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**Te Rūnanga o Ngāi Tahu**

**INTRODUCTION**
1. INTRODUCTION

1.1 This response is made on behalf of Te Rūnanga o Ngāi Tahu (Te Rūnanga) and comments on the Ministry for the Environment’s (MfE) discussion document “Action for Healthy Waterways” and associated proposed national policy documents. This response is made on behalf of Ngāi Tahu from a dual position as both a Treaty Partner and the rangatira of its takiwā.

2. APPROACH TAKEN IN RELATION TO FRESHWATER REFORMS

2.1 Overall, it is the position of Te Rūnanga that:

a) in preparing the discussion document, the Crown has failed in its obligations to work with its Treaty Partner;

b) there has been a failure by the Crown to recognise Ngāi Tahu rangatiratanga; and

c) the discussion document does not give effect to Ngāi Tahu rights and interests in freshwater.

2.2 Accordingly, Te Rūnanga seeks to enter into meaningful dialogue with the Crown in order to advance Ngāi Tahu takiwā-specific solutions and address the concerns set out herein.

2.3 Although Te Rūnanga has in good faith provided substantive comments within this response, nothing should be taken as intending to limit the outcomes of any dialogue with the Crown. This response is also without prejudice to any other actions that might be taken to give effect to and preserve the full suite of Ngāi Tahu rights and interests in freshwater.

2.4 Until such time as Ngāi Tahu rangatiratanga over freshwater is appropriately integrated into the management system, our waterways will not be healthy.

2.5 Mana whenua must be involved in decisions within their takiwā and it is not appropriate for the Crown to advance without the detailed input of its Treaty Partner.

3. TE RŪNANGA O NGĀI TAHU

3.1 Te Rūnanga 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). Ngāi Tahu whānui comprises over 65,000 registered iwi members, in a takiwā comprising the majority of Te Waipounamu (see Appendix One for a map of the Ngāi Tahu takiwā). Te Rūnanga is responsible for managing, advocating and protecting, the rights and interests inherent to Ngāi Tahu as mana whenua.

3.2 Te Rūnanga encompasses 18 Papatipu Rūnanga, who uphold the mana whenua and mana moana of their rohe. Mana whenua are the only people who can describe the cultural values and aspirations for their waterways.
3.3 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.

4. **TE RŪNANGA O NGĀI TAHU POSITION STATEMENT**

4.1 Freshwater is central to all life, a taonga of insurmountable importance to Ngāi Tahu. As mana whenua with rangatiratanga, first and foremost, and as kaitiaki, Ngāi Tahu whānui have significant rights, interests and responsibilities in respect of freshwater in the Ngāi Tahu takiwā.

4.2 Ngāi Tahu aspirations are to see the return of hauora, wellbeing and abundance across the takiwā. To achieve this, a change in freshwater management is required which prevents further degradation, enhances restoration and the rehabilitation of wai taonga, mahinga kai habitats and populations.

4.3 Te Rūnanga is concerned at the Crown’s fragmented approach to freshwater reform and seeks specific recognition of Ngāi Tahu rangatiratanga, interests and wider role in relation to freshwater management in the Ngāi Tahu takiwā. Te Rūnanga seeks fundamental change to the system to ensure Ngāi Tahu rangatiratanga is appropriately given effect to Kī Uta Kī Tai.

**Freshwater in the Ngāi Tahu takiwā**

4.4 The Ngāi Tahu takiwā consists of over 50 per cent of the land area in Aotearoa, at least 62 per cent of the country’s surface water resources and 81 per cent of the total groundwater volume, including at least 73 per cent of the annual water allocated to hydro-electricity generation.

4.5 Ngāi Tahu expectations for freshwater quality and ecosystem health are for improvement and maintenance of freshwater quality that supports Ngāi Tahu values, uses, associations and wellbeing. Ngāi Tahu freshwater expectations and needs are not being met:

a) there has been significant historical decrease in wetland extent, which continues today through partial and complete loss of wetlands in Ngāi Tahu takiwā;

b) many lakes in the takiwā are in very poor condition and continuing to degrade, including Wainono and Te Waihora;

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1 Surface water estimate from Collins et al 2015, based on average figures for WCRC, ECan, ORC and ES over 1995-2014; Groundwater estimate from Moreau & Bekele 2017 based on total volumes for WCRC, ECan, ORC and ES 2014. Note that the parts of Marlborough and Tasman in the Ngāi Tahu takiwā are not included in the estimates.
2 https://data.mfe.govt.nz/table/53613-
c) 51 per cent of swimming sites within the Ngāi Tahu takiwā could be considered unsafe for swimming when the median *E. coli* concentrations are compared with the median that is required for the bands considered swimmable (A, B & C); and a high proportion of all sites have degrading trends;

d) 45 per cent of surface water monitoring sites record levels of nitrates that exceed ecosystem health guidelines; and

e) nearly 40 per cent of monitored sites in the takiwā exceed the ecosystem guidelines for dissolved reactive phosphorous.

4.6 Our waters are in crisis and our people who actively mahinga kai have consistently expressed their concerns about the state of our waterways for decades. With rangatiratanga comes kaitiakitanga. Therefore, Ngāi Tahu whānui has a collective responsibility to seek action to protect and restore all of its waters. Until Ngāi Tahu rangatiratanga over freshwater is appropriately integrated into the management system, Ngāi Tahu aspirations for freshwater cannot be realised.

4.7 In that regard, there is a considerable amount of ongoing effort from Ngāi Tahu whānau to hold the line and attempt to claw back the degradation in our waterways in the face of opposition and barriers from local and central government.

**Treaty Partner relationship**

4.8 The Crown has responsibilities to Ngai Tahu that are grounded in the acknowledgement of Ngāi Tahu rangatiratanga in the Ngāi Tahu takiwā.

4.9 The contemporary relationship between the Crown and Ngāi Tahu is defined by three core documents; the Treaty of Waitangi, Ngāi Tahu Deed of Settlement 1997 and the Ngāi Tahu Claims Settlement Act 1998 (NTCSA). At the centre of these documents is the preservation of Ngāi Tahu rangatiratanga.

