

**BEFORE THE CANTERBURY REGIONAL COUNCIL**

**UNDER** the Environment Canterbury  
(Temporary Commissioners and  
Improved Water Management) Act  
2010

**AND**

**IN THE MATTER** of the Proposed Waiau Hurunui  
River Regional Plan

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**EVIDENCE OF TĀ TIPENE GERARD O'REGAN**

**ON BEHALF OF TE RŪNANGA O KAIKŌURA, TE NGĀI TŪĀHURIRI RŪNANGA AND TE  
RŪNANGA O NGĀI TAHU INCLUDING NGĀI TAHU PROPERTIES LTD**

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## 1. HE KUPU WHAKATAKI - INTRODUCTION

- 1.1 My name is **Tipene Gerard O'Regan**. I am a kaumātua of Ngāi Tahu and Ūpoko Rūnaka (traditional head) of Awarua, one of the 18 marae-centred Rūnanga of Ngāi Tahu. Te Rūnaka o Awarua is located in Bluff in the Murihiku (Southland) region but I am a resident of Waitaha or Canterbury. I was a long serving Member and Chairman of the Ngāi Tahu Māori Trust Board (1974-1996) and the founding Chairman of the Ngāi Tahu Holdings Corporation (1996-200). As well, I was the founding Chairman of the Mawhera Incorporation (1975-1988), Te Ohu Kaimoana (Treaty of Waitangi Fisheries Commission) (1990-2000) and the Sealord Group of companies (1993-2002). I have, over the past 45 years, held many Board directorships, memberships and trusteeships a large number of which have been in the resource management and environment sector. I served two consecutive terms as a member of the New Zealand Conservation Authority (1990-1996) and I am a former Trustee Director of the world-wide Marine Stewardship Council (2000-2005). I have previously served two consecutive terms as an executive member of the US-based Law of The Sea Institute (1995-2001).
- 1.2 Although I have some standing as a speaker and writer on the evolution of the modern tribal economy, my major area of personal scholarly interest is Māori traditional history, culture and natural history and more particularly that of my own Kāi Tahu and Te Waipounamu (the South Island). I have taught and written in these areas over the past 45 years. I have been a Member of the New Zealand Geographic Board for the past 29 years and in that connection I have some standing in Māori toponomy and associated relevant tradition. I hold the Degree of BA(Hons) and a Diploma in Teaching together with three Honorary Degrees – D.Litt (Canterbury University), D.Comm (Lincoln University) and D.Comm (Victoria University). I am a Distinguished Fellow of the Institute of Directors and a Fellow of the University of Auckland. My most recent appointment was as Assistant Vice Chancellor Māori in the University of Canterbury from which I retired at the end of 2010. I remain an Adjunct Professor attached to the Ngāi Tahu Research Centre in that University. I am currently serving my second 5yr. term as Chairman of Ngā Pae o Te Maramatanga, the Centre for Māori Research Excellence based in the University of Auckland.
- 1.3 I am familiar with the Code of Conduct for Expert Witnesses contained in the Environment Court Consolidated Practice Note 2006 and I agree to comply with this code. My evidence is within my area of expertise, except where I state that I am relying on information provided by another party. I have not knowingly omitted facts or information that might alter or detract from the opinions I express.

## **2. SCOPE OF EVIDENCE**

- 2.1 I have been asked by Ngāi Tahu to appear before this hearing so as to identify, describe and explain the tribal relationship, historical associations, place-names and sites of significance associated with the Hurunui and Waiau catchments. The purpose of my evidence is to assist in providing a more comprehensive understanding of the significance and historical status of the Hurunui-Waiau catchment in Ngāi Tahu culture as a background to the river's contemporary status and value from a Ngāi Tahu perspective.

## **3. NGĀI TAHU WHĀNUI**

- 3.1 Ngāi Tahu Whānuī is the collective of individuals who descend from the iwi of Waitaha, Ngāti Mamoe and the five primary hapū (sub-tribes) of Ngāi Tahu; namely Kāti Kurī, Ngāti Irakehu, Kāti Huirapa, Ngāi Tūāhuriri and Ngāi Te Ruahikihiki. When we refer to ourselves as Ngāi Tahu we also necessarily include our foundational ties to our Waitaha and Ngāti Mamoe relationships. These are both unavoidable and inescapable.

