

9th December 2021

Ministry for the Environment  
PO Box 10362  
Wellington 6143

**Joint Submission to: Ministry for the Environment. 2021. *Te kawē i te haepapa para | Taking responsibility for our waste: Proposals for a new waste strategy; Issues and options for new waste legislation.* Wellington, Ministry for the Environment**

Dear Hon. David Parker, Minister for the Environment,

This collective submission represents the viewpoints of the whānau, hapū, iwi, rōpū, and individuals listed below who, as Mana Whenua, Mana Moana, and Treaty partners, have inseparable ancestral and cultural connections to Aotearoa's natural environment.

We cannot assert strongly enough our absolute and unyielding interest in restoring Papatūānuku, Ranginui, Tangaroa, and all native species to optimal health. Humanity and all the species with which we share this planet are completely dependent on the life-sustaining systems that we are currently degrading with shameful disregard. Our interest is grounded in a deep knowledge of the perilous position we find ourselves in, one which demands urgent and radical action to arrest the rapid deterioration of the natural world.

While we present this submission as part of a process that has been set by the Crown, and that we are forced to work within to have our voices heard, we emphasise that Mana Whenua and Mana Moana have had no formal input into either the proposed waste strategy or the review of the Waste Minimisation Act. The waste strategy in particular makes no formal mention of te ao Māori, nor does it include any cohesive Māori perspectives on solutions to our current problems. The Collective Submitters find this unacceptable. **This submission must not be considered as our ratification of the process.**

Please find attached our collective submission. Before addressing the official consultation questions we have included multiple sections to add context to and state our position on the proposed waste strategy and legislation reform. These sections are referred to throughout the submission. This submission comes from the 'Collective Submitters' as listed below.

Regards

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# *Collective Submission on Te kawē i te haepapa para | Taking responsibility for our waste: Proposals for a new waste strategy; Issues and options for new waste legislation*

## Executive Summary

**The current climate emergency poses an enormous threat to our communities, te taiao, and our survival as a species. Radical change whereby we design waste out of the system is critical to escape disastrous consequences.**

The Collective Submitters view the proposals for a new waste strategy and new waste legislation as catastrophically inadequate. The process by which this strategy and legislation reform was developed, its content, and the ways in which it is planned to be implemented are in breach of Te Tiriti o Waitangi and He Whakaputanga. The proposals neglect the obligations the Crown has to Māori to enact a partnership model of shared decision making. It fails to understand and incorporate the wealth of knowledge that exists within te ao Māori. Furthermore, it fails to understand or address the upstream systemic causes which underpin waste issues in Aotearoa. Most critically, it does not reflect the extent or urgency of changes required.

The Collective Submitters assert that an equitable and just transformation to a zero waste Aotearoa must operate through shared decision making and partnership between the Crown and Māori. We propose this is best actioned through the establishment of a Crown-Māori agency for Oranga Taiao, the use of mātauranga Māori solutions, and a rapid transition from a linear to a circular economy. This level of change is only possible through the deconstruction of existing social and economic systems and therefore requires constitutional transformation.

The Collective Submitters state that the ongoing colonisation of Aotearoa, breaches of Te Tiriti o Waitangi, and the subsequent imposition of capitalism are root causes of environmental degradation.

This submission seeks to explain the ways colonisation, breaches of Te Tiriti, and capitalism have caused harm and outlines our vision of an aspirational future where people and te taiao can flourish for generations to come.

## Who are the Collective Submitters?

Established in 2010, Para Kore is a Māori not-for-profit organisation with a kaupapa based on whakapapa to Papatūānuku. We educate and advocate from te ao Māori to reinforce our connection to Ranginui and Papatūānuku. We work to achieve aspiration social, environmental, cultural, and economic outcomes for our communities and rōpū.

## Section One: Te Tīmatanga

Ko Rangi, Ko Papa  
Ka puta ko Rongo  
Ko Tāne Mahuta  
Ko Tangaroa  
Ko Tūmatauenga  
Ko Haumietiketike  
Ko Tāwhirimātea  
Tokona te Rangi ki runga  
Ko Papatūānuku ki raro  
Ka puta te ira tangata  
Ki te whaiao, ki te ao mārama

**Since the arrival of our ancestral waka to Aotearoa, we have maintained a unique relationship with this land.** Through whakapapa, we are connected to the natural environment. Papatūānuku is our ancestral mother, and Ranginui our matua. Our connections to the places, people, landforms, and waterways make up our whakapapa. These connections shape our values, culture, and worldview.

Within te ao Māori people are a *part* of nature. The Māori concept of kaitiakitanga acknowledges the broad set of inalienable responsibilities, duties, and obligations we have to Aotearoa's lands, sky, and waters.

Prior to colonisation, Māori (like other indigenous nations) lived according to ecologically regenerative and holistic values that respected the environment. There was no problematic waste.

