



Te Ohu Kaimoana's draft  
response to the Ministry  
for the Environment's  
Reducing the Impact of  
Plastic on our Environment

Te Ohu  
**Kaimoana**  


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# Executive Summary

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1. Te Ohu Kaimoana supports the move to replace hard-to-recycle plastics with alternative products that are more sustainable or have a better recycling capability. We recognise that a high percentage of plastic products used in Aotearoa are being sent to landfill due to the limited recycling capability for certain types of hard-to-recycle plastics. A large proportion of this plastic waste ends up in our aquatic ecosystems.
2. The negative impact plastic pollution has on the health of aquatic life diminishes the relationship between Iwi and Tangaroa and consequently their rights under the Deed of Settlement. The relationship Maori have with Tangaroa is reciprocal. If we do not care for Tangaroa, Tangaroa cannot provide for us. The unsustainable and continued pollution of our marine environment contradicts the values of Te Āo Māori and will not ensure future generations have access to healthy marine resources.
3. Te Ohu Kaimoana supports a regulatory change to phase out some plastic products. However, regulation is not the only appropriate tool to achieve an effective and far-reaching phase out. The Government also has a role in supporting and enabling organisations and communities to reduce plastic pollution. Iwi and their settlement entities aspire to reduce unsustainable practices. This aspiration has been demonstrated through waste commitment policies and local community agreements. With government support and resourcing, these initiatives could increase nationally and generate greater change than what is proposed for regulation. This enables everyone to do the best they can – which will accelerate the change needed for a more sustainable Aotearoa.
4. The consultation document identifies several options to address the issue of undesirable plastic products in Aotearoa. We support the option of implementing a mandatory phase out of these products. However, we also believe that other options present some beneficial outcomes and are worth investment in tandem with the regulatory approach. For example, enabling and supporting producers, recyclers and retailers of plastic products to implement voluntary codes of practice could assist in the transition to the new regulations as well as generate wider behavioural change and values across Aotearoa. The need for support from industry, stakeholders and consumers is required to achieve the Ministry for the Environment's 100% reusable, recyclable or compostable goal by 2025.
5. Further it is our view that the phase out of these less desirable plastic items needs to be supported by alternatives that are economically viable and readily available. Importantly, systems need to be put in place to support the people of Aotearoa to successfully replace some plastic items with better choices. Specific consideration should be given to the impact of the desired changes on already disadvantaged groups, so they have access to equitable alternatives.
6. Sustainable use practices are paramount to ensuring that the environment is healthy for future generations. This will require a long-term investment from the Government and our people to both

sustain the environment while ensuring, social, cultural and economic well-being of the people in Aotearoa. We believe the values of Te Āo Māori must be incorporated into management decisions to achieve the necessary goals in reducing plastic waste in the environment.

## This is our response to Reducing the Impact of Plastic on our Environment

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7. Thank you for providing us with the opportunity to comment on the Ministry for the Environment's consultation paper: Reducing the Impact of Plastic on our Environment (the consultation paper). Unsustainable plastic pollution has rapidly become one of the biggest threats to our natural environment. Now, because the modern world is so heavily dependent on plastics it is important to implement strategies to effectively adapt the way we use it.
8. We have structured our response as follows:
  - First, we set out who we are.
  - Second, we describe the Te Hā o Tangaroa kia ora ai taua, as the foundation of our advice.
  - Third, we outline our views and recommendations.
9. We have discussed the content of the consultation document with Mandated Iwi Organisations (MIOs)<sup>1</sup>, Asset Holding Companies (AHCs) and Iwi settlement entities. We have incorporated their perspectives into developing this response.
10. We do not intend our response to conflict with or override any response provided independently by Iwi through their MIOs and/or AHCs.

## We are Te Ohu Kaimoana

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11. Te Ohu Kai Moana Trustee Ltd (Te Ohu Kaimoana) was established to protect and enhance the Deed of Settlement. The Deed of Settlement and the Maori Fisheries Act 2004<sup>2</sup> are expressions of the Crown's legal obligation to uphold Te Tiriti o Waitangi.

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<sup>1</sup> MIO as referred to in The Maori Fisheries Act 2004: in relation to an iwi, means an organisation recognised by Te Ohu Kai Moana Trustee Limited under section 13(1) as the representative organisation of that iwi under this Act, and a reference to a mandated iwi organisation includes a reference to a recognised iwi organisation to the extent provided for by section 27.

<sup>2</sup> Māori Fisheries Deed of Settlement 1992. The Deed is given effect to by the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992, and the Māori Fisheries Act 2004.