## **4. TE RŪNANGA O NGĀI TAHU**

- 4.1 Te Rūnanga o Ngāi Tahu is the governing tribal council established by the Te Rūnanga o Ngāi Tahu Act 1996 ("the TRoNT Act"), and states that:
- Te Rūnanga o Ngāi Tahu shall be recognised for all purposes as the representative of Ngāi Tahu Whānuī.*
- 4.2 The Ngāi Tahu Takiwā is defined in section 5 of the Te Rūnanga Act (see Slide 1). In general terms it covers the majority of Te Waipounamu excluding a relatively small area in the Nelson/Marlborough region. It clearly covers the area which is the subject of this hearing.
- 4.3 Te Rūnanga o Ngāi Tahu considers itself to be an important and active member both of South Island communities and of New Zealand society as a whole. In all its undertakings, including its participation in resource management processes, Te Rūnanga o Ngāi Tahu is dedicated to the sustainable management of resources and the achievement of sound environmental outcomes. Our overarching objective is to build a stronger environmental, economic, social and cultural base for Ngāi Tahu people. Beneath the kākāhu of that objective, Ngāi Tahu has a major focus on the restoration and maintenance of our people's customary rights within our takiwā and the evolution of those rights in both their non-commercial and commercial contexts.

## **5. KAITIAKI PAPTIPU RŪNANGA**

- 5.1 Papatipu Rūnanga are regional collective bodies that were established by Ngāi Tahu Whānui in the nineteenth century to assist the progress of Te Kerēme (The Ngāi Tahu Claim). There are 18 Ngāi Tahu Papatipu Rūnanga, and today they act as the governing councils of the traditional Ngāi Tahu hapū and marae-based communities.
- 5.2 Every Papatipu Rūnanga has their own respective takiwā, and there are several instances where Rūnanga boundaries overlap with one another. Each Rūnanga is responsible for protecting the tribal interests in their respective takiwā, not only on behalf of their own hapū but on behalf of the entire tribe.
- 5.3 The Hurunui-Waiiau catchment sits within the takiwā of Te Ngāi Tūāhuriri Rūnanga and Te Rūnanga o Kaikōura (see Slide 2).
- 5.4 The Hurunui River is the traditional boundary between the hapū of Kāti Kurī and the hapū of Ngāi Tūāhuriri. That is reflected in the statutory recognition of the respective takiwā of the above two Papatipu Rūnanga representing the interests of those hapū.

## **6. NGĀI TAHU OCCUPATION AND MIGRATION OF CANTERBURY**

- 6.1 There are comprehensive accounts available of the Rākaihautū traditions. I thus summarise here and in succeeding paragraphs both those and other relevant traditions.
- 6.2 Hokakura (Lake Sumner) and its associated Hurunui catchment are part of one of our ancient oral maps of discovery and exploration. The tradition uses a common motif or device of importing into Te Waipounamu an ancient ancestor (in this case Rākaihautū) an exploring ancestor who features elsewhere in Eastern Polynesia. In a series of journeys around and across the island Rākaihautū and his son, Rokohouia, discover the lakes and part of the coastline before ultimately settling and becoming the founding ancestors.
- 6.3 This particular settlement tradition is the earliest extant traditional account of human occupation in Te Waipounamu. It is known as 'Kā Puna Karikai o Rākaihautū' and its antiquity is a not insignificant part of its importance to us. As an oral map, the recounting of the tradition in a systematic and ordered way was an important element in the transmission and maintenance of geographic knowledge. I emphasise the functionality of the oral map so as to make the point that this is not a fanciful tale for casual fireside amusement. Neither is it myth or legend. It is one of the key mechanisms by which a sophisticated oral culture stores knowledge.

