

29 October 2021

Judge Laurie Newhook
Chairperson of the New Dunedin Hospital Expert Consenting Panel
c/- Environmental Protection Authority
Te Mana Rauhi Taiao
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Via email: DunedinHospital.Fasttrack@epa.govt.nz

Tēnā koe Judge Newhook,

Te Rūnanga o Ngāi Tahu comments on New Dunedin Hospital - Whakatuputupu

I set out below comments from Te Rūnanga o Ngāi Tahu on the proposal by the Ministry of Health (the applicant) for Stage 1 Enabling works for the New Dunedin Hospital – Whakatuputupu (**NDH**) under the Covid-19 Recovery (Fast-track Consenting) Act 2020.

1. Te Rūnanga o Ngāi Tahu and Papatipu Rūnanga

- 1.1 This response is made on behalf of Te Rūnanga o Ngāi Tahu (**Te Rūnanga**) which is the statutorily recognised representative tribal body of Ngāi Tahu whānui (as provided by section 15 of the Te Rūnanga o Ngāi Tahu Act 1996 (**TRONT Act**)) and was established as a body corporate on 24 April 1996 under section 6 of the TRONT Act.
- 1.2 Te Rūnanga encompasses five hapū, Kati Kurī, Ngāti Irakehu, Kati Huirapa, Ngāi Te Ruahikihiki, Ngāi Tūāhuriri and 18 Papatipu Rūnanga, who uphold the mana whenua and mana moana of their rohe. Te Rūnanga is responsible for managing, advocating and protecting, the rights and interests inherent to Ngāi Tahu as mana whenua.
- 1.3 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.
- 1.4 Papatipu Rūnanga who have shared interests in Dunedin are Te Rūnanga o Ōtākou and Kati Huirapa ki Puketeraki Rūnanga (collectively referred to as Kāi Tahu ki Ōtākou).
- 1.5 In the case of this application, Te Rūnanga has referred this project to local Papatipu Rūnanga referenced in the paragraph above for comment through their environmental entity Aukaha.

1.6 Te Rūnanga respectfully requests that the Panel accord this response with the status and weight of the tribal collective of Ngāi Tahu whānui comprising over 70,000 registered iwi members, in a takiwā comprising the majority of Te Waipounamu. A map of the takiwā of Te Rūnanga is included at **Appendix One**.

2. Te Tiriti o Waitangi

2.1 The contemporary relationship between the Crown and Ngāi Tahu is defined by three core documents; the Treaty, the Ngāi Tahu Deed of Settlement 1997 (**Deed of Settlement**) and the Ngāi Tahu Claims Settlement Act 1998 (**NTCSA**). These documents form an important legal relationship between Ngāi Tahu and the Crown.

2.2 Of significance, the Deed of Settlement and NTCSA confirmed the rangatiratanga of Ngāi Tahu and its relationship with the natural environment and whenua within the takiwā.

2.3 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 acknowledged the ongoing partnership between the Crown and Ngāi Tahu and the expectation that any policy or management regime would be developed and implemented in partnership with Ngāi Tahu.

3. Comments

3.1 Our comments on the proposal, including risks which result, and preferred responses are set out below. Proposed changes to the draft conditions are included in **Appendix Three**.

Statutory Acknowledgement

3.2 The Otago coastal marine area, Te Tai o Arai Te Uru, which includes Otago Harbour, is a Statutory Acknowledgement Area in Schedule 103 to the NTCSA. Section 206 of the NTCSA states:

“The Crown acknowledges the statements made by Te Rūnanga o Ngāi Tahu of the particular cultural, spiritual, historic, and traditional association of Ngāi Tahu with the statutory areas, the texts of which are set out in Schedules 14 to 77.”

3.3 Section 208 of the NTSCA states:

“From the effective date, and without derogating from its obligations under Part 2 of the Resource Management Act 1991, a consent authority must have regard to the statutory acknowledgement relating to a statutory area in forming an opinion in accordance with sections 93 to 94C of that Act as to whether Te Rūnanga o Ngāi Tahu is a person who may be adversely affected by the granting of a resource consent for activities within, adjacent to, or impacting directly on, the statutory area.”

