



## EXPECTATIONS FOR CROWN ENGAGEMENT WITH NGĀI TAHU<sup>1</sup>

### ❖ The Crown is in partnership with Ngāi Tahu.

Te Rūnanga o Ngāi Tahu (**Te Rūnanga**) expects all Crown agencies to undertake all aspects of their work programmes in accordance with the Crown's obligations as Te Tiriti partner of Ngāi Tahu. This includes proactively partnering with Te Rūnanga and utilising the different layers of government to engage with Papatipu Rūnanga. This approach must be used at the earliest possible stage for policy development and legislative amendments, not only to identify the issues, but also to co-design and develop solutions that are consistent with the Ngāi Tahu rangatiratanga and Te Tiriti partnership. This is particularly critical when anticipating significant Crown initiatives or reform work.

Working in cooperation and partnership with Ngāi Tahu in developing and implementing policy is required by the Crown's own Te Tiriti commitments under Cabinet Office Circular CO (19) 5.

### ❖ Know the history of the relationship between Ngāi Tahu<sup>2</sup> and the Crown before engaging.

The core documents that define the contemporary relationship between Ngāi Tahu and the Crown are Te Tiriti o Waitangi, Te Rūnanga o Ngāi Tahu Act 1996, the Ngāi Tahu Deed of Settlement 1997, and the Ngāi Tahu Claims Settlement Act 1998. These documents underpin the legal and constitutional relationship between Ngāi Tahu and the Crown and entrench Ngāi Tahu rangatiratanga and Te Tiriti partnership.

The Crown Apology to Ngāi Tahu recognises and confirms **Ngāi Tahu as the tāngata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui**. The Crown must properly respect Ngāi Tahu as rangatira to fulfill its Te Tiriti obligations. The Crown committed to a **new age of co-operation** with Ngāi Tahu, marking a new post-Settlement relationship between Ngāi Tahu and the Crown<sup>3</sup>.

### ❖ Acknowledge and respect Ngāi Tahu rangatiratanga.

Rangatiratanga is the authority of Ngāi Tahu to live according to Ngāi Tahu tikanga. The rangatiratanga of Ngāi Tahu is inherent in Ngāi Tahu from time immemorial; it is uninterrupted and continues to the present day and into the future. In modern New Zealand, the kāwanatanga of the Crown operates alongside the rangatiratanga of Ngāi Tahu. Policy development and implementation must ensure Ngāi Tahu, including through Papatipu Rūnanga, can exercise rangatiratanga within the Ngāi Tahu Takiwā.

Legislative recognition of Ngāi Tahu rangatiratanga adds to the Crown's existing obligation, when making policy and legal decisions, to ensure consistency with the Ngāi Tahu Settlement and its legal basis.

### ❖ Understand Ngāi Tahu governance structures and that Te Rūnanga o Ngāi Tahu is a partner to Te Tiriti.

Te Rūnanga is statutorily recognized as the legal representative for all purposes of Ngāi Tahu Whānui<sup>4</sup>. Ngāi Tahu Whānui is defined as the collective of individuals who descend from the primary hapū of Waitaha, Ngāti Mamoe, and Ngāi Tahu, namely Kāti Kūri, Kāti Irakehu, Kāti Huirapa, Ngāi Tūāhuriri, and Kai Te Ruahikihiki which currently comprises over 75,000 registered iwi whānui. The Ngāi Tahu Takiwā covers the largest geographical area of any tribal authority (see **Figure** below).

Te Rūnanga is made up of 18 Papatipu Rūnanga spread throughout the Ngāi Tahu Takiwā. Papatipu Rūnanga uphold the mana whenua and mana moana of their rohe. Each rūnanga appoints a tribal member to represent its interests at Te Rūnanga. Each rūnanga has its own governance structure, and it is through this mechanism that the collective Ngāi Tahu voice in the region is represented and heard at local government and community level.

<sup>1</sup> This document does not purport to detail how the Crown meets all their Te Tiriti obligations in all situations.

<sup>2</sup> The website [www.ngaitahu.iwi.nz](http://www.ngaitahu.iwi.nz) is publicly accessible and contains a myriad of information.

<sup>3</sup> Section 6(7) and (8) Ngāi Tahu Claims Settlement Act 1998.

<sup>4</sup> Section 6, Te Rūnanga o Ngāi Tahu Act 1996.