4.10 The Crown acknowledged that Ngāi Tahu holds rangatiratanga within the Ngāi Tahu takiwā in both the Deed of Settlement and the Apology of the Settlement Act (see Appendix Two). Those documents acknowledge the requirement for Ngāi Tahu to express its traditional relationship with the natural environment and to exercise its kaitiaki responsibilities.

4.11 Accordingly, no decisions can be appropriately made within the Ngāi Tahu takiwā without first engaging with mana whenua. Further, the current public engagement process does not reflect the Treaty partnership with Ngāi Tahu.

4.12 To date, Te Rūnanga have had no substantive pre-engagement or engagement.

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on any of the proposals, or the proposed comprehensive review of the resource management system. This is not in accordance with the Crown’s obligations as a Treaty Partner.

4.13 Te Rūnanga is concerned that the current proposals do not address Māori rights and interests in freshwater. The freshwater crisis in the Ngāi Tahu takiwā is equally about freshwater quality, quantity and allocation. Issues with freshwater quality impact the ability of the iwi to exercise its rights and interests in freshwater, including rangatiratanga and kaitiakitanga, as much if not more than issues with freshwater allocation and over-allocation.

4.14 To this end, Te Rūnanga consider the discussion document significantly underrepresents the full range of Ngāi Tahu rights, interests and aspirations for freshwater. Te Rūnanga is also concerned that MfE:

a) has not engaged directly with Ngāi Tahu in preparing the discussion document; and

b) does not appear to have considered or assessed the proposals against the Waitangi Tribunal’s recently released Stage 2 Report for the National Freshwater and Geothermal Inquiry (Wai 2358), including considering whether MfE’s proposals require amendment to give effect to the concerns and recommendations of that report.

4.15 The Crown’s reliance on consultation and advice from Te Kāhui Wai Māori (KWM) throughout the reforms does not adequately meet the Crown’s Treaty and wider obligations to Ngāi Tahu. KWM was not created in a manner consistent with our Treaty partnership. Therefore, engaging with only KWM is insufficient, as that group does not speak on behalf of Ngāi Tahu.

4.16 In particular, within the Ngāi Tahu takiwā, Ngāi Tahu does not support the application of a number of KWM’s recommendations, including the establishment of a “Te Mana of Te Wai National Commission”. The proposal for a national body to oversee freshwater management in the Ngāi Tahu takiwā is inconsistent with Ngāi Tahu rangatiratanga. It is also unclear how a centralised body could resolve specific catchment level issues with over-allocation, degraded water quality and specific issues such as those related to hydro-generation.

4.17 Te Rūnanga does not support a pan-Māori approach to freshwater management in the Ngāi Tahu takiwā as this would undermine Ngāi Tahu rangatiratanga and kaitiakitanga. That is, any framework for freshwater management within the Ngāi Tahu takiwā should be designed in partnership with Ngāi Tahu. Te Rūnanga would see this as a lever for Ngāi Tahu to be able to exercise its rangatiratanga.

4.18 Te Rūnanga also notes that when KWM was created, the respective Cabinet Paper stated that KWM “will not be the only way in which the Crown engages with Māori about freshwater, that it would not hold a mandate to ‘sign off’ on final options for reflecting Māori rights and interests in freshwater policy and
regulation”. The Crown also noted in the KWM’s Terms of Reference that the Crown will still meet with other Māori and non-Māori organisations prior to significant decision points and wider public consultation. This engagement has not occurred, and the Government is in breach of its own guidelines.

4.19 To support Papatipu Rūnanga aspirations for freshwater, Te Rūnanga has established Te Kura Taka Pīni, a freshwater advisory group to focus on the science, environmental economics and natural resource law and policy relating to freshwater. Te Rūnanga has consistently expressed that any framework to manage freshwater must be developed hand-in-hand with the resolution of iwi rights and interests in a contemporary post-settlement framework.

4.20 Te Rūnanga will continue to engage in direct dialogue with the Crown to substantively resolve rights and interests in freshwater. Given the significance of the Ngāi Tahu takiwā, this engagement must not be as part of a stakeholder process, and must necessarily be approached on the basis that a Ngāi Tahu takiwā specific approach will be necessary to manage issues with freshwater that do not occur on the same scale anywhere else in the country. Any systems put in place within the takiwā must enable Ngāi Tahu involvement and decision making with regards to freshwater.

4.21 In that regard, Te Rūnanga support and repeat the findings of the Waitangi Tribunal in respect of Section D of the NPSFM (now Section 3.3 in the pNPSFM): 7

Section D is an inadequate mechanism for ensuring the Māori ‘involvement’ in freshwater decision-making required by the Treaty principle of partnership. We find that it is not Treaty compliant and Māori have been prejudiced in their exercise of tino rangatiratanga and kaitiakitanga in respect of their freshwater taonga.

It follows that the NPS-FM will not be Treaty compliant until Section D is reformed in such a way that it provides more effectively for the tino rangatiratanga of iwi and hapū. This requires, at the minimum, a national direction for councils to use partnership mechanisms in plan-making and in freshwater management more generally.

4.22 Te Rūnanga also recommend that Section 3.3 be amended to reference local authorities, rather than limiting the policy to only regional councils as territorial authorities also have a specific role.

4.23 Te Rūnanga has spent the last decade investigating freshwater issues both locally and internationally. Ngāi Tahu is therefore in a strong position to develop a framework that satisfies mana whenua and all users of its taonga resource.

4.24 Te Rūnanga seeks to enter meaningful dialogue with the Crown to advance a range of takiwā-specific solutions that will be required to address Ngāi Tahu rights and interests in freshwater. This response is provided in good faith, but

7 Waitangi Tribunal, Stage 2 Report for the National Freshwater and Geothermal Inquiry (Wai 2358), page 226.
without prejudice to any outcomes of discussions from such dialogue directly with the Crown.

4.25 Te Rūnanga reserves the right to employ a range of mechanisms to give effect to and preserve the full suite of Ngāi Tahu rights and interests in freshwater.

