

He tono nā



Te Rūnanga o NGĀI TAHU

ki te

MINISTRY FOR BUSINESS, INNOVATION AND EMPLOYMENT

e pā ana ki te

**DISCUSSION PAPER: ECONOMIC AND CONSUMER PROTECTION
REGULATION OF THREE WATERS SERVICES IN NEW ZEALAND**

Te 20 o ngā rā o Waru, 2021

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1. EXECUTIVE SUMMARY

- 1.1 Te Rūnanga o Ngāi Tahu (“**Te Rūnanga**”) welcomes the opportunity to submit on the Discussion Paper: Economic Regulation and Consumer Protection for Three Waters Services in New Zealand (“**Discussion Paper**”).
- 1.2 Te Rūnanga is committed to progressing whānau access to safe, resilient, equitable and efficient water services which deliver improved environmental and health outcomes, *mō tātou, ā, mō ka uri, ā muri ake nei* – for us and our children after us.
- 1.3 The Ngāi Tahu takiwā encompasses Entity D – one of the proposed Water Services Entities (“**WSEs**”). Through rangatiratanga and mana whakahaere, Ngāi Tahu are responsible and obliged to practice regulatory authority in a manner than dignifies the tīpuna of Ngāi Tahu while meeting the needs of current and future generations. Our expectation is that our rights and interests are provided at every level of the regulatory regime for Entity D.
- 1.4 Te Rūnanga acknowledges the Ministry of Business Innovation and Employment’s (“**Ministry**”) intention to support the three waters reforms through regulations which manage the monopolistic characteristics of water service providers. Te Rūnanga preliminary feedback on the Discussion Paper focuses on the WSEs. In summary, Te Rūnanga views are that:
 - economic regulation must enable the WSEs to operate independently and with minimal interventions, while also providing the appropriate national-level safeguards to protect mana whenua and consumers in exceptional circumstances;
 - economic regulation must promote transparency, knowledge sharing and continuous improvement for the benefit of mana whenua, consumers and the environment;
 - economic regulation must support the WSEs to innovate and provide for the long-term and changing interests of mana whenua and consumers; and
 - bespoke consumer protection should be designed to flexibly provide for the needs of different communities and consumers, including in respect of mana whenua, tikanga-based disputes resolution.
- 1.5 Te Rūnanga has reserved comment on matters it wishes to engage directly with the Ministry. These are:
 - a) the impacts of three waters economic regulation and consumer protection on Papatipu Rūnanga and small community supplies; and
 - b) how regulation can complement and further build on Te Tiriti o Waitangi, Treaty Settlement and Te Mana o te Wai obligations across the three waters system, including by engaging Te Rūnanga as Treaty partner in the design and delivery of regulations.

2. TE RŪNANGA O NGĀI TAHU

- 2.1 Te Rūnanga o Ngāi Tahu is statutorily recognised as the representative tribal body, encompassing eighteen Papatipu Rūnanga. Te Rūnanga works to advocate for and protect the rights and interests held by Ngāi Tahu whānui.¹
- 2.2 Ngāi Tahu exercises rangatiratanga in the Ngāi Tahu takiwā which is the largest geographical area of any tribal authority in New Zealand (see **Appendix One**).
- 2.3 Te Rūnanga asks that this response be accorded with the status and weight of the tribal collective of Ngāi Tahu whānui comprising over 73,000 registered iwi members.
- 2.4 Notwithstanding its statutory status as the representative voice of Ngāi Tahu “for all purposes”,² Te Rūnanga respects the right of individuals, hapū and Papatipu Rūnanga to submit their own responses in relation to this Discussion Paper.

