BEFORE CANTERBURY REGIONAL COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of proposed Land and Water Plan (Variation 1)

EVIDENCE OF SIR TIPENE GERARD O'REGAN
ON BEHALF OF TE RŪNANGA O NGĀI TĀHU
DATED 16 OCTOBER 2014
1. INTRODUCTION

Qualifications and experience

1.1 My name is Tipene Gerard O'Regan. I am a kaumatua of Ngāi Tahu and Upoko Rūnaka (traditional head) of Awarua, one of the 18 marae-centred Rūnanga of Ngāi Tahu. Te Rūnanga 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 and the founding Chairman of the Ngāi Tahu Holdings Corporation. I was the founding Chairman of the Mawhera Incorporation, Te Ohu Kaimoana (Treaty of Waitangi Fisheries Commission) and the Sealord Group of companies. I have, over the past 45 years, held many Board directorships, memberships and trusteeships many of which have been in the resource management and environment sector. I am a former member of the New Zealand Conservation Authority and a former Trustee Director of the world-wide Marine Stewardship Council. Over 2012 – 2013 I was co-Chair of the Constitutional Advisory Panel engaged in the first stage of the process reviewing New Zealand's Constitution.

1.2 My major area of scholarly interest is Māori traditional history, culture and natural history and more particularly that of Ngāi Tahu and Te Waipounamu (the South Island). I have taught and written in these areas over the past 45 years. I was a Member of the New Zealand Geographic Board for 29 years, retiring in 2013. I remain the independent chair of the Māori Names Committee of the Board. In that connection I have scholarly standing in Māori toponomy and associated relevant tradition. I hold the Degree of BA(Hons) and 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. I remain an Adjunct Professor attached to the Ngāi Tahu Research Centre in that University.

Scope of evidence

1.3 I have been asked by Ngāi Tahu to prepare evidence for this hearing that identifies, describes and explains the tribal relationship, historical associations, place-names and sites of significance to Ngāi Tahu associated with Te Waihora. Whilst the hearing today is concerned with the
entire Selwyn Waihora Zone, the focus of my evidence is Te Waihora itself, given the lake’s significance as a central element in the original Ngāi Tahu settlement traditions and occupation of Canterbury, and its huge importance in the Ngāi Tahu Claim.

1.4 The purpose of my evidence is to assist in providing a more comprehensive understanding of the significance and historical status of Te Waihora in Ngāi Tahu culture as a background to the lake’s contemporary status and value from a Ngāi Tahu perspective. The values of the lake’s associated waterways and sites of significance to Ngāi Tahu such as Waikirikiri (Selwyn River), Waiwhio (Irwell River), Araira (LII River), Waitataari (Harts Creek) and the upper Te Waihora catchment will be referred to in separate evidence presented by Takerei Norton (Archives Manager, Te Rūnanga o Ngāi Tahu).

1.5 My evidence for this hearing is largely a reiteration of evidence I previously presented under the Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2010 in the matter of an application to amend the National Water Conservation (Lake Ellesmere) Order 1990 on behalf of Te Rūnanga o Ngāi Tahu in May 2011.

2. TE WAIHORA

2.1 The name Te Waihora means ‘water spread out’. It is a geographical description that does not carry any particular ancestral association as such. The more ancient name of the lake is ‘Te Kete Ika o Rākaihautū’, a name which pre-dates the Ngāi Tahu migration into Te Waipounamu. This name describes Waihora as the ‘fishing basket’ of the mythical exploring ancestor, Rākaihautū, of whom I will speak further shortly.

2.2 The creation of Te Waihora is rooted in the creation traditions of Te Waipounamu and the works of the atua or demi-god, Tū Te Rakiwhanoa, who re-shaped the stranded canoe of his father, Aoraki, to make a place fit for humans to live in (see figure 1 attached to my evidence at Appendix 1). He pressed his heel down on the wreckage (the coast) and made the indentation which became the lake. Our traditions relate that he formed Horomaka (Banks Peninsula) by raking the rubble from the island into the promontory and forming it as a giant breakwater. Tū Te Rakiwhanoa is one of the mythical kaitiaki or guardians of the whole region, his mauri (life force) resides amongst us at Whakamatakiuru near Taumutu.
2.3 Human occupation and use of Te Waihora is traced back to the arrival of the first peoples in Te Waipounamu. Those peoples are generally referred to as Waitaha. We use this term in two ways. Firstly, Waitaha is used to describe collectively all the ancient groups who lived in Te Waipounamu prior to the migrations of Ngāti Mamoe from Heretaunga in the early 17th century. In this latter sense the reference is to a cultural group of a particular period, and this usage of the term Waitaha includes tribal and hapū names such as Te Rapuwhai, Kahui Tipua, Ngāti Hāwea and Ngāti Wairangi. In this sense Waitaha is a reference to a cultural group of a particular period of time.