- 6.4 Rākaihautū and his son Rokohouia made landfall at Whakatū (Nelson) in their waka “Uruao”. I note here that the traditions surrounding “Uruao” itself comprise a further whole complex of traditional astronomical knowledge. Rākaihautū and his shore party then journeyed south overland while Rokohouia and the balance of the crew took “Uruao” through Raukawamoana (Cook Strait) on a coasting voyage down the eastern side of Te Waipounamu. Quite a number of traditional place names from this tradition are extant today – particularly on the Kaikōura coast.
- 6.5 Rākaihautū began his series of discoveries with Lakes Rotoiti and Rotoroa (the Nelson Lakes) and then crossed Kā Tiritiri o te Moana (Southern Alps) to the eastern side and journeyed on striking the land with his staff (ko) and “creating” the lakes Hokakura (Lake Sumner), Whakamātau (Lake Coleridge), Takapō, Pūkaki, Ōhau, Hāwea, Wanaka and Whakatipu-waimaori (Lake Wakatipu). The name of his ko was “Tuwhakaroria” to which I will return to shortly. Journeying on, Rākaihautū discovered Whakatipu-waitai (Lake McKerrow), Te Ana-au (Lake Te Anau) and Moturau (Lake Manapouri). There is no mention in the traditions of his having explored the northern Tai Poutini (the West Coast) above Whakatipu-waitai.
- 6.6 After travelling south and naming places as far as Te Ara-a-Kiwa (Foveaux Strait) he journeyed up the eastern coastline naming more lakes and features. He met his son, Rokohouia in South Canterbury and the reunited party travelled back towards Akaroa and Horomaka (Banks Peninsula) where they eventually settled. The joy of reunion is said to be the source of the regional name for the Canterbury Plains – Kā Pakihi Whakatekateka o Waitaha. The final lake named in this tradition of exploration is Wairewa (Lake Forsyth). Rākaihautū then climbed to the summit, subsequently named Mt. Bossu by the French, and stuck his ko named Tuwhakaroria in the ground and changed its name to Tuhiraki to commemorate his journey. That name, Tuhiraki, is the original name of that peak.
- 6.7 The arrival in Te Waipounamu of the people now known as Ngāi Tahu took place in the mid to late 17<sup>th</sup> century as a consequence of at least two, possibly three, waves of migration. The two dominant elements in those movements came as Kāti Kurī and Kāti Tūhaitara and give rise to the five primary hapū divisions of modern Ngāi Tahu. These heke each have their own body of associated historical tradition and our contemporary whakapapa are rooted in them. They have their origins in Heretaunga (Hawkes Bay) with earlier associations in Turanganui and Mahia. They were comprised of a heavy admixture of Kāti Mamoe and Kāti Ira who share much the same origins. Elements of Kāti Mamoe preceded them into Te Waipounamu only a generation before. Both groups fought with and married into the tribes already in occupation who are collectively described as Waitaha. We customarily group other ancient groups such as Kāti Hāwea and Te Rapuwai as Waitaha.

- 6.8 In the 17th century a series of events took place in Te Whanganui-a-Tara (Wellington Harbour) involving the pā, Mataki-kai-poika, the remains of which can still be seen within the Mount Crawford prison site. In the course of those events Tūtekawa killed two wives of his brother-in-law, Tūāhuriri. The latter escaped from the fray to safety.
- 6.9 Following his escape, Tūāhuriri plotted, together with his substantial family, to take revenge against Tūtekawa, even though they were closely related by marriage. Tūtekawa, recognizing that he was in danger, fled with his people from Te Whanganui-a-Tara across Raukawamoana (Cook Strait) and settled at what is now Wairewa or Little River.
- 6.10 Tūāhuriri, accompanied by his eldest son, Hāmua, voyaged in pursuit of Tūtekawa and his people. However, both drowned in Raukawamoana. Kāti Tūhaitara having lost their traditional leader found themselves under some measure of threat from their neighbours so they decided to migrate south. The rationale for their migration, was the continued pursuit of Tūtekawa but it was clear that they had the intention to migrate because they took all their people, and families with them. One of the senior men, Tūteāhuka, was sent back to all the old tapu places and settlement sites in the North Island to whakanoa sites, uplift the bones and remove the tapu from all of those sacred places. This was the traditional manner of marking separation from place.
- 6.11 Tūrākautahi, the next son after Hāmua, became the senior person after his father and brother's death. As Tūrākautahi had a club foot, (waewae hapū) he was unfitted for the military leadership of the tribe. That task went, as it frequently did in Māori tradition, to the pōtiki, the youngest son, Mōki. Mōki became the war leader, and the Ariki, or paramount role, was filled by Tūrākautahi.
- 6.12 Kāti Tūhaitara migrated to their relations of Kāti Kurī in Kaikōura, and they were assigned the Kahutara flats at the river mouth beneath Peketā, just south of the Kaikōura Peninsula. When Moki's brothers-in-law, Kaiāpu and Tamakino, returned to Kaikōura from their travels south they described the vast food resources of Kā Pākihi Whakatekata o Waitaha (Canterbury Plains). The traditional histories are a descriptive inventory of the resource wealth of the region. They are, in effect, oral resource maps. They refer to the great forests of Horomaka (Banks Peninsula), the luxuriant growth of tī kouka (cabbage trees) which was so highly valued for the production of kauru, a favourite form of fructose-rich food prepared from the taproot of the tree. They also include the immense numbers of weka and rats running among the tussocks, the eels and other fish abounding in the rivers and streams.
- 6.13 Information reached Kāti Tūhaitara at Kahutara that Tūtekawa was living in his pā, Waikākahi, which is located at the eastern end of Te Waihora (Lake Ellesmere). The description of the food resources of these southern lands and the opportunity to seek