### Section Two: Te Tiriti o Waitangi

**In 1840, Te Tiriti o Waitangi guaranteed iwi and/or hapū tino rangatiratanga to exercise kaitiakitanga.** It is through Crown breaches of Te Tiriti o Waitangi, that waste and pollution have become a critical environmental threat. The Crown has:

- displayed very poor management and care of te taiao and Aotearoa's natural resources;
- failed to govern in a manner that aligns with the wellbeing of our taonga; and
- denied Māori the 'unqualified exercise of their chieftainship' guaranteed in Te Tiriti.

Māori have been excluded from formal input and decision-making in legislation, policy-making, strategy, and planning related to the environment since Te Tiriti o Waitangi was signed. This government has a duty of partnership, but we are yet to see true partnership reflected in the Parliamentary process and the creation of law.

A *by Māori for Māori* approach is an imperative enactment of treaty obligations. Te Tiriti bestows tino rangatiratanga (absolute sovereignty) to Māori over all our taonga. Therefore it is our right to design and implement strategies relating to our taonga.

### Section Three: Colonisation, Capitalism, and Environmental Degradation

**Colonial systems derive their power and wealth from the exploitation and theft of resources from indigenous peoples.** Māori land and resources were alienated by colonisers to form the basis of the settler economy and advance capitalist endeavours.

The eurocentric and capitalist society foisted upon Aotearoa is structurally oppressive. It has devastating effects on Māori and our ability to relate to the environment. The colonisation of Aotearoa is not merely the expropriation of resources and power, it is also an ongoing process of displacing Māori world views, philosophies, and systems. Colonisation prevents Māori from living as Māori on our ancestral lands and this carries physical, spiritual, and emotional consequences. This undermines relationships: as Māori, with ourselves, each other, and with te taiao. Our unique relationship to the environment means that harm to the environment disproportionately impacts Māori.

#### Section Four: A Catastrophically Inadequate Response

**The strategy proposed by the Government is a catastrophically inadequate response.**

Era-scale change is required to safeguard our species; address global heating, pollution, biodiversity loss, and stop the imminent destruction of communities and livelihoods. Strategy and legislation reform must recognise the stark realities of the climate emergency, and the urgency of the transformation required. We cannot afford a leisurely approach to action. Planning to reach our targets by 2050 is dangerously inadequate, all action and targets must be set for completion by 2030.

#### Section Five: Waste Exists By Design

**Waste exists by design. The existence of waste stems from systemic failures.** New Zealand's hegemonic, extractive, linear, and hyper-consumerist systems have waste production embedded within their design. Making changes from within the system to improve waste disposal or better manage waste is both misplaced, and misguided and will not achieve the transformational change required. The magnitude of the systemic change required to move from linear to circular with waste designed out must be acknowledged so that we can begin this momentous journey.

#### Section Six: Capitalism is Incompatible with Te Ao Māori

**The capitalist economic system and eurocentric epistemological framework that was established by the colonial government is the perpetrator of the environmental destruction we seek to address.** The structures and values embedded within these are at odds with the facilitation of the radical and urgent changes required.

It is impossible for mātauranga Māori-derived solutions to be developed within or operationalised by the machinery of the exploitative systems that will, at the same time, functionally undermine or seek to destroy them.

Constitutional reform has been advocated for by Māori for generations as it has become clear that justice is unachievable within current structures<sup>1</sup>. The establishment of Matike Mai Aotearoa in 2010 by the National Iwi Chairs Forum presented an opportunity to redefine the way this nation could work from a Māori worldview. This kaupapa highlighted the importance of "tikanga, community, belonging, place, balance, conciliation and structure"<sup>2</sup> within a new constitution. The Collective Submitters support *Matike Mai* and initiatives that flow out of it such as *He Puapua*. These strategies provide wind for our sails and help us navigate our course across oceans of transformation towards a new destination: a just, fair and equitable Aotearoa.

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<sup>1</sup> <https://www.tandfonline.com/doi/full/10.1080/03036758.2019.1669670>

<sup>2</sup> *ibid.*

## Section Seven: Te Ao Māori and Mātauranga Māori Solutions

**Deficiencies in Crown understanding of indigenous scientific principles and concepts such as mātauranga, kaitiakitanga, tikanga, and manaakitanga do not excuse ignoring Māori science, systems, and values.**

The consultation document is almost completely devoid of formal te ao Māori perspectives or acknowledgement of mātauranga Māori except where concepts have been cherry-picked to suit an already established Crown position. This proposed strategy and legislation (as well as the Crown's environmental policy generally) fails to acknowledge the value of mātauranga Māori and the role it has to play in protecting and managing our environment.

The Public Service Act 2020 (the Act) section 14 explicitly recognises the role of the public service to support the Crown in its relationships with Māori under Te Tiriti o Waitangi/the Treaty of Waitangi, and requires the incorporation and greater understanding of te ao Māori concepts, knowledge, values and perspectives into the work and ethos of the public service. This consultation document fails to meet these obligations.

The Collective Submitters remind the government that the solutions to Aotearoa's waste problems already exist within te ao Māori and our local communities. Māori ancestral knowledge, values, practices, and their modern interpretations offer innovative and contextually informed solutions for Aotearoa's waste issues.

A Māori worldview demands changes in the ways we relate to the environment.