3. TE TIRITI O WAITANGI, RANGATIRATANGA AND WAI

- 3.1 The core documents that define the contemporary relationship between Ngāi Tahu and the Crown are Te Tiriti o Waitangi, Te Runanga o Ngai Tahu Act 1996, the Ngāi Tahu Deed of Settlement 1997 and the Ngāi Tahu Claims Settlement Act 1998. These documents form a binding legal and constitutional relationship between Ngāi Tahu and the Crown and entrench Ngāi Tahu rangatiratanga and the Tiriti partnership.
- 3.2 The Ngāi Tahu settlement marked a turning point and the beginning of a “new age of co-operation” between Ngāi Tahu and the Crown. The settlement recognised the rangatiratanga of Ngāi Tahu, as affirmed in Article Two of Te Tiriti o Waitangi.³
- 3.3 Ngāi Tahu rangatiratanga resides in ngā Papatipu Rūnanga, who uphold the mana whenua and mana moana of their rohe.⁴ Rangatiratanga is the ability of Ngāi Tahu to autonomously arrange and manage our own affairs, for the benefit of our whānau and communities. In modern New Zealand, our rangatiratanga will often, but not always, be exercised in conjunction with the Crown exercising its kāwanatanga.
- 3.4 Wai māori (freshwater) is a taonga of Ngāi Tahu, governed under the domain of rangatiratanga and defined by Ngāi Tahu tikanga and ritenga. In recognition

¹ Te Runanga o Ngai Tahu Act 1996, s 6.

² Te Runanga o Ngai Tahu Act 1996, s 15(1).

³ Ngāi Tahu Claims Settlement Act 1998, s 6(7): ‘...in fulfilment of its Treaty obligations, the Crown recognises Ngāi Tahu as tangata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui’.

⁴ *Te Kawenata*, the Charter of Ngāi Tahu states that “The Kaupapa Whakakotahi is that the poupou of the House of Tahu are the Papatipu Rūnanga of our people each with their own mana and woven together with the tukutuku of our whakapapa. In them resides the tino rangatiratanga of Ngāi Tahu. Its collective voice is Te Rūnanga o Ngāi Tahu”.

of the Crown's obligation to protect Te Tiriti o Waitangi rights and interests, which includes rangatiratanga and the protection of taonga, the three waters reforms have been undertaken within a broader context which highlights that in Te Ao Māori, wai māori is not distinguished from three waters. Te Rūnanga notes the important connections to the wider reform programme, particularly the resource management reforms and the review into the future of local government.

- 3.5 Decades of Crown mismanagement and ongoing exclusion of Ngāi Tahu from the governance, regulation and allocation of wai māori have resulted in a claim being lodged in the High Court.⁵ Te Rūnanga reserves the position of Ngāi Tahu in relation to this claim and nothing in this submission overrides any pleading on the claim. This submission is provided in good faith, but without prejudice to the need for (and outcomes from) the court claim and separate discussions that must occur regarding Ngāi Tahu rangatiratanga over wai māori.

4. TE RŪNANGA PRELIMINARY FEEDBACK ON THE DISCUSSION PAPER

Te Tiriti o Waitangi

- 4.1 The broader three waters reform package seeks to deliver the reform objectives in a manner which protects and promotes the rights and interests of iwi and Māori. This aspiration has been supported by active and early engagement and a commitment to develop enduring relationships, guided by a set of 'Crown/Māori objectives'.⁶ These objectives include a focus on:
- enabling greater strategic influence;
 - integration within a wider system;
 - reflecting a Te Ao Māori perspective;
 - supporting clear accountabilities; and
 - improving outcomes at a local level.
- 4.2 Te Rūnanga wishes to engage directly with the Ministry to discuss how the economic regulation and consumer protection regulatory regimes can progress these objectives and complement the broader reforms. This engagement should include, but not be limited to:
- engaging with Te Rūnanga as Treaty partner in the development and delivery of economic regulation and consumer protection for three waters in our takiwā;
 - considering and addressing the Cabinet Office Circular, *Te Tiriti o Waitangi / Treaty of Waitangi Guidance* (CO (19) 5), in particular to allow for the exercise of Ngāi Tahu rangatiratanga, alongside the Crown's kāwanatanga;

⁵ *Tau & Ors v Attorney-General*, HC Christchurch CIV 2020-409-534.

⁶ Cabinet, *Protecting and Promoting Iwi/Māori Rights and Interests in the New Three Waters Service Delivery Model: Paper Three*, CAB-21-MIN-0228 at [5].

