulatory functions under several environmental Acts (including the Resource Management Act, the Hazardous Substances and New Organisms Act, the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act and the Climate Change Response Act).

In undertaking this work the EPA recognises a range of legislative and other responsibilities for ensuring Māori are engaged in its activities and decision-making processes. For the purposes of this document 'Māori' is taken to mean tāngata whenua, mana whenua, mana moana or other iwi, hapū or Māori organisational representations of relevance to the activity proposed.

# When to engage

Engagement with Māori will always be encouraged for any type of application that may be of interest to Māori. However, engagement will be particularly appropriate where proposals involve or pose significant potential impacts to:

- Māori cultural practices, knowledge and sites of significance
- native or valued flora and fauna
- Māori health and wellbeing
- environmental health and wellbeing, generally
- Māori social and economic aspirations
- any statutory or other requirement or acknowledgement of relevance to the proposed activity.



## Some general principles

Applicants should consult with the EPA before confirming their approach to engagement. The EPA has useful networks and experience in this area and can support applicants to develop their engagement strategy. Talking to the EPA early in the development of application proposals can also avoid unnecessary cost, confusion, or delays arising from inadequate or inappropriate engagement.

Engagement should be conducted early in the development of application proposals to ensure:

- a)** there is genuine opportunity for Māori to influence aspects of the proposal relevant to their interests
- b)** applicants and decision-makers have a full understanding of the Māori interests relevant to the proposal in accordance with the HSNO Act.

Applicants will need to ensure they engage with the correct and most appropriate parties (such as recognised mana whenua and mana moana), and should be prepared to resource the engagement where necessary.

Determining an appropriate engagement strategy will be based on a number of factors including the level and significance of potential impacts and whether they can be mitigated to minor or less than minor levels. Such mitigation measures might include the nature of the application type itself (e.g. if it is an application whose effects are contained), or through the imposition of controls or conditions to manage impacts to a minor or less than minor level.

## How the EPA can help

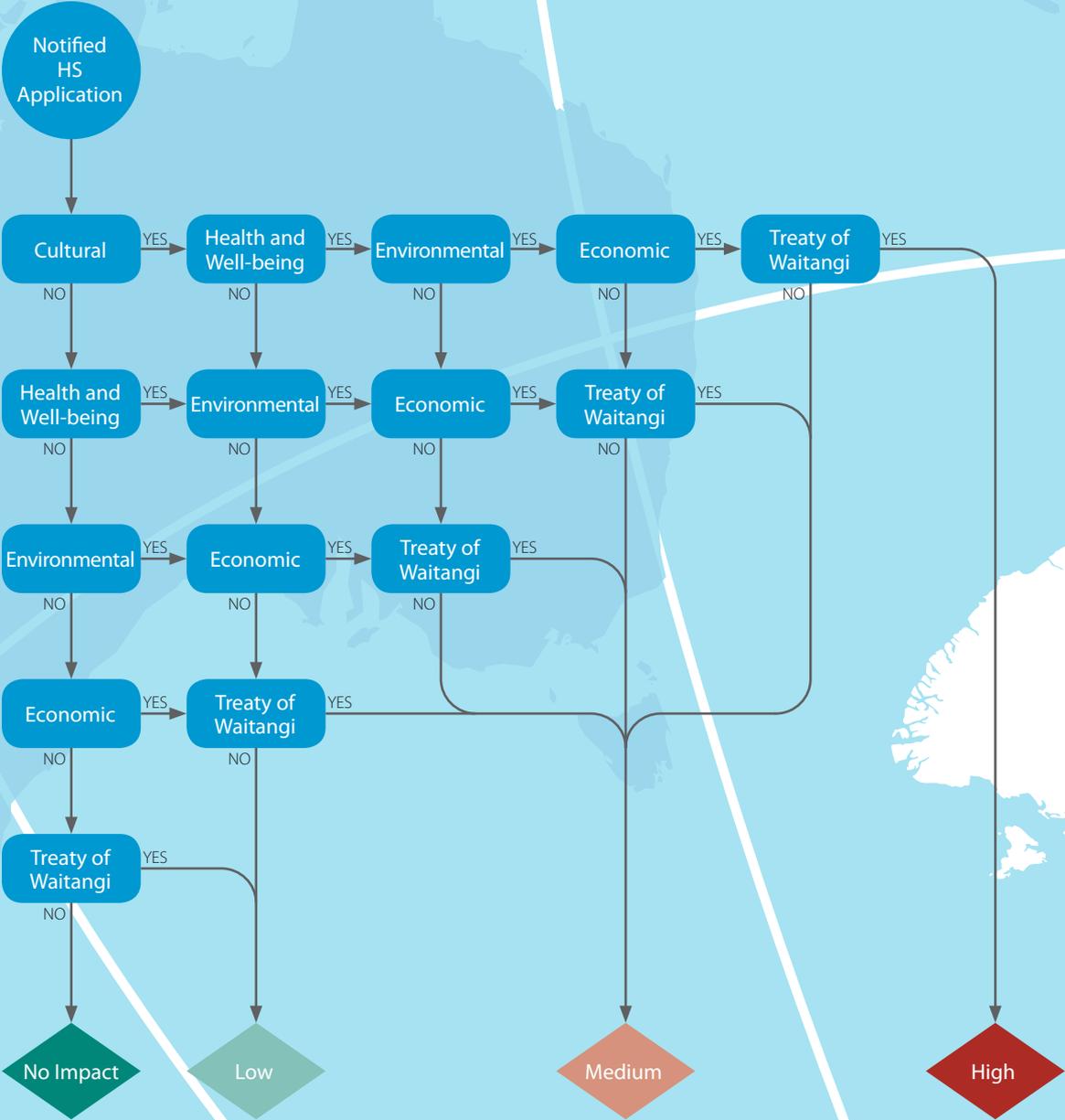
These are some of the ways the EPA can help.

