

27 February 2020

Energy Markets Policy Building, Resources and Markets
Ministry for Business, Innovation and Employment
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Aotearoa

By email: energymarkets@mbie.govt.nz

Tēnā koe,

RE: DISCUSSION DOCUMENT: ACCELERATING RENEWABLE ENERGY AND ENERGY EFFICIENCY

I refer to the Discussion Document: Accelerating Renewable Energy and Energy Efficiency (“**The Document**”).

Te Rūnanga o Ngāi Tahu (“**Te Rūnanga**”) welcomes the opportunity to respond on this kaupapa, and generally supports the recommendations made in the Document but do wish to highlight certain matters for consideration.

Te Rūnanga o Ngāi Tahu Interest in the Proposal

Te Rūnanga is statutorily recognised as the representative tribal body for Ngāi Tahu whānui. The Ngāi Tahu takiwā (region) covers the largest geographic area of any tribal authority in New Zealand (a map of the Ngāi Tahu takiwā is attached as **Appendix One**). Ngāi Tahu currently have over 65,000 individuals registered with the iwi, most of who reside in Aotearoa.

Treaty Relationship

- Ngāi Tahu assert rangatiratanga on the basis of Te Tiriti o Waitangi (Article Two Māori version), the 1997 Ngāi Tahu Deed of Settlement, and the 1998 Ngāi Tahu Claims Settlement Act which states: ‘...*the Crown recognises Ngāi Tahu as the tangata whenua of, and, as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui.*’
- Te Rūnanga has an expectation that the Crown will honour the Treaty and the principles upon which it is founded. Article Three of the Treaty provided Māori with equal rights to British subjects and conferred a duty of care on the Crown.
- As a Treaty Partner to the Crown, Te Rūnanga expects an appropriate level of engagement on matters such as this. The Treaty partnership is important to Ngāi Tahu and elevates the relationship beyond that of a ‘stakeholder’.

- As recorded in the Crown Apology to Ngāi Tahu (refer to **Appendix Two**), the Ngāi Tahu Settlement marked a turning point, and the beginning for a “new age of co-operation”. In doing so, the Crown acknowledged that Ngāi Tahu holds rangatiratanga within the Ngāi Tahu takiwā. The Crown Apology also acts as a guide for the basis of the post-Settlement relationship between Ngāi Tahu and the Crown and as such, underpins this response.
- Supporting the lowering of domestic greenhouse emissions is our responsibility to future generations and consistent with Crown responsibilities to iwi as Treaty partners.
- Likewise, Te Rūnanga remain ready to stand alongside our Treaty partner the Crown in taking action to ensure the generations that follow inherit a safe and sustainable nation.

Tribal Climate Action

- Te Rūnanga o Ngāi Tahu have been considering the impact of climate change on the Ngāi Tahu takiwā and our people for some years.
- In 2018 Te Rūnanga developed and adopted a tribal climate change strategy, *He Rautaki Mō Te Huringa o Te Āhuarangi*. This strategy guides us to take action to future proof all tribal assets, interests and activities, and to ensure that Ngāi Tahu, our Papatipu Rūnanga and whānui are supported to respond effectively to the risks of climate change, as well as positioning the iwi to make the most of the opportunities a changing economy and climate may offer.
- Te Rūnanga are currently focused on supporting ngā Papatipu Rūnanga to understand the kaupapa and take practical steps to improve resilience within our communities. This includes investigation of alternative energy options.