revenge against Tūtekawa for killing Tūāhuriri's wives was motivation enough for Tūhaitara to move south from their base at Kahutara. Tūtekawa was killed at Waikākahi while his son Te Rakitāmau was away at Taumutu. From Taumutu Te Rakitāmau could see an unusual amount of smoke coming from his father's pā at Waikākahi, and his suspicions led him to go there.

- 6.14 When Te Rakitāmau arrived at Waikākahi he was told of the events that had unfolded in relation to his father's death. The next day Te Rakitāmau and Moki restored peace between Kāti Tūhaitara and their relations. After this, Moki and the tauā returned to Kahutara where Moki died. Following his death, Tūhaitara migrated south into Canterbury.
- 6.15 By the time Ngāi Tahu gained control of Canterbury and Horomaka (Banks Peninsula), Te Tai Poutini (West Coast) had been occupied for some generations by Kāti Wairaki a people who originated from ancient Taranaki near Patea.
- 6.16 Pounamu, also known as greenstone, jade or nephrite, was the most treasured of all natural resources for Kāi Tahu. In the context of my evidence it could be argued that Pounamu was the "hinge of our history" insofar as the struggle to achieve control of the stone was the essential factor in the history I recount. The stone could only be worked by grinding on account of its geological structure and the development of a suitable technology for working is one of the major adaptations in Kāi Tahu history.
- 6.17 Adzes, chisels, knives and weapons of pounamu lifted the material condition of our ancestors onto another developmental plane. The cultural significance of the stone is such that the regaining of our rights over it was a major plank in the Kāi Tahu Claims settled in 1998. I regard my own part in that culmination as one of my greatest personal achievements.
- 6.18 Although our ancestors did not know of the precise location of pounamu on arrival in Te Waipounamu, they were profoundly aware of its value and significance and the pursuit of the taoka stone was a driving motivation.
- 6.19 At Tūrākautahi's initiative Tūhaitara sought meetings with Kāti Wairaki so as to acquire knowledge of the island and its geography. Those initiatives collapsed in disarray and hostilities broke out. Trade continued but it was tense and guarded.
- 6.20 Ngāi Tahu became aware of the Nōti Raureka (Browning Pass) route at the headwaters of the Rakaia through the Kāti Wairaki woman named Raureka. Under the leadership of Te Rakitāmau Kāi Tūhaitara travelled over Nōti Raureka where they became embroiled in several major skirmishes with the resident Kāti Wairaki. For the following three to four generations differences between Kāi Tahu and Kāti Wairaki were erupting into warfare at

frequent intervals.

