

He tono nā



Te Rūnanga o NGĀI TAHU

ki te
MINISTRY OF BUSINESS, INNOVATION AND EMPLOYMENT

e pā ana ki te
CONSULTATION ON ADVANCING NEW ZEALAND'S ENERGY TRANSITION

15 November 2023

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1. INTRODUCTION

- 1.1 Te Rūnanga o Ngāi Tahu (**Ngāi Tahu**) is committed to Aotearoa New Zealand's transition to be carbon neutral economy. Renewable energy developments are a key part of this transition. We therefore support initiatives that enable this transition to take place for Aotearoa.
- 1.2 For a successful transition, the right developments need to occur at the right scale, in the right place and with the effects managed appropriately. This must include the full range of impacts including the impacts on te taio, including moana, whenua, awa and manu, during all stages of renewable energy developments.
- 1.3 It is essential that this transition takes place in partnership with Ngāi Tahu. We have interests and aspirations across all parts of the energy system and wish to be included in conversations from policy and planning through to commercial opportunities.
- 1.4 We wish to see that Ngāi Tahu rangatiratanga, rights and interests are not negatively impacted by the transition. These include the rights that are recognised by Te Tiriti o Waitangi and the Ngāi Tahu settlements, including our fisheries settlements, as well as those rights seeking to be confirmed through customary marine title applications.
- 1.5 As well as mana whenua involvement, we also wish to ensure that those who hold mana moana for the areas where feasibility studies, and ultimately development, takes place are involved in the decision making and that their mana moana and values are considered.

2. TE RŪNANGA O NGĀI TAHU

- 2.1 This response is made on behalf of Te Rūnanga o Ngāi Tahu (**Te Rūnanga**) which is statutorily recognised as the representative tribal body of Ngāi Tahu whānui and was established as a body corporate on 24 April 1996 under section 6 of the Te Rūnanga o Ngāi Tahu Act 1996 (**TRONT Act**).
- 2.2 Te Rūnanga encompasses 18 Papatipu Rūnanga, who uphold the mana whenua and mana moana of their rohe. Te Rūnanga is responsible for managing, advocating, and protecting, the rights and interests inherent to Ngāi Tahu as mana whenua.
- 2.3 Te Rūnanga expects that the Ministry will accord this response with the status and weight of the tribal collective of Ngāi Tahu whānui comprising over 80,000 registered iwi members. A map of the Ngāi Tahu Takiwā is included at **Appendix One**. Ngāi Tahu and Ngāi Tahu Whānui means the collective of individuals who descend from the primary hapū of Waitaha, Ngāti Mamoe, and Ngāi Tahu, namely Kāti Kurī, Kāti Irakehu, Kāti Huirapa, Ngāi Tūāhuriri, and Kai Te Ruahikihiki
- 2.4 Notwithstanding its statutory status as the representative voice of Ngāi Tahu

Whānui “for all purposes”, Te Rūnanga accepts and respects the right of individuals and Papatipu Rūnanga to make their own responses in relation to these matters.

- 2.5 Ngāi Tahu are seafaring people and the moana has sustained Ngāi Tahu people for generations, not only through nourishment but through enabling economy, within Ngāi Tahu communities and beyond. Fishing, access to and use of coastal resources within the rohe is a vital part of the Ngāi Tahu identity, tradition, and economy.
- 2.6 Ngāi Tahu holds mana moana over more than 90 percent of the marine environment around Te Waipounamu. The rohe moana of Ngāi Tahu extends outward from the northernmost eastern boundary Pari-nui-o-Whiti around the South Island coast to the northernmost western boundary at Kahurangi. The Ngāi Tahu Takiwā also includes Rakiura (Stewart Island) and all other islands off these shores. Refer to **Appendix One** for a map of this boundary.
- 2.7 The mana moana held by Ngāi Tahu is derived from whakapapa; both the ancestral relationship with Tangaroa as the first husband of Papatūānuku, and through ‘take tūpuna’ and the maintenance of ‘ahi kaa’ over the generations.
- 2.8 Ngāi Tahu holds exclusive rangatiratanga within the area of rohe moana; this has been upheld by the Māori Appellate Court. The Ngāi Tahu Takiwā is statutorily recognised in the TRONT Act and Ngāi Tahu Claims Settlement Act (**NTCSA**), and has been successively recognised by the Waitangi Tribunal. Ngāi Tahu is responsible for exercising kaitiakitanga over the rohe moana. The Charter of Te Rūnanga constitutes Te Rūnanga as the kaitiaki of tribal interests.