Te Rūnanga o Ngāi Tahu Comments on the Discussion Document

Te Rūnanga makes the following comments:

- Te Rūnanga support the work of the Interim Climate Change Committee that identified opportunities for:
 - Reduction in emissions from industrial heat; and
 - Reducing reliance on coal and gas, including by increasing use of biomass and geothermal energy. Te Rūnanga note that these alternative energy resources represent opportunities for iwi resource owners and managers, and there is a relationship with the Waitangi Tribunal’s Wai2358 findings on geothermal resources. This is particularly relevant to mana whenua on Te Tai Poutini.
- Te Rūnanga agree that targeted policy to support transition is needed, alongside the carbon price signals in the Emissions Trading Scheme. Ngāi Tahu expects that the Crown will work together with us as Treaty partners to develop transition policy that will give effect to the rangatiratanga of mana whenua, and ensure that our rights and interests, and the needs of our communities, are well provided for.
- Te Rūnanga further emphasizes the need for transition to be just. The Crown must ensure that existing systemic social inequalities are not exacerbated by this transition.

In fact, Te Rūnanga encourage the Crown to work alongside iwi to explore how this transition phase can serve as a vehicle to proactively address those inequalities.

- Te Rūnanga support options in the discussion document that:
 - Increase transparency and corporate responsibility (eg requiring Energy Transition Plans for high energy use businesses and benchmarking food processors);
 - Provide information, momentum and incentives to help businesses transition. Te Rūnanga encourage this to align with the efforts of the Climate Leaders Coalition, which Ngāi Tahu Holdings Corporation is a founding member of;
 - Prevent investment in high emissions technologies; and
 - Help local authorities to better facilitate transition amongst their communities.
- Any funding and resource support from the government, made available to businesses, should:
 - Mark a shift from policies such as 2 for 1 carbon liability subsidies, and instead focus on incentivizing business to make meaningful changes leading to emissions reductions;
 - Be proportional to the potential emissions reduction gains for the business and contribution to the national objective of carbon neutrality by mid-century; and
 - Provide for targeted support to Māori businesses so the Treaty partners can lead transition together.

Te Rūnanga thanks you again for the opportunity to respond. If you have any questions about the content of this response please contact Christopher Brankin.