## Section Eight: Te Ao Māori Worldview vs a Circular Economy

**The principles that underlie a circular economy model are deeply embedded within a Māori worldview.** Prior to colonisation, te ao Māori functioned as a fully circular economy. Principles of reciprocity, interconnectedness, and reuse were the norm and waste, as we know it today, was non-existent. All discarded materials were returned to te taiao with minimal or no impact. The concept of a circular economy as defined throughout this consultation document is derived from a eurocentric worldview and represents a westernised, modern interpretation of indigenous practices.

This circular economy model is a de-contextualised and externally defined framework built on values and ideas Māori have held for centuries. The imposition of this model on us, while our own epistemologies are excluded, is an inappropriate cooptation and colonisation of our indigenous knowledge.

The Collective Submitters suggest a Māori worldview-based model of interconnectedness and whakawhanaungatanga based on our inseparable whakapapa connections to Ranginui and Papatūānuku will be more appropriate for Aotearoa than the concept of a circular economy.

Regardless, the Collective Submitters assert that all decisions regarding models to underpin Aotearoa's zero-waste, net zero carbon transformation must be made through a Crown-Māori partnership.

## Section Nine: Crown-Māori Partnership

**We ask the Crown to uphold its constitutional responsibilities and dismantle structures and systems of colonisation.** The Collective Submitters insist that this strategy and legislative reform be grounded in Te

Tiriti o Waitangi. We call for the urgent establishment of a formal Crown-Māori Tiriti partnership espoused from a te ao Māori worldview that returns ownership, management, and kaitiakitanga responsibility for taonga to Māori.

This consultation document represents the Crown's perspective. Māori are referenced only as a group who "we need to work or engage with". This defines Māori as excluded from those setting policy or legislation. We reject the notion of Māori contributing through 'participation', 'consultation' or 'advising'. We assert our authority to decide what is right for our people, our taonga, and te taiao.

In February 2021, constitutional expert Dr Moana Jackson (Ngāti Kahungunu, Ngāti Porou) acknowledged that "*as Māori, we struggle in the reality of not being able to make our own decisions*"<sup>3</sup>.

The collective submitters acknowledge that achieving the level of partnership that is enshrined in both Te Tiriti o Waitangi and He Whakaputanga requires constitutional transformation. We tautoko robust and Māori-led courses of action towards implementation such as that outlined in *He Puapua*, where Māori are more than just "subjects of a colonising state"<sup>4</sup>.

#### Section Ten: Crown-Māori National Agency for Oranga Taiao

**The Collective Submitters propose the establishment of a Crown-Māori National Agency responsible for Oranga Taiao.** This agency, built on partnership between Crown and Māori will provide leadership and set the environmental standards and level of ambition for our South Pacific nation. The National Agency for Oranga Taiao will be tasked with leading era-scale change, reducing emissions to zero, transitioning Aotearoa to a circular economy and restoring biodiversity whilst displaying inclusiveness, agility, and responsiveness.

This proposed statutory agency would be mandated to operationalise the waste strategy, the Waste Minimisation Act, emissions reduction plans, and other relevant environmental legislation, strategies and plans. The responsibilities of the agency would include but not be limited to:

- investment in waste minimisation;
- community and industry education;
- national and regional coordination for waste prevention;
- environmental research;
- waste levy allocation; and
- coordination of a network of territorial and marine authority waste officers.

In place of action investment plans, we recommend local, regional, and national Oranga Taiao transition plans with input from citizens, local community, local industry, and local government. These transition plans will focus on designing waste out of the system, reducing greenhouse gas emissions, and restoring natural ecosystems whilst ensuring a just and equitable transition. These transition plans would return sovereignty and resource hapū and local community initiatives. Resources would be directed towards supporting Māori communities in reclaiming and redeveloping the most effective and appropriate kaitiakitanga practices now and for the future.

The agency would also deliver investment for on-going costs and one-off capital expenses for local authorities to establish the systems (such as kerbside organic collections) and infrastructure (community

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<sup>3</sup> <https://www.scoop.co.nz/stories/PO2102/S00047/matike-mai-constitutional-convention-leading-national-discussion-for-change.htm>

<sup>4</sup> <https://e-tangata.co.nz/comment-and-analysis/a-challenge-not-a-threat/>

resource recovery centres) as well as providing resources to support waste reduction. Exploration about who would be best suited for enforcement, compliance, and licensing would need to be undertaken.

This agency would be regulated to ensure public sector procurement and action are filtered through the waste hierarchy. As an example, the Ministry of Education's school lunches programme results in copious quantities of single-use plastic, single-use compostable packages, and food waste. This regulation would ensure swift reductions of both emissions and waste throughout the public sector.

Central government would participate through regulation as proposed by the Crown-Māori National Agency for Oranga Taiao partnership according to local directives.

### Section Eleven: It's time for a Coordinated Approach

This government is currently undertaking a range of environmental and other reforms. Government departments generally work in silos, and often one matter can be spread across several Ministries and Ministers. A colonial worldview sees things as separate rather than interconnected. This results in an uncoordinated approach and often substandard outcomes.