The Resource Management Act framework

4.26 The Waitangi Tribunal has made a number of findings and recommendations on Māori customary interests in freshwater and the broader resource management system. In particular, the Waitangi Tribunal recently found in Stage 2 of its National Freshwater and Geothermal Inquiry (Wai 2358) that the Resource Management Act 1991 (RMA) was not Treaty compliant in respect of freshwater management and specific reforms are required to ensure the RMA gives effect to the Treaty and the principles upon which it was founded. It is the view of the Tribunal, and Te Rūnanga, that rangatiratanga over taonga must not be diminished by the RMA, and the Crown's right to provide a regulatory regime for the management of natural resources cannot override the proprietary interests of Ngāi Tahu.

4.27 The proposals in the “Action for Healthy Waterways” document will have significant implications for Ngāi Tahu. The proposals are not sufficient to address either the matters raised by the Waitangi Tribunal or the wider concerns that Ngāi Tahu has in respect of the management of freshwater within its takiwā.

4.28 In particular, vesting of authority or control over freshwater in anyone other than Ngāi Tahu, and without the consent of Ngāi Tahu, is inconsistent with the Treaty of Waitangi and promise of rangatiratanga. Any reform must give effect to the obligations in the Treaty of Waitangi, and in the Ngāi Tahu Settlement, to enable rangatiratanga and Ngāi Tahu decision-making in the management of freshwater.

4.29 As stated, the RMA is not compliant with the Treaty of Waitangi and the way local and central government implement the resource management framework is also flawed. The current proposals risk reinforcing the errors of the past by putting detailed proposals in the proposed National Environmental Standards for Freshwater (pNES) upfront before the direction on the proposed National Policy Statement for Freshwater Management (pNPSFM) is resolved. This could undermine Te Mana o Te Wai and how it is implemented. Te Rūnanga recommends that the focus should be on amending the current NPSFM or alternatively the pNPSFM before proposing the pNES.

4.30 Te Rūnanga consider that a poorly constructed pNPSFM has the ability to erode any gains made under the current NPSFM (amended in 2017).

4.31 In the context of the above, Te Rūnanga appreciates that the change required to remedy the ongoing breach of the Treaty of Waitangi by the continued implementation of the current framework will take time to resolve. Te Rūnanga is committed to working in partnership with the Crown to devise a solution to
resolve this breach.

4.32 In the meantime, Te Rūnanga considers that there are changes that can be made now, both legislative and from a regulation/managerial perspective, that would increase the consistency of the current framework with the Treaty of Waitangi and would be consistent with Ngai Tahu rangatiratanga. Te Rūnanga considers that these conversations must take place prior to this proposed reform advancing.

4.33 In that regard, Te Rūnanga consider that the Resource Management Amendment Bill currently before the Environment Select Committee, is preemptive as it seeks to implement the freshwater planning system currently open for consultation.

5. RESPONSE TO SECTIONS 1, 2 AND 3 – OVERVIEW, IMPLEMENTATION VIA THE RMA AND CONTEXT

5.1 In principle, Te Rūnanga is supportive of the aim to address poor water quality in Aotearoa and to ensure no further degradation occurs. However, Te Rūnanga does not consider that the current reforms as proposed will ensure no further degradation or improve water quality. Rather, the current proposals enshrine grandparenting and continue to avoid the necessary resolution and recognition of iwi rights and interests in freshwater.

5.2 In addition to the points outlined in our position statement, Te Rūnanga states that:

a) Te Rūnanga supports an intergenerational approach to management of resources meaning that, while some waterways may take a generation or more to reverse the current damage, immediate steps must be taken now to halt any further or increased degradation and to start reversing that damage. For example, moratoriums or rāhui could be implemented on particular activities affecting water quality / quantity now to ensure that generational change is achievable.

b) There are good examples around the Ngāi Tahu takiwā of local government engaging constructively. However, this is determined by the good will of local government to implement existing Settlement mechanisms and provide for a te ao Māori values. Therefore, clear direction from central government is required to ensure local government exercise its powers under the RMA in a manner which gives effect to the Treaty and principles upon which it was founded.

c) As currently drafted, the pNPSFM does not address or enhance the obligations on councils to meet engagement requirements. Te Rūnanga recommend that stronger policy direction, monitoring and enforcement from central government is required to ensure councils properly implement and undertake the required engagement with iwi and hapū.

d) A fundamental flaw in the central government direction is that it relies
upon existing local government structures and functions to implement the pNPSFM. Te Rūnanga recommend that clear direction is required from central government on exactly what is required of local government to fulfil the pNPSFM and uphold obligations under the Treaty.

e) The discussion document states that there has only been initial analysis to ensure the Essential Freshwater policies are consistent with existing Treaty Settlement obligations with a focus on specific river settlements. The discussion document goes on to state that the consultation period provides an opportunity for MfE and iwi and hapū to work together to ensure settlement obligations are being met. With respect, Te Rūnanga states that:

- It is the responsibility of the Government to ensure that its policies comply with the contractual relationships it has entered into in respect of Treaty settlements and that this analysis should have been undertaken before the release of any reform package.

- The Government owes obligations to Ngāi Tahu under its Settlement which marks a turning point and the beginning of a “new-age of co-operation” (see Crown Apology in Appendix Two). The Settlement acts as a guide for the basis of any post-Settlement relationship between Ngāi Tahu and the Crown and as such, underpins this response.

- The NTCSA provides Ngāi Tahu with a variety of statutory interests in freshwater and its surrounds and contains a number of mechanisms that are intended to improve the effectiveness of Ngāi Tahu participation in the management of freshwater ecosystems i.e. statutory acknowledgement areas. All three hydro-electricity schemes which are proposed to be exempted from the pNPSFM are within statutory acknowledgement areas and it is disappointing that no discussions have occurred with mana whenua about these proposals. Te Rūnanga expects the Crown to engage with mana whenua in respect of any decision in statutory acknowledgement areas and this has not occurred to date.