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Nāku noa, nā

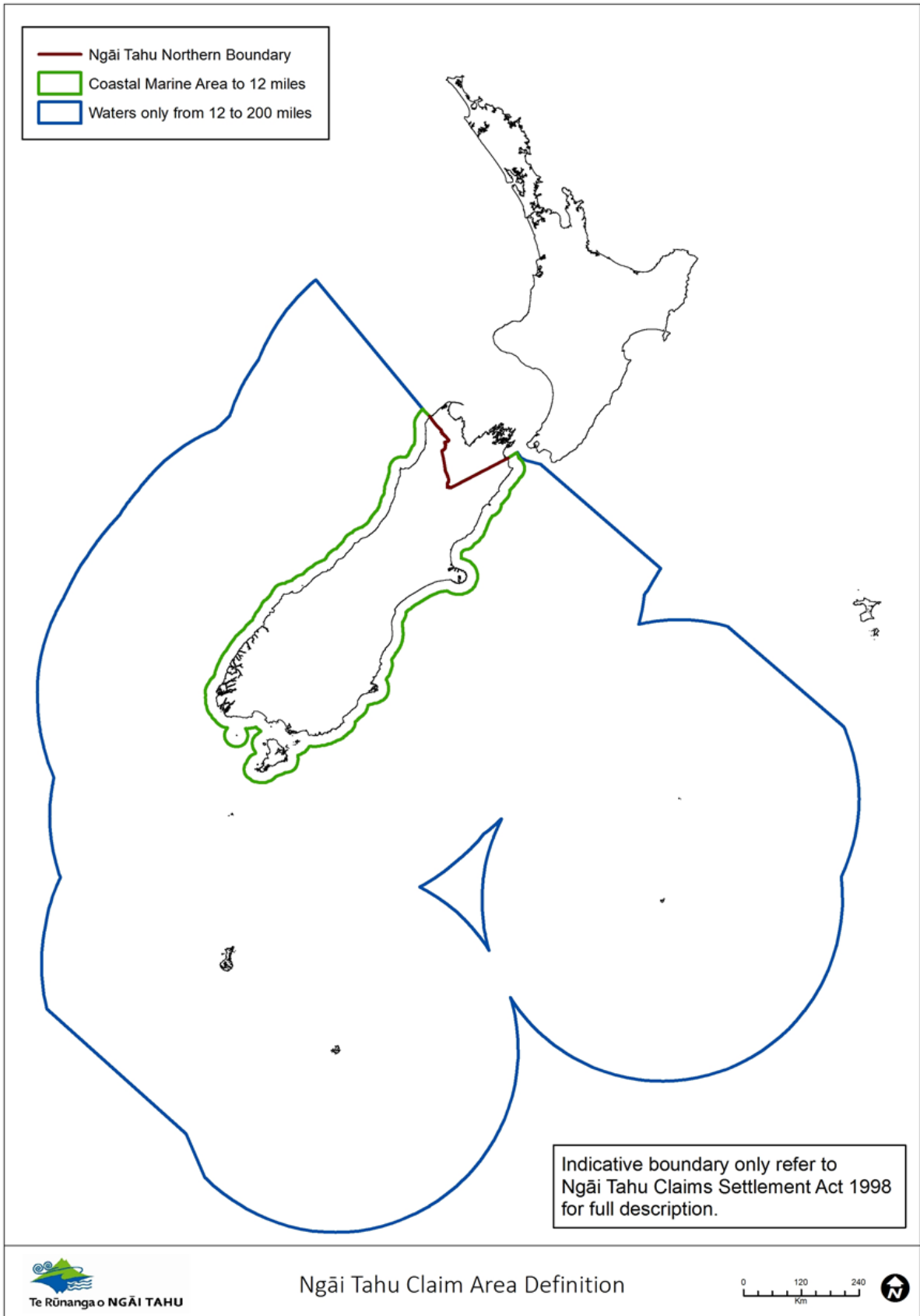


Arihia Bennett

Chief Executive Officer

Encl. Appendix One: Map of the Ngāi Tahu Takiwā
Appendix Two: Text of Crown Apology

APPENDIX ONE: NGĀI TAHU TAKIWĀ



APPENDIX TWO: TEXT OF CROWN APOLOGY

The following is text of the Crown apology contained in the Ngāi Tahu Claims Settlement Act 1998.

Part One – Apology by the Crown to Ngāi Tahu

Section 5: Text in Māori

The text of the apology in Māori is as follows:

