

He tono nā



**Te Rūnanga o NGĀI TAHU**

ki

**HĪKINA WHAKATUTUKI**

e pā ana ki te

**REVIEW OF THE COPYRIGHT ACT 1994: ISSUES PAPER**

Kai-te-haere/April 2018

<b>HĪKINA WHAKATUTUKI</b> .....	1
<b>REVIEW OF THE COPYRIGHT ACT 1994: ISSUES PAPER</b> .....	1
<b>1. EXECUTIVE SUMMARY</b> .....	3
<b>2. TE RŪNANGA O NGĀI TAHU</b> .....	3
<b>3. INTEREST IN THE COPYRIGHT ACT REVIEW</b> .....	3
<b>4. ISSUES PAPER CONSULTATION QUESTIONS</b> .....	5
<b>5. INTERNATIONAL CONTEXT</b> .....	7
<b>6. SUMMARY OF RECOMMENDATIONS</b> .....	8
<b>APPENDIX ONE: TEXT OF CROWN APOLOGY</b> .....	10
<b>APPENDIX TWO: NGĀI TAHU TAKIWĀ</b> .....	14

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## 1. EXECUTIVE SUMMARY

- 1.1. Te Rūnanga o Ngāi Tahu (“**Te Rūnanga**”) welcomes the opportunity to comment on the review of the Copyright Act 1994 (“**the copyright review**”).
- 1.2. Te Rūnanga commends the Ministry of Business, Innovation and Employment (“**MBIE**”) for reviewing New Zealand’s copyright laws. It is appropriate for the copyright regime to be examined in order to ensure this area of New Zealand intellectual property (“**IP**”) law is fit for purpose and reflects the values and interests of contemporary New Zealand society.
- 1.3. Te Rūnanga therefore endorses the proposal to undertake a parallel drafting process alongside the copyright review to provide taonga Māori with IP protection. The co-development of a new, sui generis legal solution to this issue has the potential to be a truly meaningful exercise of Treaty partnership.

## 2. TE RŪNANGA O NGĀI TAHU

- 2.1. This response is made on behalf of Te Rūnanga.
- 2.2. The Charter of Te Rūnanga o Ngāi Tahu constitutes Te Rūnanga as the kaitiaki of tribal interests.
- 2.3. Te Rūnanga is the mandated representative tribal body of Ngāi Tahu whānui in accordance with section 6 of Te Rūnanga o Ngāi Tahu Act 1996 (“**the TRONT Act**”), established as a body corporate on 24th April 1996.
- 2.4. We note the following relevant provisions of our constitutional documents:  
At section 3 of the TRONT Act:  
*“This Act binds the Crown and every person (including any body politic or corporate) whose rights are affected by any provisions of this Act.”*  
At section 15(1):  
*“Te Rūnanga o Ngāi Tahu shall be recognised for all purposes as the representative of Ngāi Tahu Whānui.”*
- 2.5. Te Rūnanga asks that this response be given the status and weight due to the tribal collective, Ngāi Tahu whānui, currently comprising some 63,000 members, registered in accordance with section 8 of the TRONT Act.
- 2.6. 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 this matter.

## 3. INTEREST IN THE COPYRIGHT ACT REVIEW

- 3.1. The interests of Te Rūnanga in the review is twofold. As a copyright author and owner, Te Rūnanga has proprietary interests which are subject to copyright law. More significantly, as a kaitiaki of Ngāi Tahu tribal rights and interests, our primary focus is

on the matters considered by Section 2 of Part 8 of the Issues Paper, “Copyright and the Wai 262 inquiry”.

- 3.2. As the mandated representative of Ngāi Tahu whānui, Te Rūnanga is charged with upholding and protecting Ngāi Tahu rights and interests in accordance with the tribal whakataukī:

*“Mō tātou, ā, mō kā uri ā muri ake nei – For us, and our children after us.”*

- 3.3. This extends to protecting the integrity of iwi identity – ‘tō tātou Ngāi Tahu’ – and the cultural and environmental heritage and mātauranga which underpins our status as tāngata whenua in our takiwā<sup>1</sup>.