- Weekly email – The applicant provides summary information of the application to the EPA, which is included (with a request for feedback) in a weekly email to members of Te Herenga, a group of Māori resource and environmental managers, practitioners, or experts who represent their iwi organisation on matters of relevance to the activities and decision-making of the EPA.
- Targeted meeting with iwi organisations – The applicant meets with specific Māori organisations to discuss the impact of applications to their interests.
- Māori Reference Groups – The use of a reference group to assess an application from a Māori perspective.
- Presentation at national hui – Where appropriate the applicant may provide a presentation at one of two annual national hui with Te Herenga and the EPA.



# Determinants for level of Māori engagement

Check whether the proposed application has any of these impacts, to determine the correct level of engagement.



The following provides a guide to the types of consultation mechanisms deemed appropriate to each level of engagement.



No Impact

- Engagement not necessary



Low

- Engagement may be necessary
- Please contact the EPA to confirm



Medium

- Request feedback via emails
- Post application info on EPA website
- Face-to-face meetings with iwi organisations



High

- Request feedback via emails
- Post application info on EPA website
- Targeted meetings with iwi organisations
- Māori Reference Group
- Presentation at TH national hui

# Outcomes of significance for Māori

## Environmental outcomes

Does the application pose any significant impact to the productive and life-sustaining quantity and quality (including the spiritually-based qualities and intrinsic values) of the following?

- traditional Māori food resources (mahinga kai)
- New Zealand's indigenous flora and fauna, or flora and fauna valued by Māori
- water (inland, coastal and deep sea)
- land
- air
- natural habitats and ecosystems
- other natural resources valued by Māori
- other cultural heritage resources valued by Māori
- other cultural heritage relationships valued by Māori.

### EXAMPLE:

During the major reassessment of 1080 in 2007, the decision-making committee recognised the concerns raised by Māori that continued deterioration of the environment would inevitably contribute to the loss over time of the depth of knowledge held by Māori in relation to that environment.

The decision-making committee also acknowledged the significant damage and degradation caused to taonga by the existence of browsing and other pest species, and the need to continue pest management control.

To mitigate these impacts, the committee implemented additional controls and recommended reports on aerial operations, improved consultation with and participation of Māori in pest management operations and an increased focus on research.

## Cultural outcomes

Does the application pose any significant impact to mātauranga and tikanga Māori including the kaitiakitanga role of Māori and/or the protection and enhancement of the mauri, mana and tapu of:

- people – (ngā tāngata)
- native flora and fauna – (ngā taonga koiora)
- valued flora and fauna – (ngā taonga tuku iho)
- land – (whenua)
- waterways (inland and offshore) – (ngā moana, roto, awa, manga)
- air – (te hau)
- traditional Māori values and practices – (ngā taonga tuku iho)

### EXAMPLE:

In relation to an application for the importation of chemical pesticides, a report by Ngā Kaihautū Tikanga Taiao stated that:

*“Māori consider the presence of any anthropogenic compound that is unable to be eliminated naturally as having an impact on the mauri (life energy) of that individual. This in turn is considered symptomatic of an environment that is not well or has become ‘unbalanced’..... there exist a range of established processes and relationships that continuously cycle chemicals through the spiritual states of tapu (restricted state) and noa (relaxed or normalised state). Compounds that have been synthesised with properties that convey resistance to these natural processes are often met with opposition – particularly if their intended use involves direct deployment into the environment.”*

The report recommended investigating the use of alternative chemical control agents that do not bioaccumulate and biomagnify, and non-chemical methods like lures and traps.

## Social, spiritual, health and well-being outcomes

Does the application pose significant impact to the protection and enhancement of:

- taha wairua – spiritual health and well-being obtained through the maintenance of a balance with nature and the protection of mauri
- taha whanaunga – the responsibility and capacity to belong, care for and share in the collective, including relationships and social cohesion
- taha hinengaro – mental health and well-being and the capacity to communicate, think and feel
- taha tinana – physical health and well-being.

These attributes together express the holistic nature of hauora (Māori health and well-being) and this model is also known as the Whare Tapawhā model of Māori health.

### EXAMPLE:

These outcomes were outlined in the formal reassessment of methyl bromide, when Māori submitters acknowledged the positive role that the chemical had on the protection of taonga species but conversely, and more significantly, the negative impact of the chemical for Whareroa Marae, which is situated immediately next to fumigation areas.

The negative impact to the taha tinana of children at the kōhanga reo as well as the taha tinana of kaumātua living in the nearby kaumātua flats was extremely high and therefore the decision-making committee mitigated this by requiring minimum buffer zones, air quality monitoring and prior notification of spraying to nearby residents.

## Economic development and sustainability outcomes

Does the application pose significant impact to the:

- ongoing capacity and capability of Māori to be economically sustainable
- ongoing participation of Māori in the protection and generation of economic benefit, and the ability to generate economic cost.

### EXAMPLE:

Consideration of this outcome was observed in a submission on the EPA's reassessment of organophosphates and carbamates. One submitter stated that their whaihua (pursuit of economic productivity) would be negatively impacted if they were no longer permitted to use some of the substances being reassessed.

The submitter suggested that, as there are presently no viable alternatives for some of the substances they currently used, it would lead to a decrease in fruit production, which in turn would lead to the laying off of junior staff – the majority of whom were Māori.

## Tiriti o Waitangi / Treaty of Waitangi outcomes

Does the application pose significant impact to the:

- 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.







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