## **7. THE IMPORTANCE OF NŌTI TARAMAKAU (HARPERS PASS)**

- 7.1 While Kāti Wairaki controlled the pounamu trade pounamu was transported along the west coast of Te Waipounamu to the Nelson area. From here pounamu was transported to Whanganui, upriver to Taupō and thence North and East into the North Island's main trading centres.
- 7.2 However, the military dominance of Kāi Tūhaitara and the other now-expanding hapū of Waitaha (Canterbury) and Arowhenua ensured a sufficient supply of pounamu to transform the economy centred on the great pā to Kaiapoi which became the hub of a whole restructured trading system which re-directed the flow of trade from the far south through to Te Ika a Maui (North Island). This diverted trade (particularly in pounamu) from the more ancient Western route North through Aorere (Golden Bay) and greatly increased the strategic and economic importance of Kaiapoi (see Slide 3).
- 7.3 When Kāi Tahu gained control of the pounamu resource from Kāti Wairaki the pounamu trade progressively shifted to Nōti Taramakau (Harpers Pass), down the Hurunui river and then to Kaiapoi Pā. Kaiapoi was soon to become the main trading centre of pounamu in Aotearoa, and the Hurunui river was an integral component of this shift in trade. The shift in route also meant that over time the faster Nōti Raureka (Browning Pass) route became customarily reserved for heke tauā (war parties) and allowed the separation of military and economic activity which was to become a clear cultural preference over time.
- 7.4 The Hurunui River was one of the easiest and safest trails connecting the pounamu resources of Te Tai Poutini with the east coast of Te Waipounamu, particularly to Kaiapoi Pā. Nōti Taramakau is one of the lowest and most accessible passes in Te Waipounamu (see Slide 4).
- 7.5 A pounamu heke (journey) began with travelling up the Taramakau River. There are traditional accounts of people travelling by canoes to the junction of the Ōtira and Taramakau, and then from the junction by foot over Nōti Taramakau (Harpers Pass), down the Hurunui River to Hokakura (Lake Sumner).
- 7.6 Hokakura and the surrounding lakes were important food sources for travellers, in particular for tuna and other native fish. There are historical accounts of early Pākehā explorers discovering a canoe at Hokakura (Lake Sumner). I invite you, in passing, to consider the labour in moving canoes up into such an area.



- 7.7 From Hokakura (Lake Sumner) several options were possible, however with particular reference to my submission one of the major routes was travelling down the south branch of the Hurunui, through Māori Gully to the Waitohi River, across the Waikari Plain, through Weka Pass to the Waipara River, and then along the coast to Kaiapoi. Along this arā tawhito a pounamu adze was discovered, which is currently held at the Canterbury Museum (see Slide 5).
- 7.8 The name Māori Gully is a further point of interest. The gully was named by early Pākehā explorers after discovering an old rope ladder made from Kareao (Supplejack) within the gully that was used by early Māori travellers to climb the steep walls of the gully (see Slide 6). This is not an unusual phenomenon amongst our people and other similar rope ladders have been discovered throughout Te Waipounamu, with the most well-known being the ladders recorded by Thomas Brunner at the Te Miko cliffs on his southern journey down the West Coast led by Māori guide Kehu.
- 7.9 Over time, Ngāi Tahu developed a detailed and comprehensive knowledge and appreciation of the Te Waipounamu landscape which led to many of the earliest European explorers being guided by Ngāi Tahu guides. In 1857 Leonard Harper was the first European to cross the Hurunui - Taramakau trail under the guidance of the Kāti Waewae rākatira Tarapuhi and Wereta Tainui. Although Harper's name was assigned to this pass, the original name of the pass is Nōti Taramakau.

## 8. WĀHI IKOA / PLACENAMES

- 8.1 The traditional Ngāi Tahu knowledge of the Hurunui catchment is best evident in the Māori placenames located throughout the Hurunui River. Māori placenames are tangible reminders of our history and values associated with a particular place. They are a significant symbol of the Ngāi Tahu relationship with the landscape as they are usually associated with famous people, historical events, physical features and natural flora and fauna. They are also very much part of the systematic recording of geographic knowledge referred to earlier in the context of oral maps.
- 8.2 Herries Beattie, an early Pākehā ethnographer to whom we are profoundly indebted for his vast accumulation of traditional placenames, recorded the best account of Māori placenames throughout the Hurunui catchment (see Slide 7).
- 8.3 The Kaiwara River, a northern tributary of the Hurunui, should be spelt Kaiwharawhara. Wharawhara (also known as pūwharawhara or kowharawhara - *Astelia banksii*) is a type of a small red sweet current with a small black seed in it, which grows in bunches and was

traditionally an important food resource.