- 3.4. In the Crown’s apology to Ngāi Tahu at section 6 of the Ngāi Tahu Claims Settlement Act 1998 (“**NTCSA**”), “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.”<sup>2</sup>

- 3.5. Te Rūnanga is an active kaitiaki of Ngāi Tahu across a range of fields where this requires protection and advocacy. Examples include:

- Negotiating trade mark registration resolutions with third parties seeking to register cultural information;
- Department of Conservation (“**DOC**”) Protocols in the NTCSA, including consultation requirements for the use of Ngāi Tahu history and cultural information in the takiwā, as well as biodiversity provisions;
- Statutory acknowledgement of Ngāi Tahu taonga species pursuant to the NTCSA, and statutory acknowledgement of the Ngāi Tahu association with, places, landmarks and names within the Ngāi Tahu takiwā;
- The production and publication of copyright works about Ngāi Tahu history, identity and culture; and
- Submitting to the Waitangi Tribunal’s WAI 262 inquiry and continuing to participate in intellectual property processes and developments.

- 3.6. Our continual involvement in intellectual property processes and cultural advocacy issues means that Te Rūnanga is acutely aware of the ways in which existing IP systems and structures fail to provide adequate protection for Ngāi Tahu interests and values.

- 3.7. Furthermore, in its apology to Ngāi Tahu at sections 5 and 6 of the NTCSA, the Crown commits to entering a new age of cooperation with Ngāi Tahu<sup>3</sup>.

- 3.8. For these reasons, we advise accordingly:

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<sup>1</sup> With regard to the Ngāi Tahu takiwā, Section 5 of the TRONT Act defines those areas “south of the northern-most boundaries described in the decision of the Māori Appellate Court”, which in effect is south of Te Parinui o Whiti on the East Coast and Kahurangi Point on the West Coast of the South Island (see map attached in Appendix Two).

<sup>2</sup> Ngāi Tahu Claims Settlement Act 1998, s 6(3).

<sup>3</sup> Ibid, ss 5-6. See also Appendix One.

#### **4. ISSUES PAPER CONSULTATION QUESTIONS**

##### **Question 94 - Do you agree with the Waitangi Tribunal's use of the concepts 'taonga works' and 'taonga-derived works'? If not, why not?**

- 4.1. For the purposes of this consultation, Te Rūnanga accepts the definitions of taonga works and taonga-derived works as defined by the Waitangi Tribunal.
- 4.2. However, Te Rūnanga advises that these terms need further development before they can enter any legislative framework.
- 4.3. The Tribunal definitions of taonga and taonga-derived works are themselves defined by reference to the Māori concepts of "mauri" and "kaitiakitanga". These are both very significant concepts of the Māori world, and pertain a spiritual aspect. There is also likely to be variation according to iwi and region as to what these consist of.
- 4.4. Any definition of taonga and taonga-derived works which refers to underlying Te Ao Māori concepts will require extensive engagement and consultation with appropriate iwi experts before these can enter any legislative framework.

##### ***Recommendations***

- 4.5. Te Rūnanga recommends that:
  - The Waitangi Tribunal definitions of taonga works and taonga-derived works require further development before any entry into a legislative framework; and
  - Any definition of taonga works and taonga-derived works which refers to underlying Te Ao Māori concepts will require consultation with iwi experts to ensure these are appropriate.

##### **Question 95 - The Waitangi Tribunal did not recommend any changes to the copyright regime, and instead recommended a new legal regime for taonga works and mātauranga Māori. Are there ways in which the copyright regime might conflict with any new protection of taonga works and mātauranga Māori?**

- 4.6. Te Rūnanga endorses the development of a sui generis regime for taonga works and mātauranga Māori to be afforded their true status within the New Zealand legal system. However, Te Rūnanga also notes that there are nevertheless likely to be areas where this new system may conflict with copyright law. This is a significant risk, which needs to be appropriately managed through the development and drafting of both pieces of legislation to ensure that taonga provisions are given priority over incidental conflicts with copyright law.
- 4.7. As such, it is also a necessity that any law seeking to protect taonga works is co-designed by iwi Māori in accordance with the principles of partnership and rangatiratanga, as it is iwi Māori themselves who have expertise and experience in the ways in which existing IP laws come into conflict with Māori values and priorities.