6. RESPONSE TO SECTION 4 - SETTING AND CLARIFYING POLICY DIRECTION

6.1 It was the expectation of Ngāi Tahu that the value associated with significant places and resources defined in the Ngāi Tahu Settlement, such as the ecological health of the waterways, the ability to safely harvest food, and access and use of the waterways, would improve as a result of settlement. However, since that time, Ngāi Tahu whānui have seen further widespread degradation of wai taonga and loss of access to abundant and healthy mahinga kai.
6.2 Accordingly, Te Rūnanga do not consider that our waterways have improved with the introduction of national directions via the National Policy Statement for Freshwater Management and in fact have seen freshwater become further degraded since 2011. The lack of progress made raises questions on whether appropriate monitoring, compliance and enforcement measures are provided for within national directions.

6.3 A fundamental issue with the proposed reforms is that by introducing a new pNPSFM the ‘maintain’ timeframes will be reset and essentially ‘restart the clock’ for what ‘maintain’ will be measured against. This will impact the Government's objectives to at least maintain, if not improve and reverse degradation of our waterways.

6.4 Instead, Te Rūnanga recommends that amendments be made to the current NPSFM (amended 2017) to strengthen the same principles but ensure the date which ‘maintain’ is measured against is protected. Amendments to the current NPSFM would also ensure that gains made to enhance and enable Ngāi Tahu rights and interests under the current framework could continue to be built upon and not undermined by re-litigating foundational concepts.

6.5 If a date of ‘maintain’ were to be explicitly prescribed by a national direction, Te Rūnanga recommends that ‘maintain’ should be measured from the date the waterway can support cultural use.

6.6 Te Rūnanga note that many of the mechanisms for change and improving water quality are already provided for in the current NPSFM and are replicated by the pNPSFM. What is lacking, is the accountability and enforcement to ensure that regional councils are complying with the limits set and ensuring consents meet the required standards.

Te Mana o Te Wai

6.7 For Ngāi Tahu, Te Mana o Te Wai represents both the whakapapa of a waterbody as well as the inherent mauri of the waterbody and the wider environment.

6.8 Te Rūnanga continues to support Te Mana o Te Wai and its strengthening and integration of this into the wider freshwater framework. However, the concept of Te Mana o Te Wai cannot be used as a substitute for, or to prevent, recognition of Ngāi Tahu rangatiratanga.

6.9 Te Mana o te Wai must enable iwi and hapū to not only identify outcomes for water quality that will be achieved and avoid water quality being degraded, but must also recognise the rights that iwi have over that freshwater and provide for rangatiratanga in decision-making about water quality, allocation, and other considerations that impact on the exercise of customary rights to freshwater.

6.10 Engaging effectively with iwi and the wider community is one of the most important factors for improving freshwater management. Te Mana o Te Wai must require local authorities, as the bodies that currently exercise
management over freshwater, in spite of Māori rights and the promises of the Treaty of Waitangi, to not only engage in discussion of the intrinsic hauora of and aspirations for freshwater, but also to act consistently with that value in all decisions.

6.11 Further, the efforts to further define what Te Mana o Te Wai means in the Objective of the pNPSFM creates the potential for arguments on what "essential health needs of the people" entails. For Ngāi Tahu, 'essential health needs' includes enabling connection, access and use for ahi kā, mahinga kai and kaitiakitanga purposes.

6.12 To engage effectively in these discussions, mana whenua must be appropriately supported to work with councils and the community to determine values for waterbodies in their catchments. Consideration must be given to how mana whenua will be resourced in order to participate in any reformed framework for freshwater regulation and management.

6.13 In addition to the above points, Te Rūnanga makes the following comments:

a) Te Rūnanga is concerned that the pNPSFM and pNES will not enable Te Mana o Te Wai to be achieved as envisioned by Ngāi Tahu as the decision-making power ultimately remains with the regional councils and/or central Government under the current framework.

b) Te Rūnanga states that recognition and giving effect to Ngāi Tahu rangatiratanga is essential for achieving Te Mana o te Wai from both an environmental and cultural perspective.

c) Te Rūnanga strongly agrees with the requirement that regional councils must give effect to Te Mana o Te Wai, rather than just recognise and consider. The way regional councils and territorial authorities give effect to Te Mana o Te Wai in the Ngāi Tahu takiwā must be informed by Ngāi Tahu. In doing so, dedicated resource will be required by the local government to work with Ngāi Tahu in partnership to develop what giving effect to Te Mana o Te Wai looks like.

d) Te Rūnanga does not consider that the current proposals put the needs of the waterbody first as the pNPSFM has enshrined grandparenting for nutrients and positions major hydro-electricity schemes outside of the NPSFM, both of which are inconsistent with Te Mana o Te Wai.

e) Strengthening Te Mana o Te Wai can be provided for under the current NPSFM rather than the pNPSFM which could potentially undermine the ‘maintain’ reference point.

f) Te Rūnanga are disappointed that the pNPSFM only has a placeholder for reference to the Crown’s obligations under the Treaty of Waitangi. Te Rūnanga consider that the obligations under the Treaty and the principles upon which it is founded must be expressly provided for within the pNPSFM.
g) Te Rūnanga recommend that all persons exercising power under the pNPSFM (and broader RMA framework) must do so in a manner which is consistent with the Treaty of Waitangi.

h) Existing use rights and existing resource consents which impact on the hauora of our waterways need to be addressed as these will continue for a period of decades or indefinitely to undermine Te Mana o Te Wai unless expressly dealt with in national policies. Further, the duration of consents for up to 35 years no longer reflects a timeframe over which allocations or discharges may be sustainable and fails to consider the changing climate.

i) Te Rūnanga recommends that the pNPSFM Objective be amended to read:

“The objective of this National Policy Statement is to ensure that resources are managed in a way that prioritises Te Mana o Te Wai, being:”

j) It appears that in an effort to clarify what Te Mana o Te Wai means within the pNPSFM, the concept has been sanitised and risks meaning less in practice. The implication of a sanitised interpretation in combination with a fast-tracked planning process and limited appeal rights gives cause for concern. Te Rūnanga have concerns that in trying to clarify and translate into English the national significance of Te Mana o Te Wai and recognition has been reduced, as has the emphasis on mauri and hauora.

k) Te Rūnanga strongly agrees that there should be no further loss or degradation of any wetland and recommends that Policy 8 in the pNPSFM be amended to also protect coastal wetlands.

l) As currently drafted, the pNPSFM treats Ki Uta Ki Tai as a methodology for implementing Te Mana o Te Wai. This is inconsistent with how Ngāi Tahu view Ki Uta Ki Tai which is the connection and binding between Te Mana o Te Wai and the wider environment.