3.4 Section 211 then provides that,

“Te Rūnanga o Ngāi Tahu and any member of Ngāi Tahu Whānui may cite the relevant statutory acknowledgement in submissions to, and in proceedings before, a consent authority, the Environment Court, or Heritage New Zealand Pouhere Taonga concerning activities within, adjacent to, or impacting directly on a statutory area as evidence of Ngāi Tahu’s association with the statutory area.”

3.5 As a Statutory Acknowledgment Area the Crown has acknowledged Ngāi Tahu connections to Te Tai o Ārai Te Uru and provided that Te Rūnanga o Ngāi Tahu must be consulted on any application for resource consent which potentially affects the values of Te Tai o Ārai Te Uru. The text of Te Tai o Ārai Te Uru Statutory Acknowledgement is part of Attachment 24 of the Application.

Cultural Impact Assessment (Attachment 22 to the application)

3.6 A Cultural Narrative and Cultural Impact Assessment (CIA) have been carried out by Aukaha Ltd on behalf of Te Rūnanga o Ōtākou and Kati Huirapa Rūnaka ki Puketeraki. These documents describe the history of the Ngāi Tahu mana whenua relationship with the site, and associated values. The CIA highlights the need to recognise and address the poor health outcomes and experiences of Māori to date. It makes recommendations on how the applicant can incorporate changes into the design and operation of the hospital to meet the needs of whānau. We understand that many of these recommendations do not pertain to the activities subject to this application and will be incorporated in the latter stages of the building design. We understand the Ministry of Health is continuing to work closely with mana whenua on subsequent stages of this development.

General Support

3.6 Te Rūnanga supports the application in part. The application is supported for the following reasons:

- New hospital facilities in Dunedin may assist in rectifying inequity of access and outcomes for Māori health which have blighted Kāi Tahu ki Ōtākou for generations. Enabling people and communities to provide for their economic, social and cultural well-being and for their health and safety is a key component of the definition of sustainable management in s5(2) of the Resource Management Act 1991 (RMA). The purpose of the RMA is to promote the sustainable management of natural and physical resources (s5(1) of RMA); and the purpose of the Covid-19 Recovery (Fast-track Consenting) Act 2020 (s4) is to urgently promote employment to support New Zealand’s recovery from the economic and social impacts of COVID-19 and to support the certainty of on-going investment across New Zealand, while continuing to promote the sustainable management of natural and physical resources.

- Considerable effort has been made by the applicant to engage with Papatipu Rūnaka (though their environmental entity Aukaha Ltd), to ensure the design, construction, and subsequent use of the hospital (Whakatuputupu) meet community needs, are culturally appropriate, and recognise Tikanga. This approach recognises the status of Ngāi Tahu Whānui as mana whenua and helps ensure the cultural well-being and health of Ngāi Tahu whānui as well as others in the community. Therefore, it is consistent with the duty in s6 of the Covid-19 Recovery (Fast-track Consenting) Act 2020, which states that:

“In achieving the purpose of this Act, all persons performing functions and exercising powers under it must act in a manner that is consistent with—
(a) the principles of the [Treaty of Waitangi](#); and
(b) Treaty settlements.”

