

## Briefing Paper: Natural Health Products Bill 3<sup>rd</sup> Reading

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### Key Points:

1. Te Kahui Rongoa Trust support the objectives of the Bill to ensure that natural health products, including rongoa Maori medicines are;
  - a. Safe to use
  - b. That health claims are true
  - c. And those products are made and contain what their label says they do.
2. Te Kahui Rongoa are concerned that the Bill will restrict the practice of rongoa Maori as it is legally practiced today and substantially contribute to the further demise of matauranga Maori associated with rongoa Maori.

### The Solution:

Make provision for an automatic exemption within the Bill for traditional medicine sales up to an agreed value or number of units per annum, the level to be consistent with providing the supplier with, at very least, a liveable wage after costs for the production of traditional medicines are met.

Alternatively provide justification for the cost:benefit to rongoa Maori and public safety of imposing identified restrictions and added costs to the production and supply of rongoa Maori.

### Conclusion:

Te Kahui Rongoa believes that restricting the application of some traditional medicines and adding cost to the production of traditional Maori medicines available for sale over the counter, without a quantifiable safety benefit **does NOT serve the public of the New Zealand health system and will impact most on those already at the worst end of national health statistics.**

Te Kahui Rongoa cannot emphasise enough the impact this Bill will have on the loss of matauranga Maori and the potential it has for helping to urgently address the failure of the current health system to effectively provide for Maori health.

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### Background:

The Natural Health Products Bill, which the Green Party helped to negotiate with the Government was first tabled in the House in 2011. Sue Kedgely (Green Party), noted in

Parliament that “the practice of rongoā Māori will be exempt from the bill, as it is a taonga of Māori and should be governed for and by Māori according to tikanga”. (Handsard Volume:675;Page:21385)<sup>1</sup>. The Green Party would also prefer a clause in the legislation to recognise the Treaty and were disappointed that this had not been accepted. The Green Party will be moving a Supplementary Order Paper at the Committee stage to amend the legislation to include such a clause (Mojo Mathers 2013)<sup>2</sup>

Te Ureoroa Flavel on behalf of the Maori Party noted at the first reading of the bill that the Maori Party, “are pleased that the traditional practices of healers and the natural products they rely on for rongoā will not be included in the requirements of the joint regulatory scheme for therapeutic products. We say it is pretty good news for Māori that the plants used in rākau rongoā do not come under the jurisdiction of the new controls. To be clear: this Natural Health Products Bill does not impact on rongoā Māori except when it is mass produced and sold. That means that, as Sue Kedgley said, the framework for rongoā is not being dictated by Government.

**Basically, if rongoā was being put on the commercial market, then we would want exactly the same standards applied to it as for any other commercial product.”** (Handsard Volume:675;Page:21385)<sup>3</sup>

In December 2011, a new national rongoā governance body – Te Kāhui Rongoā Trust – was established to protect, nurture and promote rongoā Māori. (Ministry of Health 2015)<sup>4</sup>. This national collective of rongoa Maori practitioners was established with support and funding from the Ministry of Health. Today, Te Kahui Rongoa Trust has in excess of 800 members across 10 rohe, each with 2 elected representatives serving on the national executive committee.

Both Te Kahui Rongoa and the Ministry of Health team charged with developing and preparing documentation associated with the Bill believed the practice of rongoa Maori to be exempt from the proposed legislation and little or no consultation about the Bill was entered into between the two parties until August last year when Te Kahui Rongoa approached the Ministry of Health with concerns about how the Bill might impact the practice of rongoa Maori. None of Te Kahui Rongoa’s feedback or concerns have been included or addressed in the latest Supplementary Order Paper associated with the Bill.

### **Discussion:**

In consideration of the proposed Supplementary Order Paper (15 March 2016)<sup>5</sup> regarding the Natural Health and Supplementary Products Bill, Te Kahui Rongoa is concerned that the Bill will erode the practice of rongoa Maori as it is legally and traditionally practiced today by;

- Denying Maori the right to continue make for sale to the public traditional medicines that have an excellent safety record. Refer:

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<sup>1</sup> [http://www.parliament.nz/en-nz/pb/debates/debates/49HansD\\_20110915\\_00000918/natural-health-products-bill-%E2%80%94-first-reading](http://www.parliament.nz/en-nz/pb/debates/debates/49HansD_20110915_00000918/natural-health-products-bill-%E2%80%94-first-reading)

<sup>2</sup> <https://home.greens.org.nz/speeches/mojo-mathers-speaks-natural-health-products-bill-second-reading-part-5>

<sup>3</sup> [http://www.parliament.nz/en-nz/pb/debates/debates/49HansD\\_20110915\\_00000918/natural-health-products-bill-%E2%80%94-first-reading](http://www.parliament.nz/en-nz/pb/debates/debates/49HansD_20110915_00000918/natural-health-products-bill-%E2%80%94-first-reading)

<sup>4</sup> <http://www.health.govt.nz/our-work/populations/maori-health/rongoa-maori-traditional-maori-healing>