**Strengthening Māori values**

6.14 Te Rūnanga agrees that Māori values within the freshwater framework must be strengthened and agrees with the implementation of both proposed options. Critically, any regime for Māori freshwater values must be developed with mana whenua and therefore must be consistent and uphold Ngāi Tahu rangatiratanga.

6.15 In strengthening Māori values, there needs to be clear direction to councils that implementation of the proposals means working with mana whenua as Treaty Partners in an active and shared decision-making role, not as part of a pan-community engagement exercise. It also needs to be clear that this needs to be resourced by councils as core work, and not a peripheral add on.
6.16 No national or regional guidelines or standards have been developed to describe state against cultural values. The development of these standards must recognise the unique nature of freshwater in the Ngāi Tahu takiwā. To this end, the only appropriate organisation or group to develop any statement of cultural values in the Ngāi Tahu takiwā is Ngāi Tahu. Ngāi Tahu values cannot be expressed by any other whakapapa and cannot be assumed that using the default national approach.

6.17 In addition, Te Rūnanga seeks that policy direction is included in the pNPSFM that requires that any application relating to freshwater, identified as being significant in terms of mana whenua freshwater values, must be approved by tangata whenua in order to be granted.

6.18 More broadly, Te Rūnanga notes that engagement should have occurred on these proposals with Ngāi Tahu prior to any proposed reforms going out for public consultation.

6.19 Te Rūnanga makes the following comments on Proposal 1:

a) Te Rūnanga agrees that mahinga kai should be a compulsory value noting that sufficient flexibility must be provided for to enable mana whenua to develop its scale relevant to whānau. Te Rūnanga request that mana whenua should be given authority to develop the attributes relevant to their areas and be adequately resourced for this work.

b) Mahinga Kai is the Ninth Tall Tree in the Ngāi Tahu Deed of Settlement and remains a fundamental aspect of Ngāi Tahu life. The Waitangi Tribunal found that the Crown’s duty to set aside sufficient land for Ngāi Tahu included a duty to protect Ngāi Tahu access to mahinga kai. Access continues to be restricted today by legislation i.e. National Parks and Scientific Reserves. In that regard, mahinga kai for Ngāi Tahu is broader than just freshwater species and includes access to sites to ensure mahinga kai can be practiced.

c) The impact of habitat loss on mahinga kai is fundamental concern to Te Rūnanga that needs to be strongly addressed in the pNPSFM and pNES. This includes loss of wetlands, instream habitat, terrestrial habitat, riparian and lake margins and estuarine habitat. Many freshwater mahinga kai species are dependent on different habitats for different life stages and the loss of this habitat and connections between these habitats impacts the species and the ability to undertake mahinga kai. Te Rūnanga notes that the pNES rules do not address effects on mahinga kai.

6.20 Te Rūnanga makes the following comments on Proposal 2:

a) Te Rūnanga agrees with Proposal 2 to strengthen the priority given to tangata whenua freshwater values. In doing so, values must be described by iwi and hapū. That is, Ngāi Tahu and Papatipu Rūnanga are the only groups which can describe mana whenua values in the
Ngāi Tahu takiwā and Te Rūnanga would not support local authorities having a role in setting attributes or states associated with mana whenua values. It is important that mana whenua must be adequately resourced to provide this advice to the councils.

b) Iwi management plans (IMPs) provide helpful information and guidance on important values and priorities for mana whenua throughout the Ngāi Tahu takiwā. Te Rūnanga recommend that any decision-making needs to be consistent with IMPs. Where IMPs are not developed or require review, councils should provide support for those IMPs to be developed and/or reviewed.

c) It is currently unclear what process would be undertaken to develop mana whenua values and whether or not those values would be open to amendment from the wider community (which would be inappropriate) or open to appeals. Te Rūnanga recommends that any application relating to freshwater identified as being significant in terms of mana whenua freshwater values must be approved by mana whenua in order to be granted.

New Freshwater Planning Process

6.21 As previously stated, Te Rūnanga consider it to be pre-emptive of the Government to introduce the Resource Management Amendment Bill currently before the Environment Select Committee which seeks to implement the proposed freshwater planning process currently being consulted on. It is unreasonable to have concurrent submission processes running at the same time on critical kaupapa such as freshwater without any substantive pre-engagement or development of either proposals in partnership with Ngāi Tahu.

6.22 In that regard, the process to develop and implement of the proposed freshwater planning process is deeply flawed and is a breach of the Crown’s obligations to Ngāi Tahu as its Treaty Partner.

6.23 Notwithstanding the lack of meaningful engagement, Te Rūnanga states that:

a) A freshwater planning process that gives effect to rangatiratanga requires at least dual decision-making power. Therefore, only one position out of five on a panel that makes recommendations only is insufficient to effectively contribute and does not reflect or uphold Ngāi Tahu rangatiratanga.

b) Te Rūnanga is gravely concerned that the proposed process will continue to deny Ngāi Tahu whānui the ability to exercise their rangatiratanga and will potentially have a detrimental effect on freshwater quality.

c) Te Rūnanga does not consider that a national framework would be appropriate for the unique situations and challenges within the Ngāi Tahu takiwā. Accordingly, Te Rūnanga recommends that any freshwater planning process be designed in partnership with Ngāi Tahu and designed in a manner which upholds Ngāi Tahu rangatiratanga.
d) Te Rūnanga does not support a restricted appeals process and does not consider it to be appropriate given the fundamental issues with the current proposed planning process.

e) Te Rūnanga agrees that appropriately designed freshwater reforms must be implemented quickly by local authorities. However, this cannot come at the expense of engagement with iwi and hapū.

**Integrated management**

6.24 Te Rūnanga agrees with integrated management and the need to ensure the Government’s proposals to increase urban development do not impact or create additional stressors on waterways. These proposals must be aligned, and environmental outcomes should be paramount.