Contaminated Land, Dust and Sediment Control, and Dewatering

- 3.7 Te Rūnanga are concerned about the adverse effects of disturbing contaminated land, particularly at this site, being in the catchment of a statutory acknowledgement, and in a location serviced by a stormwater network which will readily convey contaminants to coastal waters.
- 3.8 A range of historic activities took place, including soap manufacturing, electroplating, underground fuel storage, a tannery, boiler making, saw milling, a printery, a rail/coal yard, and various motor vehicle and engineering works. These activities took place in the context of very different technical understandings and levels of care to what we expect today. The resulting pattern of land contamination can be expected to be somewhat random in location and intensity, and consequent risks associated with discharges of dust and sediment, and dewatering are similarly unpredictable.
- 3.9 It is important for construction activities to be undertaken in a way which safeguards cultural values and is in accordance with wai ora, including the values of the Te Tai o Arai Te Uru as a potential contamination end point. Therefore, to promote sustainable management, mitigation measures (and associated conditions) are needed to deal with accidental discovery of kōiwi or other wāhi taonga, contaminated land, earthworks, dewatering of the area during construction, and the creation of dust and sediment. Accordingly, Te Rūnanga asks for some minor changes or clarifications to increase certainty of protection of these values.
- 3.10 The proposal is to leave as much of the existing surface material, including old hospital foundations, on site as possible and use pile foundations. This action will minimise the disturbance of contaminated land during construction which is an appropriate approach for this site.

3.11 In addition, the application and draft conditions proposed by the applicant include measures to avoid, remedy or mitigate effects from the disturbance of contaminated soils during construction, and to minimise the risk of the transfer of dust or sediment that may be noxious, dangerous, offensive, or objectionable beyond the boundaries of the site (Conditions 4, 8, 14 - 17). These measures are supported particularly due to the location of the proposal in proximity to Te Tai o Ārai Te Uru.

Management Plans

3.12 The proposed conditions rely to a large extent on the use of management plans to minimise effects on human health and the environment, resulting from any disturbance of contaminated land. Any environmental management plan must engender a high level of confidence that it is fit for purpose, has appropriate administration and oversight and will achieve the desired results. Amendments to conditions pertaining to management plans are discussed further in the below sections.

Dust and Sediment Control:

3.13 Attachment 10 to the Consent Application is *The New Dunedin Hospital Ground Contamination Site Management Plan, Tonkin and Taylor, July 2021 (Tonkin and Taylor Report)*. This management plan includes procedures for health and safety, excavation and transport, erosion and sediment control, dust control, and off-site soil disposal. It includes specific measures to reduce the potential spread of contaminated soil including controls to prevent vehicles tracking sediment off site, keeping unconsolidated soil damp, and suitable disposal of contaminated soil in a Class A or Class B landfill.

3.14 Draft condition 4(b) proposed by the applicant requires the preparation of a Ground Contamination Site Management Plan *in general accordance* with the Tonkin and Taylor Report. Te Rūnanga believes that given the sensitivity of the surrounding environment, the applicant should be required to have a management plan which 'gives effect to' the report

3.15 Draft Condition 4(d) proposed by the applicant, requires the preparation of a Dust and Sediment Control Plan, which does not reference the Tonkin and Taylor Report. Instead, the plan must *outline how dust and sediment will be managed to ensure it does not cause a noxious, dangerous, offensive or objectionable discharge of contaminants beyond the site, or into the Council reticulated stormwater network*. Te Rūnanga is concerned that the condition is open to interpretation as to what constitutes a noxious, dangerous, offensive or objectionable discharge, and in addition that it potentially duplicates condition 17 which also requires the use of erosion and sediment controls.

3.16 In the interests of clarity and consistency Te Rūnanga suggests that either condition 4(d) and condition 17 are combined to prevent confusion (i.e. errors in interpretation by those who give effect to subsequently granted permits), or alternatively, leave both conditions in place but include amendments as set out in **Appendix Three** to better integrate recommendations of the Tonkin and Taylor Report into conditions.

3.17 Finally, for clarity we suggest reordering the sections so that components which refer to the same topic areas are located together.

Disposal of Contaminated Soils:

3.16 While the majority of excavated material will be removed from the site and disposed of in a Class A or Class B landfill, it is proposed that some of this material is retained on site and reused for purposes such as landscaping and refilling excavated areas. Attachment 10 Ground Contamination Site Management Plan part 2 to the application makes it clear that:

‘Above background concentrations of metals, and to a limited extent petroleum hydrocarbons were detected in all materials (recent fill, reclamation fill, and estuarine silt) that are likely to be excavated and require off-site disposal during construction earthworks. As such, it is unlikely that any material excavated as part of construction earthworks would be suitable for disposal as cleanfill’.