##### ***Recommendations***

- 4.8. Te Rūnanga recommends that:
  - MBIE develop a sui generis work stream to protect taonga works and

mātauranga Māori; and

- That this work stream be co-designed by Treaty partners, so that the resulting system and its interactions with traditional IP laws is fit for purpose.

**Question 96 - Do you agree with our proposed process to launch a new work stream on taonga works alongside the Copyright Act review? Are there any other Treaty of Waitangi considerations we should be aware of in the Copyright Act review?**

- 4.9. Te Rūnanga strongly supports MBIE's proposal to undertake a parallel work stream process to protect taonga works and mātauranga Māori concurrently with the review of the Copyright Act.
- 4.10. Te Rūnanga considers that this approach is best suited to ensuring that the points of contention where the two legal regimes might otherwise conflict can be identified and resolved. This will ensure both systems are fit for purpose, and that any Treaty of Waitangi considerations that may arise can be adequately addressed, as the teams will be able to consult one another on any prospective issues that arise.
- 4.11. Te Rūnanga again emphasises that the role of tāngata whenua in the development of the taonga works system will facilitate the development of an effective copyright review. It is likely that issues to be resolved by the taonga works work stream may themselves highlight inconsistencies which can then be readily communicated to the copyright review team.

**Recommendations**

- 4.12. Te Rūnanga recommends that:
- The taonga works and mātauranga Māori work stream be undertaken parallel and concurrent to the review of the Copyright Act in order to best manage the interface of these two systems; and
  - Tāngata whenua co-design the taonga works system in order to support the effectiveness of the resulting regime.

**Question 97 - How should MBIE engage with Treaty partners and the broader community on the proposed work stream on taonga works?**

- 4.13. Te Rūnanga acknowledges the strides MBIE has been making in terms of positively facilitating engagement with its Treaty partners in the reviews of the past 12 months.
- 4.14. Te Rūnanga notes that in the context of sui generis legislative innovations, it is even more important for Treaty partners to play a driving role in the co-design and development of any work stream seeking to encapsulate kaitiakitanga in relation to taonga. Such work, as is acknowledged in the Issues Paper, falls squarely within the ambit of Article 2 Treaty of Waitangi rights and interests, over which iwi Māori have maintained rangatiratanga.
- 4.15. It is also important that this work is not limited to the findings made by the Tribunal in 2011, as it is important for the taonga works system to be up to date with broader developments in IP, indigenous and international law which have occurred in the

years since the report was published.

- 4.16. Te Rūnanga reiterates the importance of developing the work stream with Treaty partners, because, as in the Wai 262 inquiry process itself, it is iwi Māori who have the best idea of what the relevant issues and opportunities are.
- 4.17. Te Rūnanga advises that we seek to be involved in the development and co-design of a new taonga works system.

#### **Recommendations**

- 4.18. Te Rūnanga recommends that:
  - Treaty partners have a strong right to be co-designers of a work stream which seeks to develop new solutions to protect some of our most precious taonga;
  - The work to be progressed by MBIE to protect taonga works and mātauranga Māori should not be confined to Wai 262 recommendations, as there have been relevant developments in IP, indigenous and international law since 2011; and
  - Te Rūnanga to be involved in the development and design of the new taonga works system, as a Treaty partner of the Crown.

#### **5. INTERNATIONAL CONTEXT**

- 5.1. Te Rūnanga notes that the development of a separate, sui generis legislative regime for the protection of taonga Māori reflects extensive commentary at the international level, and amongst international indigenous experts.
- 5.2. Te Rūnanga advises the following items are of relevance to the current consultation:

##### **United Nations Declaration on the Rights of Indigenous Peoples 2007 (UNDRIP)**

- Article 11(1) provides for the right of indigenous peoples to practise and revitalise their cultural traditions and customs, including the right to maintain, protect, and develop the past, present and future manifestations of these;
- Article 31(1) provides that indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge, and traditional cultural expressions, including in respect of their intellectual property in these; and
- Articles 11(2) and 31(2) require States to work in conjunction with indigenous peoples to take measures to recognise and protect the exercise of these rights.