- recognising and providing for Māori rights and interests and Treaty settlement commitments at all levels, from design to implementation;
 - recognising the significance of wai māori as a taonga – to ensure all regulatory frameworks are sufficiently flexible to adapt to climate change and improved environmental and health outcomes ki uta ki tai; and
 - strengthening the cross-agency approach to three waters reform by aligning with and further building on Te Tiriti o Waitangi obligations of Taumata Arowai, regional councils and the WSEs. This includes matters relating to Te Mana o te Wai.
- 4.3 Te Rūnanga preliminary feedback in this submission focuses on the impact of regulation on the WSEs and where relevant, our responses note the Ministry's questions on its submission template in square brackets. Te Rūnanga wishes to engage directly with the Ministry regarding the impact of regulation on Papatipu Rūnanga, small community supplies and self-suppliers.

Economic regulation

- 4.4 Te Rūnanga **endorses** the development of an economic regulation regime for the proposed three waters service delivery system and **supports** the regulation of WSEs. Regulation of the natural monopolistic characteristics of WSEs is necessary to maintain levels of service, reduce excessive revenue and provide benchmarks for governance and oversight bodies [q 1, 3].
- 4.5 We note the Ministry's preference for restricting the application of economic regulation to the WSEs – excluding small community supplies or self-suppliers. As noted above at [4.2], Te Rūnanga wishes to engage with the Ministry directly on this matter [q 4].
- 4.6 Ngāi Tahu see the regions in our takiwā ki uta ki tai (from the mountains to the sea) as an interconnected whole. Te Rūnanga **supports** the regulation of stormwater services alongside drinking water and wastewater, to give effect to ki uta ki tai, manage unintended consequences, and ensure system co-ordination to deliver the benefits of the proposed reforms [q 2].

Supporting the independence of the Water Services Entities

- 4.7 Te Rūnanga expectation is that economic regulations allow the WSEs to operate with a high degree of independence. Te Rūnanga views this independence as essential to the delivery of mana whenua aspirations for Te Mana o te Wai, in addition to providing for the long-term and changing needs of communities.
- 4.8 Te Rūnanga views that the role of the economic regulator should be to provide a back-stop in exceptional circumstances to protect the interests of mana whenua and consumers.

4.9 In particular, Te Rūnanga **supports**:

- the WSEs to be price-quality regulated in addition to information disclosure regulation [q 6];
- the WSEs to be price-quality regulated individually, with direct input from each Entity, reflective of its local circumstances [q 7];
- a soft transition for WSE economic regulation with guidance issued by the economic regulator for targets and outcomes, allowing time for data-collection and mana whenua and community expectation-setting (in relation to pricing, investments and asset management plans) [q 8A];
- the WSEs to set their own pricing structure and pricing methodologies, following consultation with their governance group, mana whenua, communities/consumers and the economic regulator – allowing the entities to set prices which meet the equity and affordability needs of mana whenua and communities and be responsive to changes over time [q 9, 14B];
- the WSEs to set their own efficiency levels – informed by research and community/consumer engagement, to tailor efficiencies to diverse local circumstances where it would be inappropriate to require strong efficiency (for example, in small communities or rural areas) [q 13C];
- the WSEs to be empowered to conduct year-on-year assessments of regional and community well-being and engage with mana whenua and communities on how the WSE can prioritise the best outcomes that meet local needs and expectations over time. Importantly, this supports outcomes to change over time, for example, from a focus on equitable access and meeting drinking water standards, to operating efficiently (or vice versa);
- The WSEs to set prices free from price-shock regulations [q 13B]; and
- The WSEs to have strong political separation from government, to protect and promote their independence and insulate them from politicised decision-making which could otherwise result in decisions which favour short-term over long-term benefits, or favour some communities to the detriment of others. Once in place these decisions can be difficult to amend and can remain long after they have ceased to be fit for purpose [q 14].

Economic regulator

4.10 Te Rūnanga **supports** the Ministry's preference for the Commerce Commission ("**ComCom**") to act as economic regulator for three waters [q 17].

4.11 Te Rūnanga considers ComCom is appropriate, as it is independent from government and has extensive knowledge of existing domestic monopolies. The notable downside is the ComCom's lack of expertise in the water industry, although a bespoke start-up regulator would be in the same position.

Accountability and transparency

4.12 Te Rūnanga **supports** the design of economic regulations to support the WSEs

to operate fairly and transparently in consumer interest. Te Rūnanga supports robust accountability mechanisms to support the WSEs to uphold good governance and achieve optimal performance.