3.17 We do not agree that the ‘reuse on site’ of contaminated soil would be subject to the same standards for managing potential leachate risk and other environmental effects as a landfill specifically designed to receive contaminated soil. Accordingly, Te Rūnanga considers that reuse of excavated material on site should only be allowed if it meets the standards of cleanfill, and that other material should only be disposed of at a Class A or Class B landfill. This is reflected in amendments sought to Condition 15 within **Appendix Three**.

Dewatering and Associated Discharge:

3.18 Under draft Condition 16 proposed by the applicant, all contaminated water from dewatering and wheel-wash facilities is to be discharged to the Dunedin City Council trade waste sewer network in compliance with the Dunedin City Council Trade Waste Bylaw permitted discharge characteristics, or a trade waste consent, including any requirements for pre-treatment. Te Rūnanga is concerned about adverse effects if dewatering occurs at times of high rainfall, and potential overflow into Te Tai o Ārai Te Uru as a potential contamination end point. An amendment is sought to proposed condition 16 to provide for this concern. Please see **Appendix Three**.

Accidental Discovery Protocols

3.19 Te Rūnanga supports the inclusion of an Accidental Discovery Protocol condition in the consent. However, we recommend changes to the draft condition proposed by the applicant to make the process clearer and more certain if kōiwi or other artifacts are discovered during construction of Whakatuputupu. In particular provision must be made for cost recovery by iwi representatives or Aukaha Ltd (as the supporting entity) for their time to ensure subsequent actions are appropriate and in accordance with tikanga, particularly following disturbance of kōiwi. Amendments to proposed condition 18 are set out in **Appendix Three**.

4. Decision Sought

4.1 Te Rūnanga thanks the Chair for the opportunity to comment on the above application. As per the above and attached the decision sought is that that conditions of consent are included in any decision as sought above and in **Appendix Three**.

Nuku noa nā,



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Programme Leader – Mauri

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Appendices:
Appendix One – Map of takiwā of Ngāi Tahu
Appendix Two – Crown Apology to Ngāi Tahu

Appendix Three – Amendments to Proposed Conditions

Te Rūnanga seeks various amendments to proposed conditions in support of our submission. Amendments are underlined (for additional text) or ~~struck through~~ (for removed text).

General Conditions

Insert a new General Condition following Condition 1:

Where conditions require the applicant to work with Aukaha Ltd and other advisors to mana whenua the applicant will meet the reasonable costs charged by those entities for their time and expertise to be involved in those activities.

Management Plans

Amend conditions 4(a), 4(b) and 4(d) as follows:

4 (a) "... be undertaken in a way that minimises the potential for effects on human health and the surrounding environment, including Te Tai o Arai Te Uru."

4 (b) "A Ground Contamination Site Management Plan (GCSMP) prepared by a suitably qualified experienced practitioner ~~in general accordance with~~ to give effect to the New Dunedin Hospital Ground Contamination Site Management Plan, Tonkin + Taylor, July 2021, and which outlines how soil contamination effects will be managed to ensure any adverse effects on human health and the surrounding environment are avoided

4(d) "A Dust and Sediment Control Plan (DSCP) prepared by a suitably qualified experienced practitioner to give effect to the New Dunedin Hospital Ground Contamination Site Management Plan, Tonkin + Taylor, July 2021), and which~~that~~ outlines how dust and sediment will be managed to ensure it does not cause a noxious, dangerous, offensive or objectionable discharge of contaminants beyond the site, or into the Council reticulated stormwater network."