For Aotearoa to achieve our goals in tackling climate change, waste, and (if agreed by the partnership) a circular economy, a coordinated approach is imperative.

The following three examples exemplify the lack of coordination within government.

1. One of the goals of the proposed Emissions Reduction Plan (ERP) is to embed Te Tiriti and te ao Māori in all planning. While a worthy goal, if this strategy (which forms part of the ERP) does not embed Te Tiriti and te ao Māori, then the ERP will not achieve this goal.
2. The targets within the waste strategy do not align with the emission budgets timeframe.
3. Concepts used within the Resource Management Act reform have not been carried across into the waste management space. Te Oranga o te Taiao has been recommended for inclusion in the reformed Resource Management Act. This concept is in line with our recommendations to acknowledge the interconnectedness between all parts of the environment and the intrinsic relationship Māori have with te taiao. Te Oranga o te Taiao also recognises concepts of mana and mauri which underpin a Maori understanding of the environment.

As such, the collective submitters stress it is incumbent on the Government to ensure that this strategy reflects the goals contained in the ERP in regards to Te Tiriti and te ao Māori and the Te Oranga o te Taiao concept that is cited in the RMA reform.

In a similar vein, it is important that formal Māori involvement in Crown decision-making processes be streamlined. It is inexcusable to the Collective Submitters that there is variation in the level and quality of opportunity for Māori to be involved in any government process that impacts any of our taonga.

The Prime Minister must ensure reform and strategies are coherent and cognisant of one another. Cohesiveness across environmental legislation is imperative. The different Ministries must be made to work collaboratively and be held to the same standards regarding partnership and incorporation of mātauranga Māori.

When it comes to waste strategy and reform the Government needs to start again with Māori at the table.

#### Section Twelve: Product Stewardship with Extended Producer Responsibility at the Core

**Producer responsibility must be at the heart of the transformation.** Responsibility must be placed upstream on producers, manufacturers, retailers, and industry rather than emphasising actions by consumers and individuals. The Collective Submitters welcome robust product stewardship schemes to ensure effective reduction, reuse, repairing, restoring and recycling. Waste producers externalise their waste disposal and clean-up costs onto ratepayers (in the form of local government), taxpayers (in the form of central government), and onto Papatūānuku, Ranginui and Tangaroa. Responsibility to foot the waste bill must be clearly placed in the lap of those producing products, packaging, and materials. The Collective Submitters call for urgent action on mandatory product stewardship schemes that align with the upper part of the waste hierarchy, strongly incentivising industry to switch to reuse and invest in preventative strategies.

#### Section Thirteen: Commentary on Lobbyist and Industry Backlash

It is critical that the proposed Māori - Crown partnership and legislation are sufficiently powerful to withstand the force of lobby groups who will seek to undermine a Tiriti-led transition. All radical departure from the current status quo poses a threat to our current economy that hinges on the exploitation of our environmental resources. Many fiscally powerful industries face significant economic loss as a result of the vital steps we must take to preserve our planet. The lobbying and advocacy power and level of influence of these well-resourced groups must not be underestimated.

#### Section Fourteen: Recommendations that need to be confirmed through Crown-Māori Partnership

The Collective Submitters make the following recommendations on specific waste topics with the caveat that each recommendation would need to be confirmed through the Crown-Māori partnership process suggested in section nine of this submission.

##### **Invest in Relationships and Leadership:**

- Te ao Māori-based leadership roles: Investment in building capacity and leadership capability from within te ao Māori should be a key focus, particularly through procuring Māori goods and services. Māori need to be supported and resourced to offer education and skills training for students to invest and upskill to be ready to be part of large systemic change.
- Whakawhanaungatanga: Investment in building relationships is critical to coordinated action for the successful achievement of goals.

##### **Invest in Soil:**

- Food waste should be composted locally to contribute to local food production.

##### **Prioritise Investment in Reduce and Reuse:**

- Investment at the top of the Waste Hierarchy - Reduce and Reuse: Investment tools must prioritise and incentivise the systemic solutions of reduce and reuse (which will eliminate single-use items).
- Supporting Zero Waste Industry Start-Ups, Companies, Hapū/Iwi and Community Sector Initiatives: The strategy makes no mention of supporting those already working at the top of the



waste hierarchy. The Collective Submitters think strategies and plans should be created collectively with those 'already doing it' to take advantage of successful models already in place.

