Te Rūnanga o Ngāi Tahu

He tono nā ki te RESOURCE MANAGEMENT REVIEW PANEL

e pā ana ki te ISSUES AND OPTIONS PAPER

Te tekau mā toru o Kahuru, 2020
13 February 2020
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1. INTRODUCTION

1.1 Te Rūnanga o Ngāi Tahu (Te Rūnanga) agrees that there is a need to undertake a comprehensive review of resource management in New Zealand.

1.2 In particular, the Issues and Options Paper (Paper) correctly records that:
   a) the Resource Management Act (RMA) has failed to appropriately protect the environment;
   b) the RMA provides insufficient recognition of the Treaty of Waitangi (Treaty) and subsequent Treaty settlements; and
   c) there are currently inadequate provisions for Māori participation or decision-making in resource management processes.

1.3 Since the enactment of the RMA in 1991, Te Rūnanga has witnessed a rapid and sustained decline in the health of our natural resources, including waterways, significant sites, landscapes and species. Te Rūnanga strongly considers that both the legislation itself and the way in which it has been applied have resulted in a process of ongoing environmental degradation.

1.4 Te Rūnanga is concerned with the Paper’s failure to properly recognise the framework within which the above concerns might be addressed. In particular, the Paper fails to recognise Ngāi Tahu rangatiratanga and mana – and what they mean for any possible RMA reforms. In addition, the reforms proposed in the Paper are inadequate and will be ineffectual against the enormous environmental challenges we face.

1.5 The overarching position of Te Rūnanga is that the current Paper and comment process is premature, as:
   a) it is essential that Ngāi Tahu rangatiratanga and property rights over resources (and particularly in relation to freshwater) are addressed before substantive reforms to the RMA are progressed; and
   b) to date, the Crown has not entered into negotiations or meaningful dialogue with Ngāi Tahu regarding the Paper or the wider issues outlined above.

1.6 Separate discussions between Te Rūnanga and the Crown (as Treaty Partners) must occur before the Crown proceeds with its proposed timeline for reforms.

2. APPROACH TO SUBMISSION

2.1 Given the position as stated above, this Response is divided into two parts:
   a) Section 3 – a brief outline of Te Rūnanga and the need to recognise and provide for Ngāi Tahu rangatiratanga and mana; and
   b) Section 4 - comments on the specific matters set out in the Paper.

2.2 This response is provided in good faith, but without prejudice to the need for (and outcomes from) the separate discussions that must occur.
2.3 As the Paper is pitched at a general level, this response does not deal in detail with the implications of reforms across the entire resource management spectrum, such as subdivision, land use, the coastal marine area and discharges.

2.4 Rather we use freshwater as a key example of the issues that plague the RMA more generally. In focusing on the issue of freshwater however, we also note the importance of Kī Uta Kī Tai – the need for holistic resource management that recognises that the natural environment is an integrated whole – from the mountains to the sea.

2.5 Te Rūnanga also notes that there are a number of other taonga and resources of great importance to Ngāi Tahu that may be affected by RMA changes, such as fisheries, and further discussions with the Crown are needed on these matters.1

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).

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 values and aspirations for their wāhi tapu and wāhi taonga.

3.3 The Ngāi Tahu takiwā (see Appendix One) consists of over 50 per cent of the land area in Aotearoa. This accounts for at least 62 per cent of the country’s surface water resources and 81 per cent of the total groundwater volume.2

3.4 Te Rūnanga is responsible for managing, advocating and protecting the rights and interests inherently possessed by Ngāi Tahu as mana whenua.

3.5 Te Rūnanga asks that the Panel accord this response with the status and weight of the tribal collective of Ngāi Tahu whānui comprising over 65,000 registered iwi members, in a takiwā comprising the majority of Te Waipounamu.

3.6 Notwithstanding, its statutory status as the representative voice of Ngāi Tahu whānui Te Rūnanga accepts and respects the right of individuals and Papatipu Rūnanga to make their own responses in relation to this matter.