Dust and Sediment Control

Amend Condition 17 as follows:

"Erosion and sediment controls must be implemented for the duration of the works to ensure there is no noxious, dangerous, offensive, or objectionable transfer of dust or sediment beyond the boundaries of the site, onto roads, or into the reticulated stormwater network, to ensure no sediment run-off, dust or other discharge from the site reaches Te Tai o Arai Te Uru, and as a minimum, practices included in sections 4.4 (Erosion & Sediment Control), 4.5 (Dust control), and 4.8 (Water Discharges) of the Ground Contamination Site Management Plan (Tonkin & Taylor Ltd Date July 2021) are adhered to.

Disposal of Contaminated Soils

Amend condition 15 as follows:

“Contaminated soils and material removed from the site must be deposited at a disposal site that holds a consent to accept soils for disposal with the relevant level of contamination. All soil and material must be covered during transportation off-site.

Dewatering and Associated Discharge

Amend condition 16 as follows:

“All contaminated water from dewatering and wheel-wash facilities is to be discharged to the Dunedin City Council trade waste sewer network in compliance with the Dunedin City Council Trade Waste Bylaw permitted discharge characteristics, or a trade waste consent, including any requirements for on-site pre-treatment of discharge, and ceasing dewatering discharges during high or sustained rainfall events which would result in network overflow.”

Accidental Discovery Protocols

Amend condition 18 as follows:

“18. Where any disturbance of any archaeological site occurs, The following archaeological discovery protocols apply: suspected kōiwi (human remains), taonga, Maori artifacts, or evidence of pre-colonial occupation are:

- a) Work shall cease immediately at that place and within 20m around the site.
- b) The contractor must shut down all machinery, secure the area, and advise the Site Manager.
- c) The Site Manager shall secure the site and notify the Heritage New Zealand Regional Archaeologist.
- d.) If the site is of Māori origin, the Site Manager shall notify the Heritage New Zealand Regional Archaeologist and Papatipu Rūnaka (being Te Rūnaka o Ōtākou and Kati Huirapa ki Puketeraki Rūnaka) of the discovery and ensure site access to those parties to enable appropriate cultural procedures and tikanga to be undertaken, so long as all statutory requirements under the Heritage New Zealand Pouhere Taonga Act 2014 and the Protected Objects Act 1975 are met.
- e) The Site Manager shall secure the site and notify the Heritage New Zealand Regional Archaeologist.
- f) If any kōiwi (human remains) are encountered, should cease within 5 metres of the discovery. The Heritage New Zealand Pouhere Taonga Archaeologist, New Zealand Police

and Aukaha Ltd must be advised immediately in accordance with Guidelines for Kōiwi Tangata/Human Remains (Archaeological Guideline Series No.8) and no further work in the area may take place until future actions have been agreed by all parties.

f) ~~b)~~ Aukaha Ltd shall be informed if any possible taonga or Māori artefacts or other evidence of pre-colonial occupation are identified to enable appropriate cultural procedures and tikanga to be undertaken, so long as all statutory requirements under the Heritage New Zealand Pouhere Taonga Act 2014 and the Protected Objects Act 1975 are met.

g) Where Papatipu Rūnaka so request, any information recorded as the result of the find such as a description of location and content, is to be provided for their records.

h) Heritage New Zealand will advise if any further archaeological authority under the *Heritage New Zealand Pouhere Taonga Act 2014* is required for works to continue.