- Accessibility to Reuse: some reuse materials can be expensive and inaccessible to low-income whānau. Cloth nappies, and menstrual products for example are costly. Refilling containers is generally more expensive than buying packaged kai. Access to reuse must be equitable.
- Developing a National Network of Resource Recovery Centres: Aotearoa has a myriad of world class resource recovery centres that are achieving significant diversion of waste from landfill (more than 70 per cent) in almost complete absence of any legislation, policy, incentives or infrastructure support from central government. The Collective Submitters recommend the Crown-Māori partnership resource and facilitate the invaluable tools of local te ao Māori and community knowledge and experience to build a network of community resource recovery centres in suburbs, rural locations and towns across Aotearoa.
- Right to Repair: Legal requirements are needed to support the longevity and repairability of products. The repair and remanufacture of products should be incentivised.
- Product Design must be regulated to align with reduce and reuse. The days of producing whatever you want, no matter how toxic and damaging to Papatūānuku or Tangaroa must come to an end.
- Shared Ownership of Products: Care and maintenance of products we hold custodianship of instead of individual ownership aligns with our view of the importance of the relationship we have with our surroundings and the things we use in our daily lives. In the context of te ao Māori, our relationship with products needs to reflect our shared responsibility for the end life of a product, which should be designed for safe reintegration into the natural environment.

#### **Ban and Restrict Toxic and Problematic Waste:**

- Import bans: We support import bans on problematic products and materials especially where materials create specific problems in landfills and/or cause ecological harm and pollution when they escape waste management systems. We also support bans on the production, importation and use of materials that are not one hundred percent fully recyclable within sustainable systems already present in Aotearoa.
- No more single-use: New legislation must ensure all single-use items including single-use compostable products (excluding those required for saving lives or other critical uses) must be banned imminently.
- Microplastics and Endocrine Disrupting Chemicals: We need to address the damage microplastics and endocrine disrupting chemicals pose to our environment (land and water), and the threats presented to human health. It is critical that we regulate and restrict the use of categories of plastic additives and monomers such as bisphenols, phthalates, per-and polyfluoroalkyl substances PFASs and styrenes. Producers should then be required by law to prove their products:
  - are free of endocrine-disrupting chemicals;
  - will not contaminate nor degrade soil health;
  - will not prove hazardous to wildlife;
  - will not degrade into problematic micro- and nano-plastics;
  - will not raft pathogens and invasive species in marine/freshwater ecosystems;
  - will not contaminate other waste streams; and
  - will not emit methane when poorly managed post-consumption.

- Landfill bans: We support landfill bans. Organic waste, in particular, should be banned from landfill as there are viable alternatives for handling organic waste. Annual banning of specific products signals to industries that wasteful and toxic products and packaging will not be tolerated.

### **Create Systems that Support Waste Minimisation**

- Waste Levy: To support product stewardship, extended producer responsibility and other waste minimisation efforts, we support an increase in the waste disposal levy up to \$140/tonne by 2030. This matches international best practice and further incentivises the designing of waste out of the system. Initially, additional funds secured from an increased levy need to be invested in widespread and in-depth zero waste education as well as supporting the development of infrastructure to support reuse options and increase local food security. This type of investment is essential in supporting the equitable transition of local whānau, hapū and community to a low (zero) waste future waste.
- Data: Better data and reporting is of critical importance for decision making. Data is required to understand progress towards Aotearoa's waste goals. Data sovereignty must also be addressed.

### **Upstream solutions**

- Recycling systems once reuse is fully implemented should be phased out.
- Closed Landfills: We need a clear plan for the proactive management of closed landfills, especially those located in coastal erosion zones or areas prone to flooding. Sites should be managed to best practice levels for other contaminated sites. High risk sites must be identified and prioritised for risk mitigation plans. Responsibility for clean up of these sites as they deteriorate and/or after an incident or disaster should be clearly articulated to avoid further environmental catastrophe.
- Farm Dumps: The new waste strategy needs to address rural waste, support the provision of waste collection infrastructure, and end farm dump disposal.
- Waste Incineration: The proposed strategy regularly mentions waste to energy. Incineration represents a locked-in mentality that binds us to an out-of-date linear system. Incineration represents an acceptance of the destruction of valuable finite resources. It accepts converting waste directly into climate-changing greenhouse gas. It destroys jobs that would be created in resource recovery centres. It discourages zero waste endeavours and it's dirtier and less efficient than coal. It is concerning and disappointing to see these mentions and we reject waste incineration as a waste disposal method.
- Litter: Whilst dealing with litter, the system and the companies that created it needs to be considered the primary polluter, rather than the individual.

### **Conclusion**

The Collective Submitters see an incredible opportunity ahead where systems-level change could see Te Tiriti o Waitangi honoured and with that, a once-in-a-generation chance to address a broad range of environmental, social, and political issues facing Aotearoa. Decolonial systemic constitutional change with a redistribution of power to Māori presents an opportunity for healing and a just transformation to a zero-waste, net-zero carbon, Tiriti-led future that would be to the benefit of all New Zealanders.

The strategy and Act must be based on systemic solutions such as reduction and reuse, decentralisation, comprehensive investment in local solutions, climate justice and sovereignty for local communities.

Pollution is a cultural wellbeing and identity issue for us all. Regenerating Papatūānuku and Tangaroa through values of whakapapa, environmental interconnectedness, and manaakitanga holds the potential to preserve our cultural identity as New Zealanders. In addition to addressing our burgeoning climate crisis, the social, political, and cultural benefits that result from systemic change and the necessary paradigm shift stands to benefit all of us.