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1 For example, in light of the Motiti Island decision local government may play a wider role in fisheries management. Te Rūnanga needs to engage in partnership with the Crown on this issue to ensure the protection of the Ngāi Tahu Treaty fisheries settlement. Motiti Rohe Moana Trust v Bay of Plenty Regional Council [2019] NZEnvC 185 (18 November 2019).

4. TE TIRITI O WAITANGI AND PARTNERSHIP

4.1 The contemporary relationship between the Crown and Ngāi Tahu is defined by three core documents; the Treaty, the Ngāi Tahu Deed of Settlement 1997 and the Ngāi Tahu Claims Settlement Act 1998. These documents form a binding legal relationship between Ngāi Tahu and the Crown and entrench the Treaty partnership.

4.2 The RMA was enacted shortly after the Waitangi Tribunal’s Ngāi Tahu Report was released. At that time, Ngāi Tahu expected that the RMA would recognise Ngāi Tahu rangatiratanga and confirm rights over key resources and taonga, such as mahinga kai.

4.3 In 1997, the Ngāi Tahu Deed of Settlement recorded the agreement between Ngāi Tahu and the Crown that Te Rūnanga and the Ministry for the Environment would work together on improving the implementation of the RMA.3

4.4 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”. In doing so, the Crown acknowledges that Ngāi Tahu holds rangatiratanga within the Ngāi Tahu takiwā.4 The Crown Apology acts as a guide for the basis of the post-Settlement relationship between Ngāi Tahu and the Crown and, as such, underpins this response.

4.5 The RMA has fallen substantively short of Ngāi Tahu expectations, overseeing substantial environmental degradation in our takiwā. The failure of the RMA to respect the tino rangatiratanga of Māori was made clear in the Waitangi Tribunal’s inquiry into freshwater, where it was noted that “the RMA is virtually a dead letter in respect of mechanisms for tino rangatiratanga over freshwater bodies.”5

4.6 It is the view of the Tribunal, and Te Rūnanga, that rangatiratanga over our 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 Ngāi Tahu property rights. For Ngāi Tahu, the steady deterioration of our environment is intertwined with the failure to recognise Ngāi Tahu rangatiratanga and mana.

4.7 To progress with the proposed comprehensive reform of the RMA, the Crown first needs to recognise and renew their relationship commitments to Ngāi Tahu as Treaty partners.

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3 A component of settlement redress, particularly in relation to mahinga kai and the management of related ecosystems, requires involvement by Te Rūnanga and the Ministry for the Environment regarding improvements to how the RMA is implemented: Ngāi Tahu Deed of Settlement, Section 2.3 (j)(xii). See Part 12 (mahinga kai general) for further detail.

4 Section 6(7) provides “[t]he 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.”

Engagement

4.8 Te Rūnanga has had no substantive engagement with the Ministry for the Environment (MfE) or the Panel on the development or content of the proposed resource management reform or the Paper. Te Rūnanga considers that this lack of engagement is in breach of the principles and guarantees under the Treaty, including the principles of partnership and good faith, and the guarantee of rangatiratanga. As outlined above, the Ngāi Tahu Deed of Settlement continues the acknowledgement of Ngāi Tahu rangatiratanga.

4.9 The failure to appropriately engage with Ngāi Tahu appears to have been driven by timeframes and a lack of understanding about the status and role of Ngāi Tahu. Ngāi Tahu is not represented by the Freshwater Iwi Leaders Group, New Zealand Māori Council, the Kahui Wai Māori Forum or any other pan-Māori group. As such, consultation with those groups does not amount to meaningful or appropriate engagement with Ngāi Tahu.

4.10 In the view of Te Rūnanga the objectives of the review are insufficient to address fundamental problems for Māori under the RMA. In particular, Te Rūnanga disagrees that any reform of the RMA can advance “in tandem” with (but in reality, prior to) addressing Māori rights in freshwater and the WAI 2358 findings.

4.11 Te Rūnanga understands that the Minister for the Environment has proposed to create a reference group dedicated to Māori issues. As noted, Te Rūnanga does not support a pan-Māori approach to resource management reform in the Ngāi Tahu takiwā, as this would undermine Ngāi Tahu rangatiratanga and kaitiakitanga.