## Te Rūnanga o Ngāi Tahu

Notwithstanding its statutory status, Te Rūnanga acknowledges the right of Ngāi Tahu Whānui individuals, and of Papatipu Rūnanga, to make their own responses in relation to any matter. However, Te Rūnanga is the statutorily recognised partner of Te Tiriti, and the Crown must engage with Te Rūnanga to meet its Te Tiriti partner obligations.

### ❖ Ensure good faith engagement that honours Te Tiriti partnership.

The Crown is required to act reasonably, honourably and in good faith<sup>5</sup>. Te Rūnanga can only provide an informed and considered view when the Crown engages in this manner. This means:

#### ➤ Well-planned engagement with advance notice and sufficient time

Te Rūnanga expects advance notice of any anticipated engagement to ensure it can engage with Papatipu Rūnanga. Te Rūnanga meets bi-monthly for feedback and decision making. This means that Crown agencies and officials must provide Te Rūnanga with forward work programmes, key dates, and expected timeframes. This helps create a mutual strategy and coordinate workflows. With advanced and equitable notice, Te Rūnanga can ensure that it is in the best place to engage as a well-informed and well-prepared partner of Te Tiriti.

#### ➤ Te Rūnanga involvement at ideation, design, and decision-making stages

On key workstreams that impact on Ngāi Tahu Whānui or the Ngāi Tahu Takiwā, proactive engagement should begin from the outset and continue at every level throughout the policy development. The Te Arawhiti Guidelines and Framework provides a useful starting point for determining what will be required. Te Rūnanga expects the Crown to engage well in advance of any draft papers, decision-making or wider consultation with stakeholders or public. This will build and strengthen relationships at multiple levels.

#### ➤ Full, timely disclosure of information

The Crown must disclose all relevant information well in advance of any discussion or meeting and this information should be provided in an easily digestible and accessible format.

#### Agreed processes and clear communication

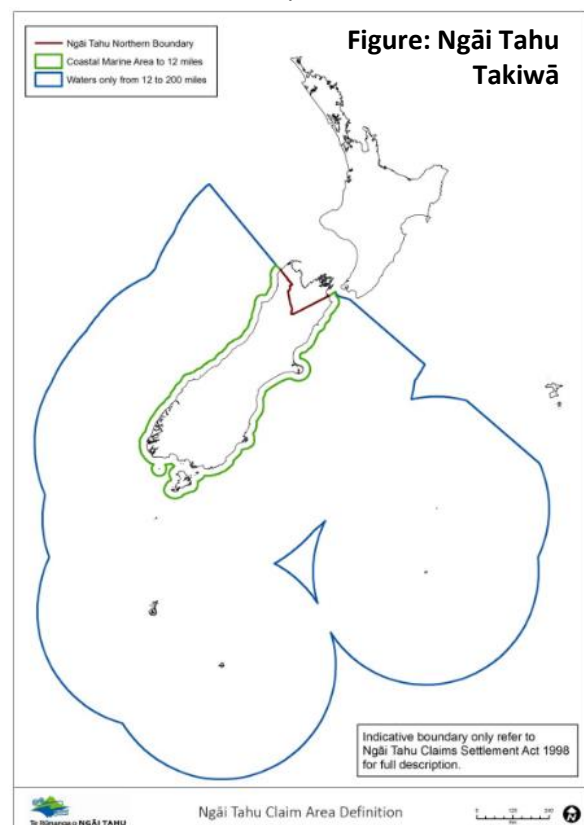
It is imperative that all process expectations and timeframes are clearly articulated and mutually agreed (not unilaterally presented). If there is a proposed change in expectations or timeframes, these must be proactively communicated, renegotiated, and agreed on.

#### ➤ Access to resource

The Crown must properly resource and fund significant reform and engagement demands. This is particularly applicable for engagement at the regional council / Papatipu Rūnanga level.

#### ➤ Direct engagement with Te Rūnanga as Te Tiriti partner

Only Ngāi Tahu can speak for Ngāi Tahu within the Ngāi Tahu Takiwā. When working within the Ngāi Tahu Takiwā, the Crown must engage with Te Rūnanga as its Te Tiriti partner. Ngāi Tahu rangatiratanga means that pan-Māori or other organisations are not a proxy for the Crown's engagement as a Te Tiriti partner.



<sup>5</sup> [He Tirohanga o Kawa ki te Tiriti o Waitangi \(waitangitribunal.govt.nz\)](https://www.waitangitribunal.govt.nz/), last accessed on 26 August 2022.