Te Tiriti o Waitangi guarantees Māori chieftainship over our taonga. Meaningful partnership between Crown and Māori that allows Māori to retain control over the use of cultural expertise would enable immeasurably valuable resources to become available to all, here in Aotearoa and around the world.

It's time to honour Te Tiriti o Waitangi and recognise the widespread problems that have been caused through colonisation and capitalism. It is time to embrace the profoundly positive contribution that te ao Māori could make to Aotearoa's waste problems, and with that, a safe and healthy future for te taiao.

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*This section of the submission addresses those matters that are provided for in the consultation document. In answering the following questions, the Collective Submitters have taken the assumption that the first section of our submission is read. We have kept our responses to each question very short to avoid repetition.*

### **Part 1: Why we need to transform our approach to waste**

#### **1. Do you think changes are needed in how Aotearoa New Zealand manages its waste?**

*Āe. The Collective Submitters maintain Aotearoa’s waste strategy and legislation reform needs to be grounded in Te Tiriti o Waitangi and based on a Crown-Māori partnership.*

*Please refer to the introduction, sections one to thirteen and the conclusion of the first section of this submission for more detail.*

#### **2. Do you support tackling our waste problems by moving towards a circular economy?**

The Collective Submitters maintain Aotearoa’s waste strategy and legislation reform needs to be grounded in Te Tiriti o Waitangi and based on a Crown-Māori partnership. Therefore, questions around economic models for Aotearoa can only be answered from a place of shared decision making and partnership.

*Please refer to section eight of the first section of this submission for more detail: Te Ao Māori Worldview of a Circular Economy.*

### **Part 2: Proposed new waste strategy for Aotearoa New Zealand**

#### **3. Do you support the proposed vision?**

*Kāo. We cannot accept the proposed vision that has been developed outside a Crown-Māori partnership.*

*Please refer to the introduction, sections one to thirteen and the conclusion of the first section of this submission document for more detail.*

#### **4. Do you support the six core principles or would you make changes?**

*Kāo. We cannot accept six core principles that have been developed outside a Crown-Māori partnership.*

The last principle seeking to “deliver equitable and inclusive outcomes | Kia taurite, kia tapatahi ngā hua” requires notable consideration. When focusing on delivering inclusive outcomes, it is prudent to ensure partnership with and participation of, those with a stake in these outcomes particularly Māori. The processes of development for such documents must be in accordance with Te Tiriti o Waitangi. Doing so is the only way to achieve equitable and inclusive outcomes.

*Please refer to our answer to question three as well as the introduction, sections one to thirteen and the conclusion of the first section of this submission document for more detail.*

**5. Do you support the proposed approach of three broad stages between now and 2050, and the suggested timing and priorities for what to focus on at each stage?**

Kāo. We cannot accept the proposed stages that have been developed outside a Crown-Māori partnership. These stages make no mention of building pathways towards a Crown-Māori relationship that recognises Māori sovereignty, reflects te ao Māori and Te Tiriti o Waitangi. We do however consider that timeframes should align with those given in the Emission Reduction Plans, given the synergy with the strategy.

*Please refer to the introduction and sections one to eight of this submission document for more detail. In particular please note: Section Three: A Catastrophically Inadequate Response.*

**6. Looking at the priorities and suggested headline actions for stage one, which do you think are the most important?**

The most important action is to ensure that the strategy and WMA reform be grounded in Te Tiriti o Waitangi and based on a Crown-Māori relationship.

*Please refer to the introduction and sections one to eight of the first section of this submission document for more detail.*

**7. What else should we be doing in stage one?**

*Please refer to our answer to question six above.*

**8. What are the barriers or roadblocks to achieving the stage one actions, and how can we address them?**

The Collective Submitters believe the key barriers and/or roadblocks include but are not limited to:

- lack of political will to enter into a meaningful partnership to share and re-distribute power with Māori;
- failure of the Crown to uphold constitutional Te Tiriti o Waitangi obligations;
- reluctance to consider constitutional transformation;
- failure to acknowledge the root cause of the waste problem;
- failure to include a te ao Māori perspective in this and other government strategies; and
- a lack of ongoing political will to mobilise legislation that supports the era-scale transformation required.

**9. Do the strategic targets listed in Table One focus on the right areas?**

Kāo. We cannot accept strategic targets that have been developed outside a Crown-Māori partnership.

*Please refer to the introduction, sections one to thirteen and the conclusion of the first section of this submission document for more detail.*

**10. Where in the suggested ranges do you think each target should sit, to strike a good balance between ambition and achievability?**

We do not accept the targets and therefore prefer not to comment on the ranges within which they should sit.

*Please refer to our answer to question nine for more information.*

**Part 3: Developing more comprehensive legislation on waste: issues and options**

***Embedding a long-term, strategic approach to reducing waste***

**11. Do you think new legislation should require the government to have a waste strategy and periodically update it?**

The Collective Submitters maintain Aotearoa's waste legislation reform needs to be grounded in Te Tiriti o Waitangi and based on a Crown-Māori partnership.

*Please refer to Section Nine: Crown-Māori Partnership and Section Ten: Crown-Māori National Agency for Oranga Taiao in the first section of this submission document for more detail.*

**12. How often should a strategy be reviewed?**

The review process of a strategy must be co-designed from within a Crown-Māori partnership.