6.25 In that regard, a holistic approach, Ki Uta Ki Tai, is required to uphold Te Mana o Te Wai and protect freshwater values. This means that all activities must be considered across catchment, and give thought to the implications that top of catchment activities have on downstream and tributaries and vice versa.

**Exemption of major hydro-electricity schemes**

6.26 The current reforms propose excluding the six largest hydro-electricity schemes across Aotearoa from the pNPSFM and allowing regional councils to maintain water quality below a national bottom line if necessary to secure the benefits of hydro-electricity infrastructure. The Government cites the need to balance freshwater health with climate change objectives and therefore the need to support renewable energy sources.

6.27 While Te Rūnanga strongly agrees with the need to adapt to renewable energy sources and reduce greenhouse gas emissions, this cannot come at the cost of freshwater health. Te Rūnanga considers these exemptions to be contradictory to Te Mana o Te Wai and the overall direction of the proposed reforms. For example, the proposed exemptions mean that limits cannot be set downstream or at the bottom of the catchment of those waterways meaning that some catchment communities would not see water quality improve, let alone maintain.

6.28 In addition, three of the six proposed hydro-scheme exemptions are located within the Ngāi Tahu takiwā and critically, all three are statutory acknowledgement areas afforded protection and recognition under the Ngāi Tahu Settlement. Statutory Acknowledgments were instruments provided under the Settlement which recognised the mana of Ngāi Tahu in those areas and sought to improve the effectiveness of Ngāi Tahu participation in RMA processes. Nevertheless, these proposals were developed without engagement or discussions with Ngāi Tahu and without considering the implications of excluding three major hydro-schemes and what that could do to freshwater health within the Ngāi Tahu takiwā.

6.29 For example, the Manapouri Power Station is the biggest consumptive take nationally, yet under the pNPSFM will be exempted from meeting national
bottom limits if the regional council considers it necessary.

6.30 It is on that basis, that Te Rūnanga fundamentally opposes any exemptions for the Waitaki, Manapouri or Mata-Au hydro-electricity schemes from meeting the requirements of the pNPSFM. Te Rūnanga also considers that the proposed exemptions fail to provide the desired ‘balance’ between climate change action and instead places hydro-electricity above that of freshwater and ecosystem health.

7. RESPONSE TO SECTION 5 – RAISING THE BAR ON ECOSYSTEM HEALTH

7.1 Ngāi Tahu expectations for freshwater quality and ecosystem health are for improvement and maintenance of quality that supports Ngāi Tahu values, uses, associations and wellbeing. Te Rūnanga agrees that councils should be required to report on the five attributes of ecosystem health, as it provides a more holistic approach to freshwater management and helps move the focus away from bottom lines and maximum contamination to proactive management for the health of the waterways.

7.2 Te Rūnanga is concerned that the proposed attributes and management approach will not contribute as significantly as proposed to ecosystem health, as the existing bottom line is already too low. The interplay between Sections 3.7 and 3.9 of the pNPSFM in practice would suggest that only ‘maintain’ is required, not improve, and potentially allows councils to imbed the existing status even when communities would like to see a higher band. Te Rūnanga recommends ensuring that the pNPSFM provides for the ecosystem health attributes to improve.

7.3 Te Rūnanga agrees with the specific timeframes for achieving the target attribute states.

7.4 Te Rūnanga recommends changing the wording from ‘may’ to ‘must’ in Sections 3.10(1)(c) and (d), and Section 3.10(3). Te Rūnanga also recommends that Section 3.14(1) is strengthened by removing the word ‘if possible reversing’ to ‘and must reverse’.

7.5 Throughout the Ngāi Tahu tikiwā, Ngāi Tahu whānau are engaged with a range of councils, in which we have experienced varying levels of monitoring and reporting, Te Rūnanga support the increased monitoring and public reporting and request increased consistency in the monitoring and information made public by councils.

7.6 Te Rūnanga recommend that cultural monitoring is also required alongside the standard monitoring requirements for councils. The cultural monitoring must be incorporated into adaptive management, decision making, and be adequately resourced for mana whenua to determine the scope of the monitoring and to undertake this work.

Threatened Indigenous Species

7.7 Te Rūnanga agrees with the increased protection for threatened freshwater
species, which includes the aquatic habitat, flow and parts of the waterway used for specific lifecycles, as in many cases either the species or the habitat is considered, but not together.

7.8 Te Rūnanga recommend that ‘threatened indigenous species’ is inserted as a compulsory value. However, Te Rūnanga do have concerns over the implementation of this value and the ability of councils to provide for what species actually need versus what their current habitat is. It is important that mana whenua are involved in establishing this value.

7.9 Te Rūnanga suggest that further work is undertaken by the Crown to ensure that all the current different pieces of legislation relating to our indigenous species work together.

Fish Passage

7.10 The movement of species is a significant concern for Ngāi Tahu whānui, as a number of our important mahinga kai species require movement to and from the sea throughout their lifecycles. In that regard, Te Rūnanga agrees with the proposed fish passage requirements.

7.11 Te Rūnanga also recommend that these requirements do not just apply to new structures but existing structures also.

7.12 However, Te Rūnanga have concerns that the rules of the pNES could result in plans which have already established fish passage requirements reverting to weaker rules or a lower standard. This is because councils will need to defend the setting of fish passage requirements in future plans based on an NES "starting point". Accordingly, Te Rūnanga recommend that councils must implement the stronger or the rules, whether that be in an existing plan or under the pNES.

Wetlands

7.13 To Ngāi Tahu whānui wetlands are culturally highly valued waterbodies, with numerous cultural materials and ecosystem services provided by these taonga. A significant proportion of New Zealand’s wetland extent is within the Ngāi Tahu takiwā. Wetland extent within the Ngāi Tahu takiwā has experienced a dramatic reduction/removal historically and continues to this date. Between 2001/2002 and 2015/2016 there has been a complete loss of some wetlands within the Ngāi Tahu takiwā, and partial loss of many wetlands, with the Canterbury region experiencing a 29.3% partial loss.8

7.14 Te Rūnanga strongly agree with the protection for all remaining wetlands, including inland, coastal and restored/constructed wetlands.