12. Our purpose, set out in section 32 of the Maori Fisheries Act, is to “advance the interests of iwi, individually and collectively, primarily in the development of fisheries, fishing and fisheries-related activities, in order to:
- a) ultimately benefit the members of Iwi and Māori generally
  - b) further the agreements made in the Deed of Settlement
  - c) assist the Crown to discharge its obligations under the Deed of Settlement and the Treaty of Waitangi
  - d) contribute to the achievement of an enduring settlement of the claims and grievances referred to in the Deed of Settlement.”
13. We work on behalf of 58 MIOs who represent Iwi throughout Aotearoa. AHCs hold Fisheries Settlement Assets on behalf of their MIOs. The assets include Individual Transferable Quota (ITQ) and shares in Aotearoa Fisheries Limited which, in turn, owns 50% of the Sealord Group.
14. MIOs have approved our Māori Fisheries Strategy and three-year strategic plan, which has as its goal “that MIOs collectively lead the development of Aotearoa’s marine and environmental policy affecting fisheries management through Te Ohu Kaimoana as their mandated agent”. We play a key role in assisting MIOs to achieve that goal.

## Te Ohu Kaimoana’s interest

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15. Our interest arises from our responsibility to protect the rights and interests of Iwi in the Deed of Settlement and assist the Crown to discharge its obligations under the Deed and Te Tiriti o Waitangi.
16. Te Tiriti o Waitangi guaranteed Māori tino rangatiratanga over their taonga, including fisheries. Tino rangatiratanga is about Māori acting with authority and independence over their own affairs. It is practiced through living according to tikanga and mātauranga Māori, and striving wherever possible to ensure that the homes, land, and resources (including fisheries) guaranteed to Māori under Te Tiriti o Waitangi are protected for the use and enjoyment of future generations. This view endures today and is embodied within our framework Te Hā o Tangaroa kia ora ai tāua (the breath of Tangaroa sustains us).

## Our advice is based on Māori principles

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### The significance of Tangaroa to Te Ao Māori

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17. The relationship Māori have with Tangaroa is intrinsic, and the ability to benefit from that relationship was and continues to be underpinned by whakapapa. Tangaroa is the son of Papatūānuku, the earth mother, and Ranginui, the sky father. When Papatūānuku and Ranginui were

separated, Tangaroa went to live in the world that was created and has existed as a tipuna to Māori ever since.<sup>3</sup>

18. Protection of the reciprocal relationship with Tangaroa is an inherent part of the Deed of Settlement – it's an important and relevant part of modern environmental management for Aotearoa.

## We base our advice on Te hā o Tangaroa kia ora ai tāua

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19. Te Hā o Tangaroa kia ora ai tāua is an expression of the unique and lasting connection Māori have with the environment. It contains the principles we use to analyse and develop modern fisheries policy, and other policies that may affect the rights of Iwi under the Deed of Settlement. In essence, Te Hā o Tangaroa kia ora ai tāua highlights the importance of humanity's interdependent relationship with Tangaroa to ensure our mutual health and wellbeing.
20. Māori rights in fisheries can be expressed as a share of the productive potential of all aquatic life in New Zealand waters. They are not just a right to harvest, but also to use the resource in a way that provides for social, cultural and economic wellbeing.
21. Te Hā o Tangaroa kia ora ai tāua does not mean that Māori have a right to use fisheries resources to the detriment of other children of Tangaroa: rights are an extension of responsibility. It speaks to striking an appropriate balance between people and those we share the environment with.
22. As increasing and enduring plastic pollution in our environment negatively effects the health of Tangaroa, it is our responsibility as tangata whenua to limit these effects to ensure the bounty of resources are still available to utilise for generations to come.

## Our view on reducing the impacts of plastic waste on our environment

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23. Te Ohu Kaimoana supports well thought out efforts to reduce impacts of plastic waste on the environment. We understand the need for Aotearoa to encompass a circular approach to plastic management and take action to become world leading in this area. Our viewpoint stands to ensure reciprocity is maintained in our relationship with Tangaroa, this means appropriate management of all resources that are gifted to us.
24. Due to the enduring nature of plastic pollution, we agree that the way we are using plastics is not sustainable. It is important that we act now to reduce the impacts of plastic pollution so that future

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<sup>3</sup> Waitangi Tribunal. "Ko Aotearoa tēnei: A report into claims concerning New Zealand law and policy affecting Māori culture and identity." Te taumata tuatahi (2011).

generations have access to healthy environments. This is consistent with the concept of kaitiakitanga and specifically the views shared with us by Te Arawa Fisheries.

25. Our view is that plastic reduction and its impacts will be best achieved through a variety of targeted management approaches. We agree with the proposed mandatory phase, however, consider more can be achieved if this is accompanied by complementary tools that support organisations and communities. There are currently multiple local or business specific initiatives that aspire towards greater waste reduction. With the proper resourcing and support from Government, such initiatives could be far more influential. We consider that enabling groups to do the best they can to improve waste management, will have a greater effect than regulation on its own.

#### **Examples of voluntary initiatives from the Seafood Sector**

26. Moana New Zealand (Aotearoa Fisheries New Zealand), an Iwi owned seafood company, is reducing its footprint through a waste commitment policy. The company is making huge progress by cutting its waste to landfill by over 50%. Through simple changes in their operations from using compostable bin liners and exchanging plastic bags to buckets, operations can still maintain efficiency with significantly less plastics sent to waste.
27. Sealord, which is 50% Iwi owned, no longer uses any polystyrene in their operations and has limited their use of PVC plastic. The only PVC they use is limited to the lining of their workers' gumboots. They have replaced the plastic shrink wrap that covers tuna from Japan and have replaced it with an eco-friendly alternative, costing a significant amount of money, but absorbing all the associated costs.
28. These are examples of what can be achieved through voluntary pacts and business initiatives. We consider that there is a lot to be achieved through this process. With added Government support the rate and scale of positive change could increase.