1. Kei te mōhio te Karauna i te tino roa o ngā tūpuna o Ngāi Tahu e totohe ana kia utu mai rātou e te Karauna—tata atu ki 150 ngā tau i puta ai tēnei pēpeha a Ngāi Tahu arā: “He mahi kai tākata, he mahi kai hoaka”. Nā te whai mahara o ngā tūpuna o Ngāi Tahu ki ngā āhuetanga o ngā kawenga a te Karauna i kawea ai e Matiaha Tiramōrehu tana petihana ki a Kuini Wikitoria i te tau 1857. I tuhia e Tiramōrehu tana petihana arā: ‘Koia nei te whakahau a tōu aroha i whiua e koe ki runga i ēnei kāwana... tērā kia whakakotahitia te ture, kia whakakotahitia ngā whakahau, kia ōrite ngā āhuetanga mō te kiri mā kia rite ki tō te kiri waitutu, me te whakatakoto i te aroha o tōu ngākau pai ki runga i te iwi Māori kia noho ngākau pai tonu ai rātou me te mau mahara tonu ki te mana o tōu ingoa.’ Nā konei te Karauna i whakaae ai tērā, te taumaha o ngā mahi a ngā tūpuna o Ngāi Tahu, nā rēira i tū whakaiti atu ai i nāiane i mua i ā rātou mokopuna.
2. E whakaae ana te Karauna ki tōna tino hēanga, tērā i takakino tāruaruatia e ia ngā kaupapa o te Tiriti o Waitangi i roto i āna hokonga mai i ngā whenua o Ngāi Tahu. Tēnā, ka whakaae anō te Karauna tērā i roto i ngā āhuetanga i takoto ki roto i ngā pukapuka ā-herenga whakaatu i aua hokonga mai, kāore te Karauna i whai whakaaro ki tāna hoa nā rāua rā i haina te Tiriti, kāore hoki ia i whai whakaaro ki te wehe ake i ētahi whenua hei whai oranga tinana, whai oranga ngākau rānei mō Ngāi Tahu.
3. E whakaae ana te Karauna tērā, i roto i tāna takakino i te wāhanga tuarua o te Tiriti, kāore ia i whai whakaaro ki te manaaki, ki te tiaki rānei i ngā mauanga whenua a Ngāi Tahu me ngā tino taonga i hiahia a Ngāi Tahu ki te pupuri.
4. E mōhio ana te Karauna tērā, kāore ia i whai whakaaro ki a Ngāi Tahu i runga i te ngākau pono o roto i ngā tikanga i pūtaka mai i te mana o te Karauna. Nā tāua whakaaro kore a te Karauna i puaki mai ai tēnei pēpeha a Ngāi Tahu: “Te Hapa o Niu Tīreni”. E mōhio ana te Karauna i tāna hē ki te kaipono i ngā āhuetanga whai oranga mō Ngāi Tahu i noho pōhara noa ai te iwi ia whakatupuranga heke iho. Te whakatauākī i pūtaka mai i aua āhuetanga: “Te mate o te iwi”.
5. E whakaae ana te Karauna tērā, mai rāno te piri pono o Ngāi Tahu ki te Karauna me te kawa pono a te iwi i ā rātou kawenga i raro i te Tiriti o Waitangi, pērā anō tō rātou piri atu ki raro i te Hoko Whitu a Tū i ngā wā o ngā pakanga nunui o te ao. E tino mihi ana te Karauna ki a Ngāi Tahu mō tōna ngākau pono mō te koha hoki a te iwi o Ngāi Tahu ki te katoa o Aotearoa.
6. E whakapuaki atu ana te Karauna ki te iwi whānui o Ngāi Tahu i te hōhonu o te āwhitu a te Karauna mō ngā mamaetanga, mō ngā whakawhiringa i pūtaka mai nō roto i ngā takakino a te Karauna i takaongetia ai a Ngāi Tahu Whānui. Ewhakaae ana te Karauna tērā, aua mamaetanga me ngā whakawhiringa hoki i hua mai nō roto i ngā takakino a te Karauna, arā, kāore te Karauna i whai i ngā tohutohu a ngā pukapuka ā-herenga i tōna hokonga mai i ngā whenua o Ngāi Tahu, kāore hoki te Karauna i wehe ake kia rawaka he whenua mō te iwi, hei whakahaere mā rātou i ngā āhuetanga e whai oranga ai rātou,

kāore hoki te Karauna i hanga i tētahi tikanga e maru motuhake ai te mana o Ngāi Tahu ki runga i ā rātou pounamu me ērā atu tāonga i hiahia te iwi ki te pupuri. Kore rawa te Karauna i aro ake ki ngā aurere a Ngāi Tahu.

7. E whakapāha ana te Karauna ki a Ngāi Tahu mō tōna hēanga, tērā, kāore ia i whai whakaaro mō te rangatiratanga o Ngāi Tahu, ki te mana rānei o Ngāi Tahu ki runga i ōna whenua ā-rohe o Te Wai Pounamu, nā rēira, i runga i ngā whakaritenga me ngā herenga a Te Tiriti o Waitangi, ka whakaae te Karauna ko Ngāi Tahu Whānui anō te tāngata whenua hei pupuri i te rangatiratanga o roto i ōna takiwā.
8. E ai mō ngā iwi katoa o Aotearoa e hiahia ana te Karauna ki te whakamārie i ngā hara kua whākina ake nei—otirā, ērā e taea i nāianei - i te mea kua āta tau ngā kōrero tūturu ki roto i te pukapuka ā-herenga whakaritenga i hainatia i te 21 o ngā rā o Whitu hei tīmatanga whai oranga i roto i te ao hōu o te mahinga tahi a te Karauna rāua ko Ngāi Tahu.