3. TE TIRITI O WAITANGI AND PARTNERSHIP

- 3.1 The contemporary relationship between the Crown and Ngāi Tahu is defined by the following core documents: te Tiriti, the Ngāi Tahu Deed of Settlement 1997, the NTCSA, and the TRONT Act (together, the **Core Documents**). These documents form an important legal relationship between Ngāi Tahu and the Crown and entrench the Treaty partnership.
- 3.2 As recorded in the Crown Apology to Ngāi Tahu (see **Appendix Two**), the Ngāi Tahu Settlement marked a turning point, and the beginning for a “new age of co-operation”. The Crown apologised for its “past failures to acknowledge Ngāi Tahu rangatiratanga and mana over the South Islands lands within its boundaries” and confirmed that it “recognises Ngāi Tahu as the tangata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui”. That apology by the Crown serves as a solemn commitment acknowledging Ngāi Tahu rangatiratanga within the Ngāi Tahu Takiwā.
- 3.3 Te Rūnanga notes the following findings of the Waitangi Tribunal in the Ngāi Tahu Sea Fisheries Report (Wai 27) which evidenced Ngāi Tahu rangatiratanga over Ngāi Tahu rohe moana in the following terms:

Rangatiratanga over the waters off their rohe was not confined to those more favoured areas where they chose to fish...Their rangatiratanga extended to all the waters over which they travelled or could travel to engage in fishing.¹

- 3.4 The Tribunal Report also found that Ngāi Tahu have:²
- a) *An exclusive Treaty right to the sea fisheries surrounding the whole of their rohe to a distance of 12 miles or so there being no waiver or agreement by them to surrender such right.*
 - b) *A Treaty development right to a reasonable share of the sea fisheries off their rohe extending beyond the 12 miles out to and beyond the continental shelf into the deepwater fisheries within the limit of the 200 miles exclusive economic zone such right being exclusive to Ngāi Tahu.*

4. TE RŪNANGA ENGAGEMENT WITH THE MINISTRY

- 4.1 As you are aware, Te Rūnanga has been participating in a pan iwi group to discuss these documents directly with the Ministry of Business, Innovation and Employment (**MBIE**) officials, along with Ngā Iwi o Taranaki, Ngāti Whātua ki Kaipara, Waikato-Tainui, Ngāi Tahu and Maniapoto.
- 4.2 As noted above, the Ngāi Tahu Takiwā is extensive. Our tribal areas include many of the best renewable energy producing areas across Aotearoa New Zealand. It is essential that we are an integral part of conversations about how renewable energy is produced in this country and how our resources are used to contribute to the transition that needs to happen.
- 4.3 While we have prepared this response, we do not consider that this is sufficient or the appropriate way that Ngāi Tahu should be engaged with the Crown on these matters. We expect that direct engagement with the Crown will continue after this consultation closes, as has been discussed in the pan iwi hui held with Ministry officials.
- 4.4 To be clear, we expect to have active involvement in drafting the new Act through access to exposure drafts and any regulations, policies and/or guidance documents associated with the regime to ensure that these documents are articulated in a way that allows the ability to sufficiently address matters pertaining to te Tiriti. We also expect that our involvement will be on-going, being actively involved in all stages of planning, permitting and consenting of energy developments.
- 4.5 This response should be seen as setting out some of our high-level aspirations and concerns, rather than a complete and final position on these kaupapa.

¹ Waitangi Tribunal, Ngāi Tahu Sea Fisheries Report (1992) (Wai 27), page 292.

² Waitangi Tribunal, Ngāi Tahu Sea Fisheries Report (1992) (Wai 27), page 303.

- 4.6 Given the interconnections between the various documents, this response is intended to cover issues raised across the consultation documents, rather than specific responses to each. We also encourage the Crown to refer to our recent responses on offshore renewable energy and the National Policy Statement for Renewable Energy, which address related issues.