7.15 Te Rūnanga recommend that protection is also provided for coastal wetlands, not just inland wetlands. As these areas are a significant wāhi taonga for Ngāi

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Tahu, they also play an important role as an interface between rising sea levels and the land. In that regard, Te Rūnanga strongly agrees that there should be no further loss or degradation of any wetland and recommends that Policy 8 in the pNPSFM be amended to also protect coastal wetlands.

7.16 Te Rūnanga request protection for restored/constructed wetlands which have been created for either ecological restoration or as mitigation, otherwise any work towards gains/increase in wetland extent could be lost or at risk.

Streams

7.17 Te Rūnanga agree with the proposed increased protection for streams. However, Te Rūnanga has concerns regarding the ability to modify streams in ways that impact our cultural values and the ability to offset. Te Rūnanga recommends that:

a) the ability to offset by councils is removed, offsetting is not as good as having the natural stream habitat in a good condition;

b) that the definition of streams and rivers includes ephemeral and intermitting flowing rivers; and

c) that the practice of piping streams and diverting is removed.

New Bottom Lines for Nutrient Pollution

7.18 Te Rūnanga agrees with the concept of national bottom lines for nutrient pollution, and the stronger focus on ecosystem health rather than toxicity. Nutrients in our waterways are a critical stressor of river ecosystems, with implication on the ecosystem that reach further than just periphyton or MCI.

7.19 In accordance with Te Mana o Te Wai, Te Rūnanga recommend that the environmental is put first when considering nutrient pollution and that each catchments ability to cope with these pollutants is recognised, rather than the existing nutrient loss.

7.20 Te Rūnanga agrees that any new thresholds need to be based on rigorous science.

7.21 Te Rūnanga are concerned that the proposal could as currently worded reinforce grandparenting, which we have consistently strongly opposed.

Reducing Sediment

7.22 Sediment in waterways is a significant concern for Ngāi Tahu whānui, who have witnessed degradation to the waterways, estuaries and coastal environments from the impacts of sedimentation. Effective measures to reduce sedimentation must be implemented as a priority.

Higher Standards for Swimming

7.23 Te Rūnanga have reiterated in a number of responses to MfE that ‘swimmable’ should not be the minimum standard for our waterways. In the Ngāi Tahu takiwā
when the median *E. coli* concentrations are compared with the median that is required for the bands considered swimmable (A, B & C) only 49% of monitored sites are considered swimmable. Whānau use of waterways is not limited to swimming, our mahinga kai practices mean that our whānau are in and on the river throughout the year. Whānau need to have safe access to these waterways throughout the year not just in the summer/bathing months. However, Te Rūnanga agrees with the increase in bottom line for *E. coli* levels during the summer period.

7.24 It is important to note that in reality whānau are not able to swim/use a number of favoured places not solely because of high *E. coli* levels, but also other factors such as reduced flow, limited access or algal growth. Therefore, *E. coli* is not the only factor that needs to be considered in assessing the suitability of a waterbody for swimming, Te Rūnanga considers it important to also monitor other factors such as toxic algae, algal growth and turbidity to determine the suitability of a waterway for swimming.

7.25 Te Rūnanga recommend a higher standard for human contact that; takes into account uses other than swimming, is required to be maintained through the year, and that the action plan should set required timeframes for clarity on when councils need to meet these targets.

7.26 Te Rūnanga agree that there is a need to review the science that the current thresholds are based on and would support a proposed Quantitative Microbial Risk Assessment.

**Minimum Flows**

7.27 Te Rūnanga are concerned that the minimum flows will not be set at a level that meets Ngāi Tahu aspirations. Appropriate flow regimes are critical to support cultural uses of waterways including mahinga kai, native species habitats and migration.

7.28 Te Rūnanga require that establishing any flow regimes must be undertaken in partnership with mana whenua to ensure that minimum flows meet the desires of mana whenua for cultural and ecosystem health outcomes.

**Reporting Freshwater Use**

7.29 Te Rūnanga strongly agrees with the public reporting of freshwater use, system audits, compliance audits and water quality results.

**8. RESPONSE TO SECTIONS 6 AND 7 – THREE WATERS REVIEW**

**Safe Drinking Water**

8.1 A regional approach is required for the delivery of safe drinking water given the

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different pressures on drinking water supply. In each region mana whenua must be enabled to participate in any system.

8.2 Te Rūnanga agree that there needs to be greater consideration of how land use meets water use, and that regional council’s do have a role in this in terms of what it regulates and where.

8.3 Te Rūnanga agree that smaller community water supplies should be addressed, there is also a need to address how some of these communities guarantee safe supply and what funding or support they may need to achieve requirements.

8.4 Te Rūnanga strongly recommend that self-suppliers such as marae and papakainga must be provided for and funded under any proposed regime.

8.5 Te Rūnanga is opposed to compulsory chlorination and consider that bespoke source water risk management is appropriate.

**Stormwater and Wastewater**

8.6 Te Rūnanga support better management of stormwater and wastewater, but are concerned about councils ability to be able to rate/fund necessary changes, and that that timeframes for change may be too far into the future to address current concerns.

8.7 Te Rūnanga recommend that the Crown recognise that current practices should change, particularly the direct discharge of human effluent to water.

8.8 Te Rūnanga recommend that iwi/hapū are involved in the decision making to ensure that culturally appropriate practices are undertaken.

8.9 Te Rūnanga agrees that Te Mana o Te Wai is an overarching framework for the Three Waters Reform. However, as currently presented there is a lack of clarity of how this will be undertaken in practice.

8.10 Te Rūnanga strongly suggest that all infrastructure needs to be future-proofed against climate change and its impacts, particularly sea level rise.

8.11 Throughout the takiwā a range of issues in three waters have come from lack of maintenance of the system, Te Rūnanga recommend that councils have plans for adequate maintenance over time.