4.12 Management of resources within the Ngāi Tahu takiwā must be designed in partnership with Ngāi Tahu and founded on the principles of Ki Uta Ki Tai.

5. TE RŪNANGA RESPONSE TO ISSUES

5.1 As outlined above, Te Rūnanga considers that the Panel’s current work programme should not progress until issues regarding Māori ownership and management of freshwater are resolved.

5.2 In addition to addressing these concerns, a number of other significant changes are necessary to ensure that the RMA prevents and reverses environmental degradation and is consistent with the Treaty.
5.3 Te Rūnanga provides comment on the 14 issues in the Paper subject to the above position:

a) **Legislative architecture**

On a preliminary assessment of the high-level information provided, Te Rūnanga considers there is insufficient reason to support a legislative division of environmental management from land use planning. Te Rūnanga is concerned that such a division may lead to further disjunction in and between the processes of regional and local councils. This disjunction already creates unnecessary difficulties for mana whenua when protecting their rights and interests. Furthermore, legislative design cannot ignore Mātauranga Māori, as legislative division does not align with the Ngāi Tahu ethic of Ki Uta Ki Tai. Between the mountains and the sea are towns and cities where natural areas are inter-dispersed with the built environment. The complications that could arise with respect to national policy statements and environmental standards as well as a lack of clarity between land use and the natural environment, further suggests that such a legislative division is not appropriate.

Any legislation that manages natural resources must be consistent with the Treaty and therefore the legislative architecture should reflect and provide for the exercise of rangatiratanga.

In the context of the RMA, whether the legislation reflects an integrated approach to environmental management and land use planning or not, Māori values and interests must not be able to be overridden in a balancing exercise.

b) **Purpose and principles of the RMA**

While some specific provisions of the RMA provide a degree of recognition of the relationships Ngāi Tahu whānui hold with lands, waters and taonga (particularly s 6(e)), time and again Te Rūnanga have found that Māori rights have been balanced out of decision-making. It is unacceptable that mana whenua must educate both councils and communities on their rights and concerns, and then use their already scarce resources to defend the need for these matters to be included and considered in planning processes.

To reiterate, Ngāi Tahu holds rangatiratanga in our takiwā as guaranteed by the Treaty and our Act of settlement. Rangatiratanga is defined by the Waitangi Tribunal as “more than ownership: it encompassed the autonomy of the hapū to arrange and manage their own affairs in partnership with the Crown.”

Te Rūnanga also suggests that a more proactive planning approach in partnership with iwi would greatly assist effective responses and solutions to complex issues such as housing supply, climate change and the provision and management of infrastructure.

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6 Waitangi Tribunal *The Stage 1 Report on the National Freshwater and Geothermal Resources Claims* (Wai 2358, 2012) p 76.
Te Rūnanga therefore considers that Part 2 must:

- elevate the relevance of Māori and values and interests such that they are not subservient to other considerations in Part 2;
- place a positive obligation on all those undertaking functions under the Act to give effect to Treaty principles, including direction on how that is to occur;
- recognise the Treaty guarantee of rangatiratanga.

c) Recognising Te Tiriti o Waitangi / the Treaty of Waitangi and te ao Māori

The experience of Ngāi Tahu mana whenua (supported by Waitangi Tribunal’s findings) is that the RMA does not enable the participation of Māori in resource management in a way that is consistent with the Treaty and Ngāi Tahu rangatiratanga.

The requirement for decision-makers to recognise and provide for the relationship of Māori, the culture and traditions within lands, waters, sites, wāhi tapu and other taonga is consistently and repeatedly balanced out against other considerations. Ngāi Tahu experiences demonstrate that decision-makers are only recognising and providing for section 6(e) considerations where Māori are physically involved in a resource management process.\(^7\)

The Treaty guaranteed that iwi and hapū would retain rangatiratanga. In practice, Ngāi Tahu has found that the RMA excludes mana whenua from the management of resources and taonga.