4.13 In particular, Te Rūnanga **supports**:

- information disclosure regulation, to support the public, stakeholders and the WSE to monitor WSE performance, both between the different entities and for each entity annually. Te Rūnanga notes its interest in setting takiwā-specific information disclosure metrics and targets [q 5];
- the economic regulator to publish input methodologies in advance of making determinations that impact economic regulation [q 13A];
- the compliance, monitoring and enforcement toolkit proposed in the Discussion Paper, with the exception of pecuniary penalties for all regulated suppliers. Te Rūnanga **opposes** pecuniary penalties: these risk imposing penalties which disproportionate to the conduct and could compromise affordability if the penalty costs are passed on to consumers. Te Rūnanga views the alternative options (court orders, enforceable undertakings and out-of-court settlements) provide an effective toolkit for reigning in power imbalances and supporting consumer welfare [q 16];
- provision for merit appeals on input methodologies (set by the economic regulator) and the application of individual price-quality regulation, when claimants (individuals or organisations) are significantly impacted. Te Rūnanga supports the Ministry's preference to exclude procedural regulations (such as information disclosure) from merits appeals [q 15].

Consumer protection

4.14 Te Rūnanga **supports** the development of a consumer protection regulatory scheme [q 21A]. Te Rūnanga considers this to be essential for the WSEs to be accessible and meet mana whenua and consumer service expectations.

4.15 Te Rūnanga **supports** a bespoke approach to consumer protection regulation for three waters. This supports the WSEs and the consumer regulator to align with the sector and respond to the specific needs of mana whenua and communities, especially those who have been traditionally under-served.

4.16 Te Rūnanga wishes to engage directly with the Ministry regarding the application of the consumer protection regime on private and community suppliers [q 28].

4.17 Subject to further engagement, Te Rūnanga **supports**:

- the consumer protection regulator to be ComCom, given its independence and experience [q 30];
- the consumer regulator to issue a mandatory code in addition to optional guidance in partnership with Te Rūnanga, following engagement with mana whenua, communities and consumers [q 22, 23];
- combined legislation for economic regulation and consumer protection, to reduce complexity, costs and streamline policy development [q 24];

- variable levels of service for different types of customers, to meet local needs and expectations [q 25];
- protections for vulnerable consumers, including a positive obligation on the consumer regulator to protect consumers and flexibility in approach for different types of vulnerable consumers [q 26];
- the compliance and enforcement toolkit proposed in the Discussion Paper [q 29];⁷ and
- provision for an independent dispute resolution to provide a simplified complaint process independent from the WSEs [q 34-40]. Te Rūnanga notes its expectation for a tikanga-based dispute resolution process for matters to be resolved within the Ngāi Tahu takiwā.

4.18 Te Rūnanga **supports** the intent of the proposal to incentivise high-quality engagement, but requires more information to provide a view, particularly regarding how this is to be achieved and the benefits it would provide, relative to the WSEs operating without this incentive [q 31].