5. TE RŪNANGA RESPONSE TO ADVANCING NEW ZEALAND'S ENERGY TRANSITION

- 5.1 Te Rūnanga is strongly supportive of measures to decarbonise the economy of Aotearoa New Zealand. The challenges that we are all facing with climate change are now here. It is imperative that we reduce our emissions to reduce the future climate change effects and ensure that we have a resilient, reliable energy system for the future.

Leadership for the transition

- 5.2 While the energy transition is essential, it is not going to be easy. The transition must be managed well to ensure that the opportunities to build a strong, more resilient energy system and economy are realised. Leadership and direction are also required to ensure that the many challenges and potential negative social, environmental and economic impacts are addressed as efficiently as possible.
- 5.3 It is essential that the Crown provides this leadership and uses all its levers to make this transition successful. The Crown should be looking at all the tools available to it to provide certainty and support the energy transition. This includes not only the Crown's regulatory and fiscal tools, but also the direct activity undertaken by the Crown through its own energy uses (e.g., energy used by schools, hospitals, Crown vehicles etc) and providing direction and information to the market.
- 5.4 This leadership must, however, be undertaken in genuine partnership with Ngāi Tahu and in ways that respect our natural environment and that considers the impact of the transition on our whānau and communities. We must work together as te Tiriti partners to ensure that there is a successful energy transition.
- 5.5 Ngāi Tahu will likely have interests and be involved across all aspects of the energy system (policy, planning, development, investment, and capital opportunities, and as a user of energy). We can bring our leadership to provide an intergenerational, multi-dimensional view to support a successful energy transition. But it is important that we are supported to participate in this system, rather than the Crown expecting Ngāi Tahu to use its own tribal pūtea to participate in the system.
- 5.6 If a single national entity is established to consider policies and applications, such as the proposed hydrogen government and sector coordination body, we expect that Ngāi Tahu will be part of this entity. As acknowledged in our settlement, Ngāi Tahu holds rangatiratanga across most of the Te

Waipounamu and the associated waters. We must be part of conversations about what is to happen within our Takiwā, including both specific development applications and on nationwide policies that affect us. Only Ngāi Tahu can speak for Ngāi Tahu and the impacts on our Takiwā.

- 5.7 A true and accurate assessment of the impact of an application can only be undertaken with the input of those who hold mana moana. Only those holding mana moana can articulate the impacts that the proposal has on them. In many cases, culturally significant sites may not be located on maps or easily accessed by potential developers. Engaging with the relevant iwi will ensure that these impacts are taken into account. We do not consider that it would create any issues for the entity to have different iwi involved in different applications, as each application will be limited to a particular and contained geographic area.

Appropriate planning

- 5.8 With the long lag times required to consent and build renewable energy infrastructure, it is essential that action is taken now to ensure that we are prepared for the future. While there might be uncertainty around the exact amount of energy that we will need into the future, it is clear that we need to significantly increase our renewable energy generation to meet the demands of our future, decarbonised economy. But with the long lag times to develop renewable energy infrastructure, we risk having insufficient or unreliable energy available.
- 5.9 This planning needs to acknowledge the specific opportunities, constraints, risks and needs of different regions across Aotearoa. Working with local communities and Ngāi Tahu will assist the Crown in making plans for our Takiwā which are most appropriate and enable the best outcome for the local regions and all of Aotearoa.
- 5.10 As noted earlier, within our Takiwā, there are many opportunities for green energy production and there is commercial interest in using this additional energy, such as a potential hydrogen production facility. It is essential that these opportunities are not hindered by nationwide policies that do not consider regional opportunities and aspirations. Similarly, the transition should not be slowed down in regions that are ready to go, as we need to get the transition moving as quickly as possible, for the benefit of all of Aotearoa.
- 5.11 Sufficient planning needs to be undertaken to ensure that renewable energy generation and supporting infrastructure occurs in a way that maximises the energy generation potential, makes sense with the rest of the network but also adequately protect te taiao.
- 5.12 This planning needs to consider both existing and emerging technologies and to ensure that the range of difference energy needs are met throughout the transition. Emerging technology, such as hydrogen, could play an important part in this transition. It is important that these new technologies are not forgotten, even though there are still uncertainties around how they might be

used.