While section 33 has long held out the promise of iwi exercising a degree of rangatiratanga in their takiwā, to date there have been no instances of powers being delegated to iwi under that provision. Furthermore, iwi management plans are often not given sufficient weight or regard, or are misunderstood. Te Rūnanga also agrees with the Waitangi Tribunal that legislative amendment and dedicated resources are needed in order for Mana Whakahono a Rohe agreements to be more than a mechanism for consultation.\(^8\)

Changes are required to Part 2, but consistency with the Treaty will not be achieved through such changes alone.

There must be clear direction in the Act of what working with mana whenua as Treaty Partners requires. Ngāi Tahu expectations are that this includes an active and shared decision-making partnership, so that the involvement of iwi is not a box ticking or pan-community engagement exercise. This needs to be resourced by local authorities as part of the core work programme.

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\(^7\) See, for example, *Lindis Catchment Group Inc v Otago Regional Council* [2019] NZEnvC 166, at [472].

\(^8\) Stage 2, WAI 2358, p 542.
In order to be consistent with the Treaty, the RMA must enable and provide a pathway to partnership arrangements and the relationships of Ngāi Tahu to wāhi tapu and wāhi taonga. In this context, wāhi tapu and wāhi taonga are consistently constrained in extent by decision-makers.

Modern Treaty settlements have led to co-governance and co-management arrangements with Māori for particular lands, waters and resources. However, Te Rūnanga considers that the RMA must provide a feasible pathway to such arrangements and the co-design of planning documents outside of the Treaty settlement process. The Waitangi Tribunal has found that iwi without such arrangements in settlements are unable to act effectively as Treaty partners in freshwater management, or exercise rangatiratanga and kaitiakitanga to the extent guaranteed and protected in the Treaty. Te Rūnanga strongly agrees with this finding and considers that the RMA must be amended in order to rectify this.

d) **Strategic integration across the resource management system**

Te Rūnanga supports spatial planning in principle, but stresses that such plans and processes must be centred on and sensitive to Māori values.

The development of regional spatial plans for example, could assist in planning and delivery of infrastructure, including Papakainga/mixed use Papakainga villages where possible. However, the role of Ngāi Tahu within such plans needs to be at the decision-making level. Māori involvement in ‘joint’ or ‘collaborative’ processes must not compromise Māori rights, interests and values.

e) **Addressing climate change and natural hazards**

An appropriate and proactive framework for climate change must be incorporated into environmental management. Te Rūnanga finalised its climate change strategy ‘He Rautaki mō Te Huringa o te Āhaurangi’ in August 2018, providing direction across the whole spectrum of Ngāi Tahu interests, assets and activities. Ngāi Tahu considers that what will be needed to respond effectively to climate change will be different for each unique place.

An inter-generational perspective is essential, with responsibilities both to our tūpuna and to those who follow us. In order to protect Ngāi Tahu interests, iwi must have a leadership role in responding to climate change within their takiwā. In the view of Te Rūnanga, the RMA should ensure that councils are more proactive on this issue and begin actively planning for future challenges in partnership with mana whenua.

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9 Ibid.
At the same time, permissive regulatory approaches to activities such as renewable electricity and forestry will adversely impact Ngāi Tahu unless the regulatory approach includes necessary controls and requires the involvement of, and exercise of rangatiratanga by, Ngāi Tahu. Ngāi Tahu must also be able to manage our own response to climate change in low-lying areas of significance to the iwi, such as kainga and urupā, with the support of the government and local authorities.

f) National direction

Te Rūnanga does not support greater use of national direction as it disregards the unique and diverse nature of the Ngāi Tahu takiwā. Te Rūnanga is also concerned that national direction tends to exclude iwi from decision-making.

The National Policy Statement for Freshwater is a key example of national direction that falls short of recognising Ngāi Tahu rangatiratanga.

Te Rūnanga considers that any national policy statement must be developed in partnership with iwi and capable of adapting to local circumstances as directed by mana whenua.

g) Policy and planning framework, consents / approvals

The primary concern of Te Rūnanga is to establish property rights and assert rangatiratanga. Once this is in place, local authorities will not be able to balance iwi interests out of the decision-making process.