*Please refer to Section Nine: Crown-Māori Partnership and Section Ten: Crown-Māori National Agency for Oranga Taiao in the first section of this submission document for more detail.*

**13. How strongly should the strategy (and supporting action and investment plans) influence local authority plans and actions?**

The level of influence a strategy has must be determined from within a Crown-Māori partnership.

*Please refer to Section Nine: Crown-Māori Partnership and Section Ten: Crown-Māori National Agency for Oranga Taiao in the first section of this submission document for more detail.*

**14. What public reporting on waste by the central and local government would you like to see?**

Public reporting on waste needs to be developed from within a Crown-Māori partnership.

*Please refer to Section Nine: Crown-Māori Partnership; Section Ten: Crown-Māori National Agency for Oranga Taiao and Section Fourteen: Recommendations in the first section of this submission document for more detail.*

**15. Do you agree with the suggested functions for central government agencies?**

Kāo. We acknowledge that central and local governments have a role to play in implementing the legislative framework around waste management. However, the suggested functions for central government agencies do not mandate seats at decision-making tables for Māori. We maintain that functions for central government agencies must be developed from within a Crown-Māori partnership.

*Please refer to Section Nine: Crown-Māori Partnership; Section Ten: Crown-Māori National Agency for Oranga Taiao; Section Eleven: Its time for a coordinated response and Section Fourteen: Recommendations in the first section of this submission document for more detail.*

**16. What central government agencies would you like to see carry out these functions?**

The Collective Submitters reject the way this strategy has been developed that saw Māori formally excluded from the development and design process. Therefore, the only government agency that we would like to see carry out functions related to waste in Aotearoa is the National Agency for Oranga Taiao that we have proposed. Such an agency is required to establish a Crown - Māori partnership and grant full co-decision making powers to both Treaty partners.

*Please refer to the introduction, sections one to fourteen and the conclusion of the first section of this submission document for more detail.*

**17. How should independent, expert advice on waste be provided to the government?**

The Collective Submitters maintain Aotearoa's waste strategy and legislation reform needs to be grounded in Te Tiriti o Waitangi and based on a Crown-Māori partnership. Therefore, this question can only be answered from a place of partnership.

*Please refer to Section Nine: Crown-Māori Partnership and Section Ten: Crown-Māori National Agency for Oranga Taiao in the first section of this submission document for more details.*

**18. How could the legislation provide for Māori participation in the new advice and decision-making systems for waste?**

The Collective Submitters firmly reject the use of the word "participation" in this question. The Collective Submitters maintain Aotearoa's waste strategy and legislation reform needs to be grounded in Te Tiriti o Waitangi and based on a Crown-Māori partnership.

*Please refer to Section Nine: Crown-Māori Partnership and Section Ten: Crown-Māori National Agency for Oranga Taiao in the first section of this submission document for more details*

**19. What are your views on local government roles in the waste system, in particular the balance between local and regional? Who should be responsible for planning, service delivery, regulatory activities like licensing, and enforcement of the different obligations created?**

The Collective Submitters maintain local government roles must be co-determined from within a Crown-Māori partnership.

*Please refer to Section Nine: Crown-Māori Partnership and Section Ten: Crown-Māori National Agency for Oranga Taiao in the first section of this submission document for more details*

### ***Putting responsibility at the heart of the new system***

#### **20. Do you see benefit in adapting the United Kingdom’s duty-of-care model for Aotearoa New Zealand’s waste legislation, supported by appropriate offences and penalties?**

The Māori worldview is based on a duty of care model. Imposing an external duty-of-care model over one that already exists would be inappropriate. The Collective Submitters insist new models of legislation be co-designed from within a Crown-Māori partnership.

*Please refer to the introduction, sections one to eleven and the conclusion of the first section of this submission document for more information.*

#### **21. Do you support strengthening obligations around litter by creating an individual ‘duty of care’ to dispose of waste appropriately?**

Whilst dealing with litter, the system, and the companies that created it need to be considered the primary polluter, rather than the individual.

*Please refer to the introduction, sections one to eleven, and the conclusion of the first section of this submission document for more information.*

#### **22. What else could we do so that litter is taken more seriously as a form of pollution?**

The Collective Submitters suggest that although litter needs addressing, it is the system that created it that needs to be taken more seriously as the primary polluter.

*Please refer to the first part of this submission document for more information.*

#### **23. Do you support a nationwide licensing regime for the waste sector?**

Āe. As long as the nationwide licensing regime for the waste sector was developed, designed, and implemented by a Crown-Māori National Agency for Oranga Taiao founded in Te Tiriti o Waitangi and operating through shared decision-making. If done in this way the Collective Submitters tautoko this proposal.

*Please refer to Section Nine: Crown-Māori Partnership and Section Ten: Crown-Māori National Agency for Oranga Taiao in the first section of this submission document for more details.*

#### **24. Should the new legislation include a power to require a tracing system to be developed for some or all types of waste?**

Āe.