- 5.13 We need to ensure that the right developments are being progressed, in the right locations, at the right scale and with the appropriate protections in place to manage any negative impacts.
- 5.14 It is vital that the impact of any new developments on those who hold mana whenua, mana moana are considered before feasibility studies or new developments are initiated. These include considering the impact on, and protecting and upholding, our taonga species, our settlement (including our fisheries settlement), te Tiriti obligations and customary marine title (and applications to seek it).
- 5.15 The location and timing of transmission and distribution infrastructure (and other enabling infrastructure) will shape the new renewable energy generation that is developed. It is therefore vital that this infrastructure is in place to support new generation projects, with a focus on ensuring that this infrastructure encourages generation in the best locations. Central planning and leadership may be required to enable this to occur.

Impact on settlement, Ngāi Tahu rangatiratanga and customary marine title applications

- 5.16 While the energy transition is vital for Aotearoa New Zealand, it must not occur at the expense of Ngāi Tahu rangatiratanga, our settlement and other existing rights.
- 5.17 The Ngai Tahu settlement provided statutory recognition that Ngāi Tahu holds rangatiratanga within the Ngāi Tahu Takiwā. Our rangatiratanga must be upheld through the energy transition and Ngāi Tahu must be involved in decisions and policies that impact on our Takiwā.
- 5.18 We have also received a range of assets through our settlement and the fisheries settlements. The Crown cannot undermine these settlements through the energy transition, including the devaluation of any of our settlement assets. For example, we would expect that any offshore renewable energy developments would not occur that would ultimately lead to reductions in the total commercial or non-commercial customary catch limits under the Quota Management System, as such reductions will flow through to a reduction in quota value and impact on our customary rights.
- 5.19 Similarly, we would be concerned if any offshore renewable energy developments (either wind farms or other developments) would restrict our ability to meet the tests that are needed for us to establish customary fisheries management areas. That is, that the establishment of the mātaimai does not prevent the commercial fishers from catching their quota entitlement, or unreasonably impact recreational fishers' ability to take fish, sea life or seaweed. If offshore renewable energy developments restrict neighbouring fishing grounds, it may make it more difficult for commercial fishers, for example, to catch their quota entitlements which in turn makes it more

challenging for us to establish customary fishing areas.

- 5.20 The same principles of no negative impact on our settlement rights and assets hold for the impact of any investment on our onshore settlement assets.
- 5.21 Similarly, we also expect that Ngāi Tahu rights in relation to takutai moana, including any rights acquired through applications under the Marine and Coastal Area (Takutai Moana) Act 2011 are protected and upheld. We will not support any proposals that will negatively impact on rights that we already have and will receive as a result of our customary marine title applications.