Giving effect to rangatiratanga could in theory be implemented to some extent under the current regime, such as through a delegation under section 33 of the RMA and permitted activity rules for a broad range of activities on Ngāi Tahu reserves. However, as the Waitangi Tribunal has noted, there are a number of significant barriers that prevent this from occurring.10

Te Rūnanga is greatly concerned by the current burden placed on mana whenua to review resource consents, local government strategies, district plan reviews, long term plans and growth management strategies. Processes need to consider the implications for Te Rūnanga and Papatipu Rūnanga capacity and provide appropriate resourcing. In this respect, Te Rūnanga notes that if the status of iwi management plans was elevated within the RMA they could be a powerful tool for recognising the unique rights and interests of mana whenua.

Te Rūnanga oppose single stage plan making processes that place significant decision-making powers with the council – potentially to the exclusion of iwi. Plan-making processes must involve partnership with Māori, not merely ‘participation’.

10 Stage 2, WAI2358, p 541.
Permitting processes for residential effects must protect wāhi tapu and wāhi taonga from inappropriate development. On the other hand, planning documents must provide for and enable development on reserves and of papakainga.

Oversight of plan implementation from central government must be respectful to tangata whenua by sharing this duty with iwi. Separate consenting pathways for nationally significant proposals must not ‘bulldoze’ over Māori rights and interests.

Te Rūnanga agrees that the consent categories and processing tracks should be simplified. The reduction of complexity, however, must not be to the disadvantage of Ngāi Tahu involvement in processes or consideration of Ngāi Tahu rights. Past experience has demonstrated that expedited processes can result in mana whenua having less time and information available in putting forward their position. Te Rūnanga does not believe this is reflective of Treaty partnership.

Te Rūnanga is also concerned that in a number of instances Papatipu Rūnanga have not been judged by local council to be an affected party even where an application relates to a Statutory Acknowledgement Area. Individual iwi must have the ability to dictate what applications they are advised or notified of and when they are considered an ‘affected party’.

h) Economic instruments

Te Rūnanga would like to have a discussion with the Panel about the use of economic instruments. In principle Te Rūnanga supports economic instruments provided that such instruments recognise and give effect to rangatiratanga. However, any reform that introduces increased use of economic instruments must only proceed after Ngāi Tahu property rights are resolved.

Decisions over our natural resources must be based on the best scientific information, which ensures sustainability for future generations. To date, resources such as freshwater have not been guided by sound environmental or economic rationale or scientific information.

Transfers of consents and permissions must be restricted where such transfers would lead to an increase in negative environmental effects. More broadly, the use of economic instruments must not lead to trade-offs or offsetting environmental and cultural values for economic gain.

Revenue or use of public resources should be channelled to those who are kaitiaki of, and exercise rangatiratanga over, that resource. Decisions on use of revenue from economic instruments must be made in partnership with iwi.

Economic instruments could also be used to assist in providing funding infrastructure for Papakainga/mixed use Papakainga villages.
i) **Allocation**

Te Rūnanga considers that it is not appropriate or even possible to consider allocation of resources without first addressing Māori property rights in freshwater. In this respect, Te Rūnanga is also concerned at the Crown’s fragmented approach to legal and policy reform.

Ngāi Tahu holds freshwater property rights in our takiwā. Consents for the use of freshwater are in breach and disregard of Ngāi Tahu rights.

Te Rūnanga disagrees in principle with the ‘first in first served’ approach which has operated in disregard of Ngāi Tahu rangatiratanga over freshwater. It is also important that consents are not treated as being akin to property rights and consent durations and renewals must reflect this.

Ngāi Tahu must have a decision-making role in allocation of all resources in the takiwā, consistent with the principles of partnership and the Crown’s recognition of rangatiratanga in the Ngāi Tahu Claims Settlement Act 1998.

j) **System monitoring and oversight, compliance, monitoring and enforcement**

Te Rūnanga considers that the need for significant changes in system monitoring and oversight, compliance, monitoring and enforcement is evidenced by the cumulative environmental degradation and regular environmental disasters that are increasingly occurring.

