

EVIDENCE Keir Volkerling

TOPIC CMO PC131/PC18

SUB# 007

DATE 13/6/2016

GENETIC ENGINEERING / GENETICALLY MODIFIED ORGANISMS

Background

Iwi and hapū in Northland have been consistent in their opposition to the release of GE/GMO into the environment. From a tangata whenua perspective, values arising from mauri and whakapapa underlie these concerns.

Those concerns include the potential for GE/GMO release to threaten the integrity of indigenous species of flora and fauna, which are considered as taonga species¹. This is therefore a s6(e) matter as it could result in impacts on the relationship of Maori and their culture and traditions and their taonga.

Section 7 of the RMA, which requires particular regard to be had to kaitiakitanga, is also relevant. Kaitiaki in iwi and hapū in Northland have consistently opposed release of GE/GMO without stringent controls. In the kaitiaki holistic worldview, everything is connected through whakapapa. Through GE/GMO contamination there is potential compromise of the whakapapa of taonga species. Exercising kaitiakitanga includes providing protection for these taonga species.

“The use of genetic engineering and the release of genetically modified organisms to the environment²” is an issue of significance to tangata whenua now in the operative Regional Policy Statement³. A further issue of significance in the RPS is “the decline of the mauri of natural resources⁴”.

These provisions were included in the RPS after comprehensive engagement with tangata whenua in the region, and took into account iwi planning documents⁵.

It is important to note that as a result of the NRC’s s32 analysis inclusion of provisions for GE/GMO were initially rejected. However the status of the tangata whenua issue of significance with respect to GE/GMO was not challenged, and following submissions the hearings commissioners for the RPS determined that provisions for management were needed. This has resulted in a policy⁶ which requires a precautionary approach for GE/GMO related activities.

¹ This usage is in the Wai 262 Report *Ko Aotearoa Tenei Waitangi Tribunal* 2011

² RPS 2.6(g)

³ We acknowledge there is an undecided appeal on the RMA jurisdiction of GE/GMO

⁴ RPA 2.6(a)

⁵ The RMA refers in s74(2A) to “any relevant planning document recognised by an iwi authority and lodged with the territorial authority”. In practice this includes documents produced by hapū, marae etc.

⁶ RPS Policy 6.11

Therefore the tangata whenua issue is not incidental to, but is central to, the RPS basis supporting these plan changes.

As noted, the concern for impacts of GE/GMO is also expressed in a number of iwi planning documents lodged with the councils. This includes the Ngatiwai Trust Board's plan. Section 74(2A) requires that these plans will be taken into account in relevant plan change processes. While this does not require that content of iwi planning documents must be implemented in relevant plan changes, but defensible reasons are needed if iwi planning document provisions are to be rejected⁷.

Implementation of this precautionary policy is not relevant to the functions of regional planning, and it is therefore essential that district land use planning gives effect to the RPS provisions.

The plan changes

There is sufficient technical expertise from specialists addressing potential impacts of GE/GMO in the environment. We support submissions of those parties such as Soil and Health, GE Free Northland and other experts on these matters.

Ngatiwai Trust Board attempted to include a GE/GMO rule in the current operative Whangarei District Plan when it was first notified. This was pursued to the Environment Court. In retrospect the proposed Ngatiwai rule was too broad in its application, and it lacked some technical RMA requirements.

It is not the position of either Ngatiwai or Ngapuhi that there should be a blanket prohibition on all GE/GMO related activities, but rather that a sensible set of precautions are provided. We do not deny possible positive gains from GE/GMO in medicine, agriculture and other fields. But any potential gain must not be at a cost of irreversible impacts on kaitiakitanga, taonga species, or to the mauri of the environment. We therefore fully support the inclusion of some permitted activities subject to appropriate conditions, and agree that other activities must have a discretionary classification to ensure that public input into decision making is enabled.

Keir Volkerling

13 June 2016

⁷ Case law for this includes *Haddon v Auckland Regional Council*