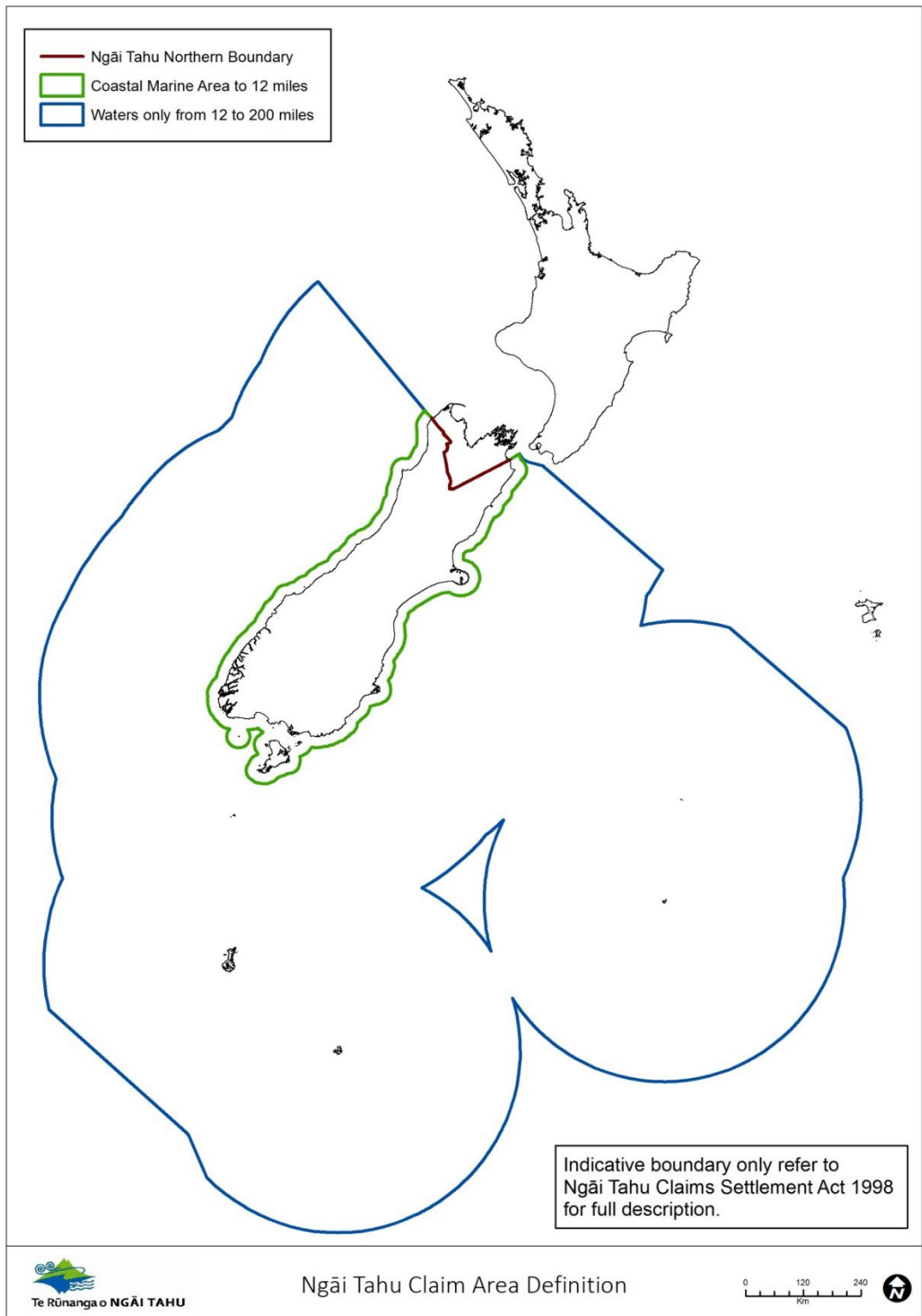
Energy transition outcomes

- 5.22 It is essential that the transition takes places in a way that does not negatively impact on whānau and communities. The necessary energy transition should be an opportunity to build a resilient energy system for Aotearoa New Zealand which ensure that all people have reliable, affordable energy.
- 5.23 The impact on individuals should be kept at the centre of decision making on the system, rather than a sole focus on big decarbonising projects and expanding the total energy production within in Aotearoa.
- 5.24 Te Rūnanga supports measures to improve the energy efficiency, generation and storage at the small scale to provide energy (and improve energy resilience) for whānau, marae and communities. We also support initiatives which increase the resilience of the energy system, to ensure that whānau, marae and communities maintain access to energy in a world of increasingly common significant weather events caused by climate change or other natural disasters such as seismic activity.
- 5.25 The transition also provides opportunities to build high skilled workforces in local communities, through employment in the generation facilities and in the ancillary businesses that will be required to assist the plant. It is essential that the local workers and their communities directly benefit from these facilities, rather than the use of fly-in, fly-out expertise.

Commercial opportunities

- 5.26 Ngāi Tahu seeks to be more than a consulted party, who watches our whenua, moana and resources being used by others to generate electricity. We want to be involved with these developments and wish to have the opportunity to undertake developments ourselves. As part of the transition, we expect that the Crown will facilitate and support us to be involved in these developments on our whenua and moana. We welcome opportunities to discuss how this can occur.

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 hoakā”. 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 pūtake 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 whakatapuranga heke iho. Te whakatauaiki i pūtake 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 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."