9. **RESPONSE TO SECTION 8 - IMPROVING FARM PRACTICES**

9.1 Te Rūnanga agrees with the intent of the proposed ‘Improving Farm Practices’. However, we are disappointed the proposed process “grandparents” farming practices including those that are already shown to be problematic despite being identified as Good Management Practice.
Immediate Action to Reduce Nitrogen Loss

9.2 Te Rūnanga have concerns that the nutrient caps are not aligned with Te Mana o Te Wai or the environment’s capacity, and are currently too broad. It is important that in already highly impacted catchments, further measures other than improving practices to achieve ecosystem health will be required.

9.3 Te Rūnanga have concerns that these proposals do not seek land use change, but instead allows high intensive activities to stay high. Te Rūnanga agrees with land conversion based on stringent conditions around efficient use of water and minimising contamination.

9.4 Te Rūnanga agree that there is a need to reduce nitrogen loses in nitrogen impacted catchments and support nitrate reduction targets below the root zone based on science-based results.

Excluding Stock from Waterways

9.5 Te Rūnanga agrees with the exclusion of livestock from waterways and the subsequent benefits of reducing contaminant loss directly to waterbodies over time. However, it needs to be recognised that councils have, or are in the process of establishing setbacks that are greater than those proposed in the pNES.

9.6 Te Rūnanga recommend the most practical restrictive range for stock exclusion and recommend that MFE take into account the terrain, as some land types require larger buffers than proposed due to slope.

9.7 Te Rūnanga raise concerns that small drains, tributaries and ephemeral waterbodies are not included as stock within these waterways contribute significantly to the bulk of issues in the main stems of waterways within the Ngāi Tahu takiwā. Te Rūnanga are also concerned that mahinga kai habitat will be left vulnerable if only waterways wider than 1m are to be included in stock exclusion.

Controlling Intensive Winter Grazing

9.8 Te Rūnanga are concerned by the impacts of intensive winter grazing that we have witnessed within the Ngāi Tahu takiwā and agrees with the introduction of standards for intensive winter grazing. However, Te Runanga is concerned that the common area “trigger” is not appropriate and that the proposed rules may be too permissive on some land types.

Auditing

9.9 In respect of auditing, Te Rūnanga states that:

a) Auditors must be suitably qualified which includes necessary knowledge and experience in te ao Māori.

b) Te Rūnanga recommends an enforcement measure that ensures
farmers will be at a certain level within a set timeframe, and ensure these measures are strong enough to ensure compliance.

c) Te Rūnanga recommend that all auditing results should be published and made publicly available.

d) As currently drafted, Te Rūnanga is concerned that these proposals allow industry to define their own standards.

10. RESPONSE TO SECTION 9 - SUPPORT FOR IMPROVEMENT IN CATCHMENT AND ON FARM

10.1 The proposals put a heavy reliance on industry approved good management practice as the ‘game changer’ rather than looking at the need to adapt or completely change farming practices in some areas.

10.2 What constitutes good management practice should be regularly reviewed to ensure that it reflects current knowledge, practices and technological advances.

10.3 Te Rūnanga agrees that there needs to be exemplar proposals and better science on catchments. However, Crown research and councils should also be looking at providing advice and direction on changing land use from current practice, including whether or not farming is suitable on certain soil types.

10.4 For example, Ngāi Tahu Farming have a track record of engaging with universities, Crown Research Institutes and industry in training and implementing new technologies on farm to improve water quality and water efficiency. However, more Crown funding is required to accelerate trialling new technologies.

10.5 Te Rūnanga recommend that iwi and hapū are involved in the process of developing advice given to farmers and industry groups on good management practice.

11. NEXT STEPS

11.1 Te Rūnanga welcomes the opportunity to discuss this response and to have direct engagement with the Crown to substantively address and appropriately provide for Ngāi Tahu rights and interests in freshwater.
APPENDIX ONE: NGĀI TAHU TAKIWĀ

Indicative boundary only refer to Ngāi Tahu Claims Settlement Act 1998 for full description.

Ngāi Tahu Claim Area Definition

Te Rūnanga o Ngāi Tahu 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 āhuatanga 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 whuia e koe ki runga i ēnei kāwana... tērā kia whakakotahitia te ture, kia whakakotahitia ngā whakahau, kia ārite ngā āhuatanga mō te kiri mā kia rite ki tō te kiri waitutu, me te whakatakoko 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 īnoa.’ 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 nāianei i tua i ā rātou mokopuna.

2. E whakaae ana te Karauna ki tōna tino hēanga, tērā i takakino tārūrauratia 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 āhuatanga i takoto ki roto i ngā pukapuka ā-herenga whakaatu i aua hokonga mai, kāore te Karauna i whai whakaaaro ki tāna hoa nā rāua rā i haina te Tiriti, kāore hoki ia i whai whakaaaro ki te wehe ake i ētahi whenua hei whai orangā i waenoe, whai orangā 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 whakaaaro ki te manaaki, ki te tiki rānei i ngā mauanga whenua a Ngāi Tahu me ngā tīna taonga a hiahia i Ngāi Tahu ki te pupuri.

4. E mōhio ana te Karauna tērā, kāore ia i whai whakaaaro ki a Ngāi Tahu i runga I te ngākau pono o roto i ngā tikanga i pūtate mai i te mana o te Karauna. Nā tāua whakaaaro 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 āhuatanga whai oranga mō Ngāi Tahu i noho pōhara noa ai te iwi ia whakatupuranga heke iho. Te whakatauākī i pūtate mai i aua āhuatanga: “Te mate o te iwi”. E whakaae ana te Karauna tērā, mai rāno te piri pono o Ngāi Tahu i te kawa pono a te iwi a ā rātou kawenga i raro i te Tiriti o Waitangi, pērā anō tērā rātou piri atu ki rānō 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 kohu hoki a te iwi o Ngāi Tahu ki te katoa o Aotearoa.

6. E whakapuaki ahu 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 pūtate mai nō rōto 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 rōto i ngā takakino a te Karauna, arā, kāore te Karauna i whai i ngā tohutouhia a ngā pukapuka ā-herenga i tōna hokonga mai i ngā whenua o Ngāi Tahu, kāore hoki te Karauna i wehe ake kia
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 Tīrēni!' ('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 cooperation with Ngāi Tahu."