The Collective Submitters tautoko the concept of a tracing system for some types of waste under several conditions. The legislation must be developed, designed, and implemented by a Crown-Māori National Agency for Oranga Taiao operating through shared-decision making. The legislation must be designed in such a way that acknowledges and account for the existence of racism throughout the justice system and ensure that enforcement does not occur inequitably.



Sovereignty and ownership of any data produced by a tracing system must be retained by Māori and used only with the agreement of Māori.

*Please refer to Section Nine: Crown-Māori Partnership and Section Ten: Crown-Māori National Agency for Oranga Taiao in the first section of this submission document for more details*

**25. What aspects of the proposals for regulating the waste sector could be extended to apply to hazardous waste?**

All proposals for regulating the waste sector including those that might apply to hazardous waste need to be made from within a Crown-Māori partnership where the principles of Te Tiriti o Waitangi are firmly embedded.

*Please refer to Section Nine: Crown-Māori Partnership and Section Ten: Crown-Māori National Agency for Oranga Taiao in the first section of this submission document for more details*

***Improving legislative support for product stewardship schemes***

**26. Should the new legislation keep an option for accreditation of voluntary product stewardship schemes?**

The Collective Submitters maintain that decisions regarding accreditation of voluntary product stewardship schemes must be made by a Crown-Māori National Agency for Oranga Taiao.

*Please refer to Section Nine: Crown-Māori Partnership, Section Ten: Crown-Māori National Agency for Oranga Taiao and Section Twelve: Product Stewardship with Extended Producer Responsibility at the Core in the first section of this submission document for more details.*

**27. How could the accreditation process for new product stewardship schemes be strengthened?**

The Collective Submitters maintain that the strengthening of new product stewardship schemes must be made by a Crown-Māori National Agency for Oranga Taiao.

*Please refer to Section Nine: Crown-Māori Partnership; Section Ten: Crown-Māori National Agency for Oranga Taiao and Section Twelve: Product Stewardship with Extended Producer Responsibility at the Core in the first section of this submission document for more details.*

**28. How else could we improve the regulatory framework for product stewardship?**

The regulatory framework for product stewardship must be designed from within a Crown-Māori partnership.

*Please refer to Section Nine: Crown-Māori Partnership; Section Ten: Crown-Māori National Agency for Oranga Taiao and Section Twelve: Product Stewardship with Extended Producer Responsibility at the Core in the first section of this submission document for more details.*

***Enhancing regulatory tools to encourage change***

29. What improvements could be made to the existing regulatory powers under section 23 of the Waste Management Act 2008?

30. What new regulatory powers for products and materials would be useful to help Aotearoa move towards a circular economy?

31. Would you like to see a right to return packaging to the relevant business?
32. Would you like to see more legal requirements to support products lasting longer and being able to be repaired?

Decisions regarding more legal requirements to support products lasting longer and being able to be repaired must be made from within a Crown-Māori National Agency.

33. Is there a need to strengthen and make better use of import and export controls to support waste minimisation and circular economy goals? For example, should we look at ways to prohibit exports of materials like low-value plastics?

For questions 29 to 33 of this submission, the Collective Submitters again refer to our key recommendation that waste strategy and legislation reform must be grounded in te Tiriti o Waitangi and based on a Crown-Māori partnership.

*Please refer to the entire first section of this submission document for more information.*

### ***Ensuring the waste levy is used to best effect***

34. What types of activities should potentially be subject to a levy? Should the levy be able to be imposed on final disposal activities other than landfills (such as waste to energy)?
35. What factors should be considered when setting levy rates?
36. How could the rules on collection and payment of the waste levy be improved?
37. What should waste levy revenue be able to be spent on?
38. How should revenue from the waste levy be allocated to best reflect the roles and responsibilities of the different layers of government in relation to waste, and to maximise effectiveness?
39. How should waste levy revenue be allocated between territorial authorities?

Suggestions for changes to the waste levy can be made if they have been co-designed within a Crown-Māori National Agency for Oranga Taiao, are founded on Te Tiriti o Waitangi and with Māori in decision-making roles.

*Please refer to the entire first section of this submission document for more information.*

### ***Improving compliance, monitoring and enforcement***

40. Which elements of compliance, monitoring and enforcement should be the responsibility of which parts of government (central government, regional councils, territorial authorities) under new waste legislation?
41. The need for enforcement work will increase under the new legislation. How should it be funded?
42. What expanded investigation powers, offences and penalties should be included in new waste legislation?
43. What regulatory or other changes would help better manage inappropriate disposal of materials (that is, littering and fly-tipping)?

For questions 40 to 43 of this submission, the Collective Submitters see the best way to find solutions for compliance, monitoring and enforcement is from within a framework that includes both Treaty partners from the outset. Our key recommendation remains that Aotearoa's waste strategy needs to be grounded in te Tiriti o Waitangi and based on a Crown-Māori partnership. Decisions

regarding improving compliance, monitoring, and enforcement must be made from within a Crown-Māori National Agency.

*Please refer to the entire first section of this submission document for more information.*

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