Monitoring systems must provide for Ngāi Tahu rangatiratanga and enable iwi to have a leading role and enable the development of mātauranga and tikanga approaches. It is appropriate that such monitoring be funded through a user-pays system.

Te Rūnanga is concerned that poor monitoring by councils, and the lack of acknowledgement and inclusion of Mātauranga Māori, has in many instances led to poor oversight and compliance. The current efforts to improve the RMA risk being significantly weakened or ignored entirely if oversight and compliance is not adequately addressed. Papatipu Rūnanga have also suggested that the penalties for infringements should be set higher to act as a deterrent to poor environmental practices. Infringements should also be considered seriously when consents come up for renewal.

k) **Institutional roles and responsibilities**

Ngāi Tahu does not support the proposed national Māori advisory board on planning and the Treaty. In our takiwā, the only Māori group that can and should have this role is Ngāi Tahu. Ngāi Tahu similarly does not support a national water commission, which would disrespect Ngāi Tahu rangatiratanga over our waters.
Any extended role for institutions such as the Environmental Protection Agency must respect Ngāi Tahu rangatiratanga.

Consistent with its rangatiratanga, Ngāi Tahu must have a central role in planning in our takiwā. This role must be appropriately resourced by central and/or local government.

We would also note that a further pooling of resources could lead to inequitable allocations of resourcing across the country and runs the risk that the rights and interests of mana whenua will be overlooked. Any discussion about resourcing and responsibilities must be undertaken in partnership with us.

I) Reducing complexity across the system

Te Rūnanga agrees that there needs to be less complexity across the system. The complexity of the current system places a significant burden (time and resourcing) on Papatipu Rūnanga to comment, respond and participate.

Any changes impacting complexity, however, need to ensure that the ability to participate is not removed, and that it is undertaken in a more efficient manner. Te Rūnanga is concerned that in many instances councils’ efforts to reduce “red tape” has led to the increased use of permitted, controlled and restricted discretionary provisions in plans which has meant that Papatipu Rūnanga have little or no say in a consent application or how it affects them.

A less complex system should have Māori values at its core. Respecting Ngāi Tahu tikanga and rangatiratanga requires that resources are managed Ki Uta Ki Tai, and that iwi have the autonomy to manage resources in partnership with the Crown.

6. OVERALL RECOMMENDATIONS

6.1 Te Rūnanga makes the following recommendations:

a) that the Panel suspend this work programme regarding legislative reform of the RMA until issues of Māori ownership and management of freshwater are resolved;

b) that the Panel notifies the Crown regarding the concerns of Te Rūnanga outlined in this response, and that the Crown is obligated to engage directly with Te Rūnanga as a Treaty partner at every stage of the legislative planning process; and

c) that the Panel meets and works with Te Rūnanga to discuss the proposals for reform.
APPENDIX ONE: NGĀI TAHU TAKIWĀ

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

Ngāi Tahu Claim Area Definition
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 whiu a koe ki runga i ēnei kāwana... tērā kia whakakotahitia te ture, kia whakakotahitia ngā whakahau, kia orite ngā āhuatanga mō te kiri mā kia rite kia 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 īnōa.’ Nā konei te Karauna i whakaae a kia rēta, te taumaha o ngā mahi a ngā tūpuna o Ngāi Tahu, nā rēira i tūi whakaiti atu ai i nāianei i mua i ē 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 āhuatanga i takoto ki roto i ngā pukapuka ā-herenga whakatū 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 ētahiwhenua hei whai orangatanga, whai orangatanga 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 mārama 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 whakaaaro ki te manaaki, ki te tiki rānei i ngā mauanga whenua a Ngāi Tahu me ngā tīkanga i pūtake mai i te mana o te Karauna. Nā tāua whakaaaro kore a te Karauna i puaki mai ai tēnei pēpeha e Ngāi Tahu: “Te Hapa o Niu Tīrenei”. 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. E whakatauākī i pūtake mai i aua āhuatanga: “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 ē rātou hokonga te iro i te Tiriti o Waitangi, pērā anō tō rātou piri atu ki rāno i te Hoko Whitu a Tū i ngā wā o ngā pakanga nunui o te ao. E tino mihia i 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 whakawhiria i pūtake mai nō rōto i ngā takakino a te Karauna i takogetia ai a Ngāi Tahu Whānui. Ewhakaae ana te Karauna tērā, aua mamaetanga me ngā whakawhiria hoki i hua mai nō rōto 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 poumanu me ērā atu tāonga i hiahia te iwi ki te pupuri. Kore rawa te Karauna i arō ake ki ngā aurere a Ngāi Tahu.