##### **Model Provisions for Protection of Folklore 1985**

The United Nations Educational, Scientific and Cultural Organisation (“**UNESCO**”) and the World Intellectual Property Organisation (“**WIPO**”) “Model Provisions for National Laws on the Protection of Expressions of Folklore Against Illicit Exploitation and Other Prejudicial Actions” 1985 (“**the 1985 Provisions**”) contain extensive discussion on the insufficiency of existing IP models to protect traditional knowledge and traditional

cultural expressions.

Although the document discusses “folklore” and this term is not suitable to describe taonga works, the overarching themes and issues covered by the provisions remain relevant to the current consultation.

The 1985 Provisions focus specifically on the insufficiency of copyright to protect traditional knowledge and cultural expressions<sup>4</sup>.

**Draft Provisions/Articles for the Protection of Traditional Knowledge and Traditional Cultural Expressions, and IP and Genetic Resources (2010)**

The WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (“**the WIPO IGC**”) is continuing to develop draft Provisions/Articles (“**the Draft Articles**”) to protect forms of traditional cultural knowledge, IP and its expressions from misappropriation and misuse.

Te Rūnanga advises that the commentary on the draft articles and the policy objectives outlined alongside them may assist lawmakers to reconcile existing IP models with the development of the taonga works work stream.

This being said, it is necessary to note that when it comes to the best way to develop protections for uniquely Māori kaupapa it is only through and in conjunction with iwi Māori that this can be affected, per UNDRIP arts 11, 31.

**Recommendations**

5.3. Te Rūnanga recommends that:

- MBIE have regard to relevant international work surrounding appropriate measures to reconcile existing IP frameworks with the protection of taonga; and
- While the international context provides guidance as to the interaction of existing IP frameworks with taonga, it is only in conjunction with iwi Māori that appropriate legal frameworks for taonga themselves can be developed.

**6. SUMMARY OF RECOMMENDATIONS**

6.1. Te Rūnanga recommends:

- **Recommendation 1:** That the Waitangi Tribunal definitions of taonga works and taonga-derived works require further development before any entry into a legislative framework;
- **Recommendation 2:** That any definition of taonga works and taonga-derived works which refers to underlying ao Māori concepts will require substantive engagement with iwi experts to ensure these are appropriate;

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<sup>4</sup> See [5]-[10], [17], [25], UNESCO, WIPO “Model Provisions for National Laws on the Protection of Expressions of Folklore Against Illicit Exploitation and Other Prejudicial Actions”, 1985.



- **Recommendation 3:** That MBIE co-develop a sui generis legal framework to protect taonga works and mātauranga Māori;
- **Recommendation 4:** That this work stream be co-designed by Treaty partners, so that the resulting system and its interactions with traditional IP laws is fit for purpose;
- **Recommendation 5:** That the taonga works and mātauranga Māori work stream be undertaken parallel and concurrent to the review of the Copyright Act in order to best manage the interface of these two systems;
- **Recommendation 6:** That tāngata whenua co-design the taonga works system in order to support the effectiveness of the resulting system;
- **Recommendation 7:** That Treaty partners have a strong right to be co-designers of a work stream which seeks to develop new solutions to protect some of our most precious taonga;
- **Recommendation 8:** That the work to be progressed by MBIE to protect taonga works and mātauranga Māori not be confined to Wai 262 recommendations, as there have been relevant developments in IP, indigenous and international law since 2011;
- **Recommendation 9:** That Te Rūnanga be involved in the development and design of the new taonga works system, as a Treaty partner who has significant rights and interests across our takiwā;
- **Recommendation 10:** That MBIE have regard to relevant international work surrounding appropriate measures to reconcile existing IP frameworks with the protection of taonga; and
- **Recommendation 11:** That, while the international context provides guidance as to the interaction of existing IP frameworks with taonga, it is only in conjunction with iwi Māori that appropriate legal frameworks for taonga themselves can be developed, per UNDRIP arts 11 and 31.

## APPENDIX ONE: 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*

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.

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.

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.

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 whakaturanga heke iho. Te whakataurākī i pūtaka mai i aua āhuratanga: “Te mate o te iwi”.

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.

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 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.

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.

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:

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.'

The Crown hereby acknowledges the work of the Ngāi Tahu ancestors and makes this apology to them and to their descendants.

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.

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.

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').

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.

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.

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.

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.”

**APPENDIX TWO: NGĀI TAHU TAKIWĀ**