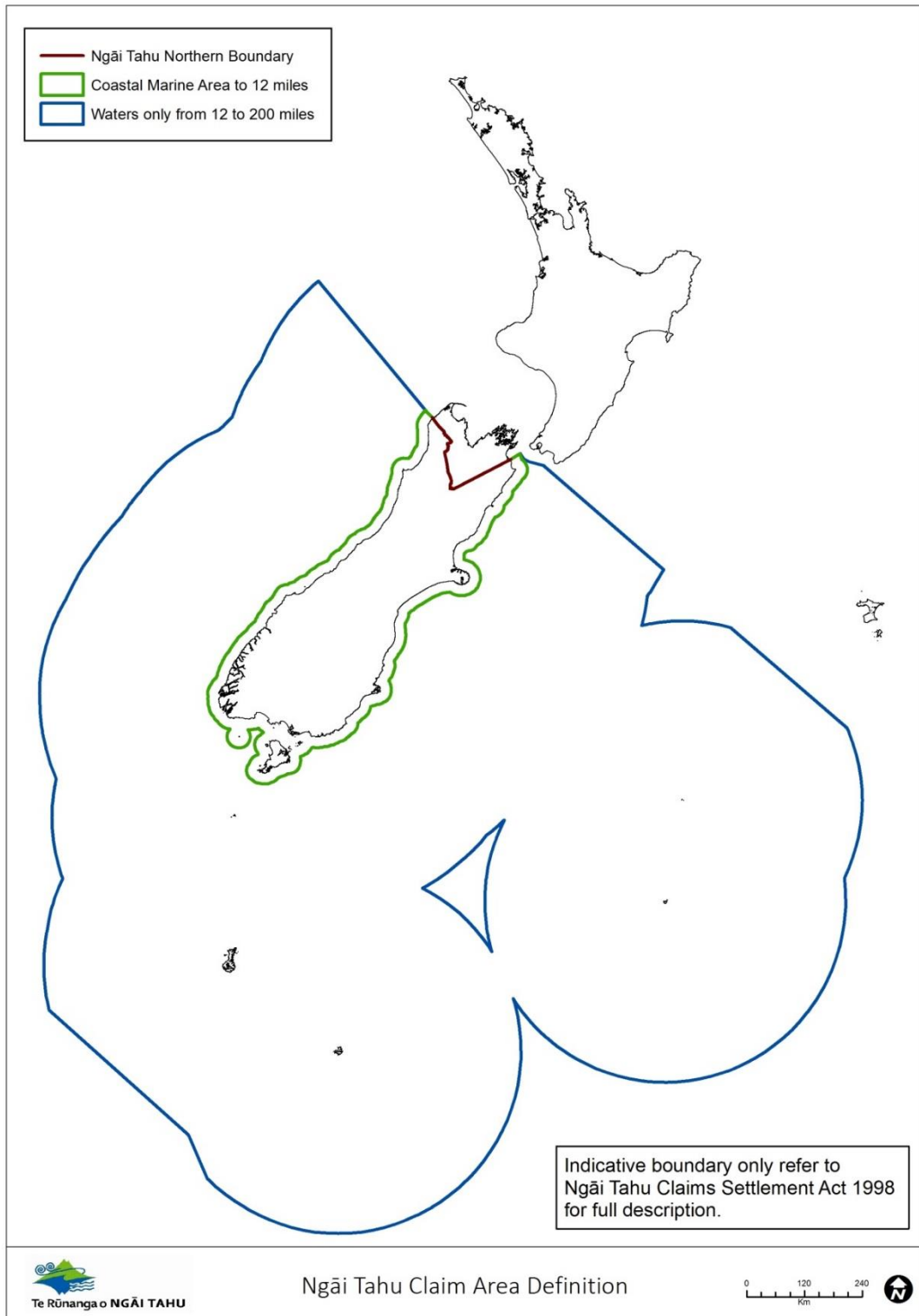
Implementation and regulatory stewardship

4.19 Te Rūnanga **supports** the intent of implementation and regulatory stewardship to support co-ordination of the reforms. Te Rūnanga notes its expectation that stewardship functions are undertaken consistently with the Crown's Te Tiriti o Waitangi obligations [q 44, 45].

4.20 Te Rūnanga **supports in principle** cross-agency information sharing relating to information disclosure regulation, but **opposes** the sharing of Māori data (for example, performance disclosure for a small papakāinga supply) without the appropriate safeguards in place. Accordingly, Te Rūnanga **expects** that information sharing for Māori data will require the consent of the affected iwi or hapū. Māori have data sovereignty over their data – and have inherent rights and interests in the collection, ownership, use and sharing of their data [q 46].

⁷ *Discussion Paper: Economic and Consumer Protection Regulation of Three Waters Services in New Zealand*, pp 71-72.

APPENDIX ONE: THE NGĀI TAHU TAKIWĀ



APPENDIX TWO: TEXT OF THE 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 āhuratanga 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 āhuratanga 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 āhuratanga 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 āhuratanga whai oranga mō Ngāi Tahu i noho pōhara noa ai te iwi ia whakatapuranga heke iho. Te whakatauaāki i pūtaka mai i aua āhuratanga: “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 pūtake 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 āhuatanga 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 Tirenī!’ (‘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 tāngata 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.”

[Emphasis added]