<sup>5</sup> <http://legislation.govt.nz/sop/government/2016/0158/latest/COWH3984663.html>

Clause 6.1.d	Prohibits the use of psycho active substances (e.g. Tataramoa –for which no known adverse reactions have been reported to the Ministry of Health)
Clause 43.1.b	Prohibits products sold for application to the eye (e.g. houhere or kawakawa or even cucumber - for which no known adverse reactions have been reported to the Ministry of Health)

Adding cost (without the relevant cost/benefit analysis) to the production and delivery of rongoa Maori for practitioners (many of whom are already struggling to survive financially) and users in need of such medicines (those already at the worst end of national health statistics). Refer:

Clause 13.1	Adds cost by requiring payment for licence to manufacture for the first 5 years and every 5 years thereafter, without relevant public safety or administrative cost benefit analysis
Clause 25.3.d	Adds cost by requiring payment for product notification fee, without relevant public safety or administrative cost benefit analysis
Clause 39.2	Adds cost by paying export application fee, without relevant public safety or administrative cost benefit analysis

Essentially this Bill allows Maori to continue to practice rongoa Maori and make available rongoa Maori medicines for sale without consultation so long as they only use substances permitted by the Crown and do so at no charge to the consumer otherwise they are required to pay Government imposed fees for the privilege of doing so and restrict their practice to Government approved substances or applications only.

The likely consequence of this proposed legislation and added administrative requirements is that some rongoa Maori practitioners will cease to practice and their knowledge will die with them or they will take their practice under ground again as they were forced to under the Tohunga Suppression Act with the same likely outcome.

It is incorrect to assume that practitioners who make rongoa Maori medicines available 'over the counter' or to whanau overseas (without consultation) are doing so for commercial gain and outside the traditional context of tikanga Maori and therefore should be subject to commercial levy's in order to continue this practice and ensure public safety.

Te Kahui Rongoa is unable to find any evidence to support the notion those revenues from the sale of 'over the counter' rongoa Maori medicines do little more than help keep struggling Rongoa Maori practitioners financially afloat. Nor do we accept trading rongoa Maori medicines to be outside the context of traditional Maori practice. Iwi have traded valued commodities (including medicines) since arriving in New Zealand and latterly with settlers and sea farers since colonisation.

Maori safety standards although not mandatory, for the production of medicines are different to those proposed in this bill and include;

- ensuring manufacturers and practitioners are able to correctly identify plant material before making or supplying medicines for traditional uses
- observation of tikanga Maori associated with harvesting and preparing medicines including kaitiakitanga (care of the resource), karakia (to invoke spiritual guidance and protection for the manufacturer and the user, to clear the path for healing), tapu (associated Maori health and safety practices),
- appropriate personal conduct including, korero pono (to tell the truth and ensure the product is fit for purpose)

Te Kahui Rongoa is committed to working with the Ministry of Health and traditional practitioners to;

- support Maori standards for practitioner conduct and competency,
- protect matauranga Maori associated with rongoa Maori and
- grow and sustain the practice of rongoa Maori

for future generations and the health and wellbeing of our nation.

The Ministry of Health has advised Te Kahui Rongoa that “there have been few, if any, safety issues related to rongoā Māori products raised in the past”<sup>6</sup>.

Numerous documents and reports express concern about the sustainability of rongoa Maori practice<sup>7,8,9</sup>. Te Kahui rongoa has also been made acutely aware of the financial challenges faced by our most respected practitioners who also sell medicines without consultation. These include a kuia who chose to disconnect her telephone for 6 months in order to be able to fund attending a healing conference, another whose 2014 tax return shows an income from the sale of rongoa Maori products to be one third of the total expenditure for ingredients in that year, suggesting sales simply helped to offset the loss associated with the supply of rongoa Maori medicines.

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<sup>6</sup> Ministry of Health correspondence 27.10.2016

<sup>7</sup> Waitangi Tribunal (2011). *Ko Aotearoa Tenei: Fact sheet 8*. Retrieved 11 April 2016 from <http://www.justice.govt.nz/tribunals/waitangi-tribunal/documents/generic-inquiries/flora-and-fauna/wai-262-rongoa-traditional-maori-healing>

<sup>8</sup> McGowan, R. (2000). *The Contemporary use of rongoa Maori, traditional Maori Medicine* (unpublished thesis)

<sup>9</sup> Institute of Environmental Science and Research Ltd. (2009). *The Future of Rongoā Māori: Wellbeing and Sustainability*. Wellington: Institute of Environmental Science and Research Ltd. Retrieved 11 April 2016 from: [http://www.moh.govt.nz/notebook/nbbooks.nsf/0/FD3226434EED0FBDCC2575F3007D89FB/\\$file/Rongoa%20maori.pdf](http://www.moh.govt.nz/notebook/nbbooks.nsf/0/FD3226434EED0FBDCC2575F3007D89FB/$file/Rongoa%20maori.pdf)