Section 6: Text in English

The text of the apology in English is as follows:

1. The Crown recognises the protracted labours of the Ngāi Tahu ancestors in pursuit of their claims for redress and compensation against the Crown for nearly 150 years, as alluded to in the Ngāi Tahu proverb 'He mahi kai takata, he mahi kai hoaka' ('It is work that consumes people, as greenstone consumes sandstone'). The Ngāi Tahu understanding of the Crown's responsibilities conveyed to Queen Victoria by Matiaha Tiramorehu in a petition in 1857, guided the Ngāi Tahu ancestors. Tiramorehu wrote:

“This was the command thy love laid upon these Governors ... that the law be made one, that the commandments be made one, that the nation be made one, that the white skin be made just equal with the dark skin, and to lay down the love of thy graciousness to the Māori that they dwell happily ... and remember the power of thy name.”

2. The Crown hereby acknowledges the work of the Ngāi Tahu ancestors and makes this apology to them and to their descendants.
3. The Crown acknowledges that it acted unconscionably and in repeated breach of the principles of the Treaty of Waitangi in its dealings with Ngāi Tahu in the purchases of Ngāi Tahu land. The Crown further acknowledges that in relation to the deeds of purchase it has failed in most material respects to honour its obligations to Ngāi Tahu as its Treaty partner, while it also failed to set aside adequate lands for Ngāi Tahu's use, and to provide adequate economic and social resources for Ngāi Tahu.
4. The Crown acknowledges that, in breach of Article Two of the Treaty, it failed to preserve and protect Ngāi Tahu's use and ownership of such of their land and valued possessions as they wished to retain.
5. The Crown recognises that it has failed to act towards Ngāi Tahu reasonably and with the utmost good faith in a manner consistent with the honour of the Crown. That failure is referred to in the Ngāi Tahu saying 'Te Hapa o Niu Tireni!' ('The unfulfilled promise of New Zealand'). The Crown further recognises that its failure always to act in good faith deprived Ngāi Tahu of the opportunity to develop and kept the tribe for several

generations in a state of poverty, a state referred to in the proverb 'Te mate o te iwi' ('The malaise of the tribe').

6. The Crown recognises that Ngāi Tahu has been consistently loyal to the Crown, and that the tribe has honoured its obligations and responsibilities under the Treaty of Waitangi and duties as citizens of the nation, especially, but not exclusively, in their active service in all of the major conflicts up to the present time to which New Zealand has sent troops. The Crown pays tribute to Ngāi Tahu's loyalty and to the contribution made by the tribe to the nation.
7. The Crown expresses its profound regret and apologises unreservedly to all members of Ngāi Tahu Whānui for the suffering and hardship caused to Ngāi Tahu, and for the harmful effects which resulted to the welfare, economy and development of Ngāi Tahu as a tribe. The Crown acknowledges that such suffering, hardship and harmful effects resulted from its failures to honour its obligations to Ngāi Tahu under the deeds of purchase whereby it acquired Ngāi Tahu lands, to set aside adequate lands for the tribe's use, to allow reasonable access to traditional sources of food, to protect Ngāi Tahu's rights to pounamu and such other valued possessions as the tribe wished to retain, or to remedy effectually Ngāi Tahu's grievances.
8. The Crown apologises to Ngāi Tahu for its past failures to acknowledge Ngāi Tahu rangatiratanga and mana over the South Island lands within its boundaries, and, in fulfilment of its Treaty obligations, the Crown recognises Ngāi Tahu as the tangata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui.
9. Accordingly, the Crown seeks on behalf of all New Zealanders to atone for these acknowledged injustices, so far as that is now possible, and, with the historical grievances finally settled as to matters set out in the Deed of Settlement signed on 21 November 1997, to begin the process of healing and to enter a new age of co-operation with Ngāi Tahu."