7. E whakapāha ana te Karauna ki a Ngāi Tahu mō tōna āhuanga, 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 nga kōrero tūturu ki roto i te pukapuka ā-herenga whakaritenga i hainatia i te 21 o ngā ra o Whitu hei tīmatanga whai oranga i roto i te ao hōu o te mahinga tahi a te Karauna rāua ko Ngāi Tahu.

Section 6: Text in English
The text of the apology in English is as follows:

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

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

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

3. The Crown acknowledges that it acted unconscionably and in repeated breach of the principles of the Treaty of Waitangi in its dealings with Ngāi Tahu in the purchases of Ngāi Tahu land. The Crown further acknowledges that in relation to the deeds of purchase it has failed in most material respects to honour its obligations to Ngāi Tahu as its Treaty partner, while it also failed to set aside adequate lands for Ngāi Tahu’s use, and to provide adequate economic and social resources for Ngāi Tahu.

4. The Crown acknowledges that, in breach of Article Two of the Treaty, it failed to preserve and protect Ngāi Tahu’s use and ownership of such of their land and valued possessions as they wished to retain.
5. The Crown recognises that it has failed to act towards Ngāi Tahu reasonably and with the utmost good faith in a manner consistent with the honour of the Crown. That failure is referred to in the Ngāi Tahu saying ‘Te Hapa o Niu Tireni!’ (‘The unfulfilled promise of New Zealand’). The Crown further recognises that its failure always to act in good faith deprived Ngāi Tahu of the opportunity to develop and kept the tribe for several generations in a state of poverty, a state referred to in the proverb ‘Te mate o te iwi’ (‘The malaise of the tribe’).

6. The Crown recognises that Ngāi Tahu has been consistently loyal to the Crown, and that the tribe has honoured its obligations and responsibilities under the Treaty of Waitangi and duties as citizens of the nation, especially, but not exclusively, in their active service in all of the major conflicts up to the present time to which New Zealand has sent troops. The Crown pays tribute to Ngāi Tahu’s loyalty and to the contribution made by the tribe to the nation.

7. The Crown expresses its profound regret and apologises unreservedly to all members of Ngāi Tahu Whānui for the suffering and hardship caused to Ngāi Tahu, and for the harmful effects which resulted to the welfare, economy and development of Ngāi Tahu as a tribe. The Crown acknowledges that such suffering, hardship and harmful effects resulted from its failures to honour its obligations to Ngāi Tahu under the deeds of purchase whereby it acquired Ngāi Tahu lands, to set aside adequate lands for the tribe’s use, to allow reasonable access to traditional sources of food, to protect Ngāi Tahu’s rights to pounamu and such other valued possessions as the tribe wished to retain, or to remedy effectually Ngāi Tahu’s grievances.

8. The Crown apologises to Ngāi Tahu for its past failures to acknowledge Ngāi Tahu rangatiratanga and mana over the South Island lands within its boundaries, and, in fulfilment of its Treaty obligations, the Crown recognises Ngāi Tahu as the tāngata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui.

9. Accordingly, the Crown seeks on behalf of all New Zealanders to atone for these acknowledged injustices, so far as that is now possible, and, with the historical grievances finally settled as to matters set out in the Deed of Settlement signed on 21 November 1997, to begin the process of healing and to enter a new age of co-operation with Ngāi Tahu.”

[Emphasis added]