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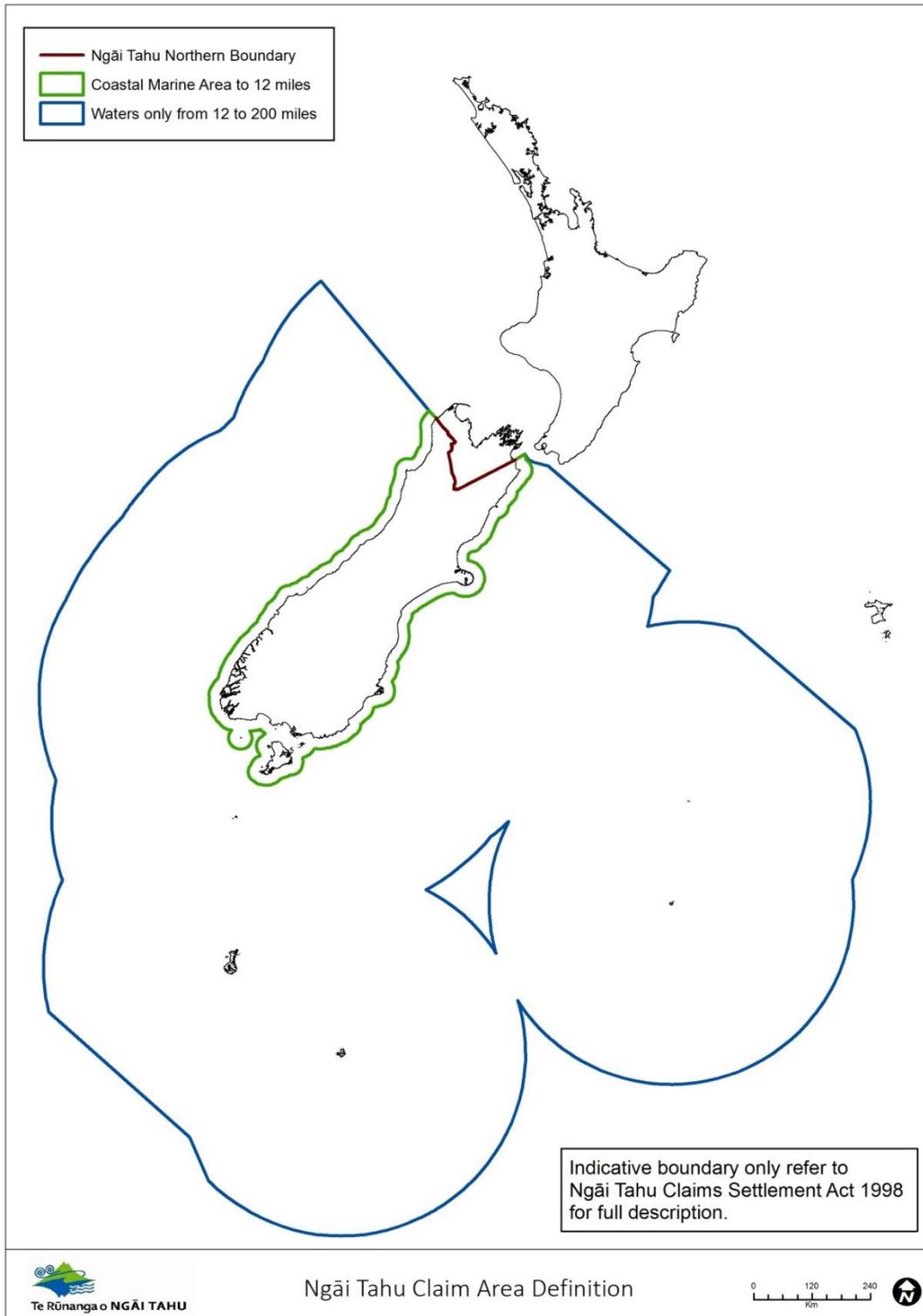
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Advice note:

It is an offence under S87 of the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site without an authority from Heritage New Zealand irrespective of whether the works are permitted or consent has been issued under the Resource Management Act.