#### **Plastic waste impacts offshore island communities**

29. The Moriori community that resides on the Chatham Islands is heavily affected by offshore plastic threats from international based fishing and drifting mainland plastic waste. On the island there are no recycling facilities, which means that plastic waste washing onto the beaches stays on the island. The community still attempts to separate and store plastics from general waste, despite currently having no method of transporting it back to the mainland. Hokotehi Moriori Trust, alongside local fishers are trialling the use of alternative biodegradable products in the fishing industry, both on water and in the fishing factory. The initiatives taken by the Chatham Islands' community provide an opportunity for greater collaboration and Government assistance to reduce the impacts of plastic on our marine environment.

#### **The consultation document provides options to support and enable greater change**

30. We consider the proposed mandatory phase out option to be only part of the solution toward sustainable use and reducing plastic impacts on the environment. Although the Ministry for the Environment settled on moving forward with a single option to enforce a mandatory phase out; Te

Ohu Kaimoana sees the benefits in implementing multiple options that are presented in the consultation paper. Combining options would enhance Aotearoa's ability to transition to easier recycled plastics. We support Government investment in the options outlined below.

- **Voluntary agreement on operational procedures with industry and business** enabling the opportunity for businesses to accept accountability and implement positive changes is a way to assist Aotearoa to transition toward the phase out. Further, such agreements could generate wider awareness of sustainable practices and lead to changes beyond the proposed regulations. A voluntary pact should first have focus on larger corporations and then allow for smaller businesses to make changes where they can be made.
- **Labelling requirements on plastics** to allow consumers to make an informed decision on plastic use is another useful option. Creating awareness about sustainable choices can drive market changes and incentivise business practice changes. If the goal of Government is to become 100% reusable, recyclable or compostable by 2025 there needs to be focus on better public awareness. Contrary to the consultation document, we believe this option can have significant influence in consumers decision making.
- **Government incentivising good behaviour** instead of increasing the tax on less desirable items. We consider there are better incentives, for example subsidising a small percentage of the cost of easier to recycle or more eco-friendly options. We do not support increasing taxes or levy's on problematic plastic items an option for industry to make the desired change. Larger more established businesses are more capable of absorbing this cost, whereas for smaller or newer businesses attempting to absorb this cost can have major impacts and potentially disincentivise businesses to create changes. We believe the consultation has incorrectly evaluated the potential effectiveness of this option.

**We support interim exemptions to the phase out where viable alternatives are not yet available.**

31. We support the provision of suitable replacement products that achieve all the necessary functions of the original product. If these are not currently available, then exemptions should be provided to not disadvantage groups of people. We note that the consultation paper recognises this issue in the context of the function of plastic straws enabling unassisted drinking for some disabled people. We support the proposed exemption for this example and support other exemptions that are based on the same principle should more issues arise.
32. Further, we support the proposed exemption for the use of polystyrene EPS bins for food transportation in the seafood industry. The seafood industry are well aware of the harmful effects polystyrene bins have on the environment, however until there is an alternative option that can function with the same properties at a reasonable cost, we believe an exemption is appropriate for both international and domestic seafood packaging and shipment. Polystyrene EPS bins are currently the only product that ensures quality and/or safety where shipping live seafood across the market. There are alternative options being developed however these do not yet provide the same functions in terms of consistent temperature and vibration control in transit. We support an exemption until an equitable option is developed for food safe alternatives to polystyrene bins



### **Our current economic climate means it is important to be precautionary**

33. While we support the Government's initiative to phase out hard to recycle plastics, we are conscious of the impacts that COVID-19 have had on the people of Aotearoa. There is still significant uncertainty about the stability of our economic climate in the years to come. We note there is a lack of detailed impact assessment in the consultation paper. There is the potential for a mandatory phase out to have flow on effects to consumers which could limit their access to certain products. The importance of food security was highlighted during the level four lockdown in Aotearoa and we consider it paramount that Government decisions consider these effects and put mitigation measures in place. Therefore, there may be a case for Government subsidies on sustainable alternatives.

## **Conclusion**

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34. Due to the mismanagement of plastic products, plastic waste is accumulating in our aquatic ecosystems and affecting the health of Tangaroa. Microplastics in the marine environment accumulate up the food chain, polluting kaimoana that are an important food source for Aotearoa and a customary right for iwi/Māori. The values of Te Āo Māori and reciprocity must be incorporated into all management decisions, we see this through sustainable utilisation of resources that are gifted to us and protection of resources that cannot be used sustainably.

35. Overall, this consultation document has highlighted some necessary steps to enable better management of plastic waste. However, we believe regulating a mandatory phase out of certain plastics is only part of the solution. The Government needs to ensure systems are put in place to enhance public awareness and allow businesses the opportunity to make the necessary changes. We can make a difference in Aotearoa through a collaborative relationship between government and industry.

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