- 8.4 The Pahau River is a northern tributary of the Hurunui River. Pahau are the dead leaves of the tī kouka (Cabbage tree), which were used along with harakeke (flax) and mountain grasses to make paraerae (sandals). Beattie correctly records that the meaning of Pahau is 'beard'<sup>1</sup>. The reason the dead leaves of the tī kouka are known as pahau is because they form a skirt that hangs around the trunk of the tree and pahau describes them as hanging down like a beard on one's face (see Slide 8).
- 8.5 Although I note that Beattie records several possible meanings regarding the meaning of the Hurunui from unnamed informants I am not in a position to provide any certainty of its meaning. However, I point out that this is a candidate for future scholarly research.

## 9. THE HURUNUI RIVER MOUTH

- 9.1 There was major occupation and settlement at the mouth of the Hurunui, which is evidenced through the number of publicly recorded Māori archaeological sites near the river mouth (see Slide 9). These have featured substantial assemblages of artefacts which include adze heads, a slate knife, obsidian, moa bones, charcoal, seal bone, paua shell, ovens, a large sandstone block and small flakes of flint. The archaeological evidence suggests a major occupation site(s) of high seasonal fluctuation. This is a common feature of hāpua (estuary) areas (see Slide 10).
- 9.2 Moa bones have been discovered on the northern bank of the Hurunui River, which are now currently held at the Canterbury Museum. Radiocarbon dates from the organic fraction of bone and marine shell found at the Hurunui River Mouth shows that occupation of the sites goes back 700 years ago. Such dating places the site at the outer limit of Māori occupation. It may be that the more recent refinement of dating technology might bring the site forward by as much as 200 years. Even if it does so, the Hurunui hāpua zone remains one of the ancient sites of human occupation in Te Waipounamu.

## 10. CONCLUSIONS

- 10.1 I view the overall Ngāi Tahu position in this hearing in the wider context of my life's work amongst our people. That period has seen a significant growth in the restoration of our standing in our own space, within Te Waipounamu – our own takiwā, the takiwā of our

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<sup>1</sup> Beattie, H. (1945). *Māori Placenames of Canterbury*. p107.

tūpuna. It has been particularly important in respect of the articulation of our customary rights guaranteed by the Treaty of Waitangi and secured (or so we thought) in the various 19<sup>th</sup> Century contracts with the Crown. Our interest and standing in the Hurunui and Waiau Catchments reflect that evolutionary change - which has been more pronounced in recent decades.

- 10.2 The clearer articulation of Ngāi Tahu Treaty-based customary rights awaits further refinement, articulation and negotiation as we continue the long task of deciding, in national terms, just how our tino rākatirataka is going to co-exist with Pākehā institutions in future formulations of our law within a more culturally inclusive Aotearoa New Zealand. You may be relieved to learn that I regard such questions as beyond the scope of these hearings. They require determination at another level!
- 10.3 I have referred to these matters here because I believe it necessary in set in context my closing point. As a nation we are accustomed to perceiving customary rights as some ethnic equivalent of recreational rights. Ngāi Tahu has always seen them as rights to natural resources albeit most usually articulated in terms of mahika kai.
- 10.4 The Treaty fisheries litigation plainly showed that customary rights could and did include commercial and economic rights and interests as well as (i.e. In addition to) non-commercial rights and interests.
- 10.5 So too, in the present case. Ngāi Tahu's right and interests in the Hurunui and Waiau catchments are rooted in customary rights derived from our heritage. Our economic aspirations sit comfortably alongside our cultural and on-commercial aspirations. We see no functional conflict between them. Whatever tensions may arise between them are for us to resolve internally. There is in such matters, always a degree of tension it is only natural. It is, however, our tension to resolve. It is merely the age-old tension between what to use and what to conserve. It is inherent in all cultures no less than in that of Ngāi Tahu.

E, te paepae o te ture mo te Tai Ao, e rau rākatira ma, tēnā koutou.

**T O'Regan**

**October 2012**