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 āhuetanga o ngā kawenga a te Karauna i kawea ai e Matiaha Tiramōrehu tana petihana ki a Kuini Wikitoria i te tau 1857. I tuhia e Tiramōrehu tana petihana arā: ‘Koia nei te whakahau a tōu aroha i whiua e koe ki runga i ēnei kāwana... tērā kia whakakotahitia te ture, kia whakakotahitia ngā whakahau, kia ōrite ngā āhuetanga mō te kiri mā kia rite ki tō te kiri waitutu, me te whakatakoto i te aroha o tōu ngākau pai ki runga i te iwi Māori kia noho ngākau pai tonu ai rātou me te mau mahara tonu ki te mana o tōu ingoa.’ Nā konei te Karauna i whakaae ai tērā, te taumaha o ngā mahi a ngā tūpuna o Ngāi Tahu, nā rēira i tū whakaiti atu ai i nāiane i mua i ā rātou mokopuna.
2. E whakaae ana te Karauna ki tōna tino hēanga, tērā i takakino tāruaruatia e ia ngā kaupapa o te Tiriti o Waitangi i roto i āna hokonga mai i ngā whenua o Ngāi Tahu. Tēnā, ka whakaae anō te Karauna tērā i roto i ngā āhuetanga i takoto ki roto i ngā pukapuka ā-herenga whakaatu i aua hokonga mai, kāore te Karauna i whai whakaaro ki tāna hoa nā rāua rā i haina te Tiriti, kāore hoki ia i whai whakaaro ki te wehe ake i ētahi whenua hei whai oranga tinana, whai oranga ngākau rānei mō Ngāi Tahu.
3. E whakaae ana te Karauna tērā, i roto i tāna takakino i te wāhanga tuarua o te Tiriti, kāore ia i whai whakaaro ki te manaaki, ki te tiaki rānei i ngā mauanga whenua a Ngāi Tahu me ngā tino taonga i hiahia a Ngāi Tahu ki te pupuri.
4. E mōhio ana te Karauna tērā, kāore ia i whai whakaaro ki a Ngāi Tahu i runga i te ngākau pono o roto i ngā tikanga i pūtake mai i te mana o te Karauna. Nā tāua whakaaro kore a te Karauna i puaki mai ai tēnei pēpeha a Ngāi Tahu: “Te Hapa o Niu Tīreni”. E mōhio ana te Karauna i tāna hē ki te kaipono i ngā āhuetanga whai oranga mō Ngāi Tahu i noho pōhara noa ai te iwi ia whakatupuranga heke iho. Te whakataua i pūtake mai i aua āhuetanga: “Te mate o te iwi”.
5. E whakaae ana te Karauna tērā, mai rāno te piri pono o Ngāi Tahu ki te Karauna me te kawa pono a te iwi i ā rātou kawenga i raro i te Tiriti o Waitangi, pērā anō tō rātou piri atu ki raro i te Hoko Whitu a Tū i ngā wā o ngā pakanga nunui o te ao. E tino mihi ana te Karauna ki a Ngāi Tahu mō tōna ngākau pono mō te koha hoki a te iwi o Ngāi Tahu ki te katoa o Aotearoa.

6. E whakapuaki atu ana te Karauna ki te iwi whānui o Ngāi Tahu i te hōhonu o te āwhitu a te Karauna mō ngā mamaetanga, mō ngā whakawhiringa i pūtake mai nō roto i ngā takakino a te Karauna i takaongetia ai a Ngāi Tahu Whānui. Ewhakaae ana te Karauna tērā, aua mamaetanga me ngā whakawhiringa hoki i hua mai nō roto i ngā takakino a te Karauna, arā, kāore te Karauna i whai i ngā tohutohu a ngā pukapuka ā-herenga i tōna hokonga mai i ngā whenua o Ngāi Tahu, kāore hoki te Karauna i wehe ake kia rawaka he whenua mō te iwi, hei whakahaere mā rātou i ngā āhuatanga e whai oranga ai rātou, kāore hoki te Karauna i hanga i tētahi tikanga e maru motuhake ai te mana o Ngāi Tahu ki runga i ā rātou pounamu me ērā atu tāonga i hiahia te iwi ki te pupuri. Kore rawa te Karauna i aro ake ki ngā aurere a Ngāi Tahu.
7. E whakapāha ana te Karauna ki a Ngāi Tahu mō tōna hēanga, tērā, kāore ia i whai whakaaro mō te rangatiratanga o Ngāi Tahu, ki te mana rānei o Ngāi Tahu ki runga i ōna whenua ā-rohe o Te Wai Pounamu, nā rēira, i runga i ngā whakaritenga me ngā herenga a Te Tiriti o Waitangi, ka whakaae te Karauna ko Ngāi Tahu Whānui anō te tāngata whenua hei pupuri i te rangatiratanga o roto i ōna takiwā.
8. E ai mō ngā iwi katoa o Aotearoa e hiahia ana te Karauna ki te whakamārie i ngā hara kua whākina ake nei—otirā, ērā e taea i nāianeī - i te mea kua āta tau ngā kōrero tūturu ki roto i te pukapuka ā-herenga whakaritenga i hainatia i te 21 o ngā rā o Whitu hei tīmatanga whai oranga i roto i te ao hōu o te mahinga tahi a te Karauna rāua ko Ngāi Tahu.

Section 6: Text in English

The text of the apology in English is as follows:

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

“This was the command thy love laid upon these Governors ... that the law be made one, that the commandments be made one, that the nation be made one, that the white skin be made just equal with the dark skin, and to lay down the love of thy graciousness to the Māori that they dwell happily ... and remember the power of thy name.”
2. The Crown hereby acknowledges the work of the Ngāi Tahu ancestors and makes this apology to them and to their descendants.
3. The Crown acknowledges that it acted unconscionably and in repeated breach of the principles of the Treaty of Waitangi in its dealings with Ngāi Tahu in the purchases of Ngāi Tahu land. The Crown further acknowledges that in relation to the deeds of purchase it has failed in most material respects to honour its obligations to Ngāi Tahu as its Treaty partner, while it also failed to set aside adequate lands for Ngāi Tahu's use, and to provide adequate economic and social resources for Ngāi Tahu.
4. The Crown acknowledges that, in breach of Article Two of the Treaty, it failed to preserve and protect Ngāi Tahu's use and ownership of such of their land and valued possessions as they wished to retain.

5. The Crown recognises that it has failed to act towards Ngāi Tahu reasonably and with the utmost good faith in a manner consistent with the honour of the Crown. That failure is referred to in the Ngāi Tahu saying 'Te Hapa o Niu Tirenī' ('The unfulfilled promise of New Zealand'). The Crown further recognises that its failure always to act in good faith deprived Ngāi Tahu of the opportunity to develop and kept the tribe for several generations in a state of poverty, a state referred to in the proverb 'Te mate o te iwi' ('The malaise of the tribe').
6. The Crown recognises that Ngāi Tahu has been consistently loyal to the Crown, and that the tribe has honoured its obligations and responsibilities under the Treaty of Waitangi and duties as citizens of the nation, especially, but not exclusively, in their active service in all of the major conflicts up to the present time to which New Zealand has sent troops. The Crown pays tribute to Ngāi Tahu's loyalty and to the contribution made by the tribe to the nation.
7. The Crown expresses its profound regret and apologises unreservedly to all members of Ngāi Tahu Whānui for the suffering and hardship caused to Ngāi Tahu, and for the harmful effects which resulted to the welfare, economy and development of Ngāi Tahu as a tribe. The Crown acknowledges that such suffering, hardship and harmful effects resulted from its failures to honour its obligations to Ngāi Tahu under the deeds of purchase whereby it acquired Ngāi Tahu lands, to set aside adequate lands for the tribe's use, to allow reasonable access to traditional sources of food, to protect Ngāi Tahu's rights to pounamu and such other valued possessions as the tribe wished to retain, or to remedy effectually Ngāi Tahu's grievances.
8. The Crown apologises to Ngāi Tahu for its past failures to acknowledge Ngāi Tahu rangatiratanga and mana over the South Island lands within its boundaries, and, in fulfilment of its Treaty obligations, the Crown recognises Ngāi Tahu as the tāngata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui.
9. Accordingly, the Crown seeks on behalf of all New Zealanders to atone for these acknowledged injustices, so far as that is now possible, and, with the historical grievances finally settled as to matters set out in the Deed of Settlement signed on 21 November 1997, to begin the process of healing and to enter a new age of co-operation with Ngāi Tahu."