2.4 Secondly, Waitaha is used to note a people of a particular whakapapa (genealogy) who descend from Waitaha who himself was a descendant of Rākaihautū. Rākaihautū was the leader of the great voyaging waka, Uruao, which arrived upon the shores of Te Waipounamu at Whakatū (Nelson) in ancient times. Our traditions place him and his people as the first human settlers in Te Waipounamu. When Rākaihautū landed the Uruao waka at Whakatū, he divided the new arrivals into two groups; his son, Rakihouia, taking one party to explore the coastline and himself leading another party to explore inland.

2.5 Rākaihautū led his travel party through the interior of Te Waipounamu using his famous ko (a long Polynesian digging stick), named Tuwhakaroria, to strike the land and create the fresh-water lakes of Te Waipounamu, including that of Te Waihora. Hence another name for Te Waihora being Te Kete Ika a Rākaihautū, which means 'The Food Basket of Rākaihautū'. Te Waihora and Wairewa were the last lakes that Rākaihautū is said to have created. The traditions of his journey are a not uncommon metaphor in tradition for journeys or voyages of exploration.

2.6 As a sign that his lake-creating labours were finished, he climbed a hill opposite Akaroa, thrust his ko into the summit, and left it there forming the rocky outcrop named by the 19th century French as Mt Bossu (see figure 2 attached to my evidence at Appendix 1). The name of the kō was Tuwhakaroria, and to mark the completion of his journeys and the founding of his new settlement, Rākaihautū re-named it Tuhiraki, which remains the correct name of that feature to this day.

2.7 The inshore coastline of Te Waihora was named Kā Poupou o Rakihouia. While Rākaihautū was travelling through the inland of the island, his son,
Rakihouia voyaged southwards in Uruao along the eastern coastline of Te Waipounamu from Whakatū assessing a whole range of food resources referred to in our traditions. Looming large in the story of that voyage is the catching of eels at the mouths of various rivers. From that comes one of the traditional names of the Canterbury sea-board Kā Poupou Rakihouia (The Eel Weirs of Rakihouia). The name refers to the posts or poupou put in by Rakihouia when constructing his eel weirs.

3. **NGĀI TAHU OCCUPATION AND USE OF TE WAIHORA**

3.1 Both lakes, Te Waihora and Wairewa (Lake Forsyth), were central elements in the original Ngāi Tahu settlement traditions and occupations of Canterbury. 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 that series of events our tupuna, Tūtekawa killed two wives of another of our tupuna, Tūāhuriri, who escaped from that particular battle (see figure 3 attached to my evidence at Appendix 1).

3.2 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 Te Moana o Raukawa (Cook Strait) and settled at what is now Wairewa or Little River. In fact, it was Tūtekawa’s son, Te Rakitāmau, who established the Hakitai pā located near the old mouth of Te Waihora at Taumutu, which has been slowly eroded over time.

3.3 Tūāhuriri, accompanied by his eldest son, Hāmua, voyaged in pursuit of Tūtekawa and his people. However, such was their haste in departure that they failed to double their waka and in crossing Te Moana o Raukawa both drowned. This left the Tūhāaitara people without their traditional leader and as they were under some measure of threat from their neighbours 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.
3.4 Tūrākautahi, the next son after Hāmua became the senior person after his father and brother’s death. Tūrākautahi had a club foot, he was waewae hapū, and was thus unfitted for the military leadership of the tribe. That task went, as it frequently did in Māori tradition, to the pōtiki, the youngest son, Moki. Moki became the war leader, and the ariki, or paramount role, was filled by Tūrākautahi.

3.5 Ngāi Tūhaitara migrated to their relations of Kāti Kurī in Kaikōura, and they were assigned the Kahutara flats at the river mouth beneath Peketā. When Moki’s brothers-in-law, Kaiapu and Tamakino, returned to Kaikōura from their travels south they described the vast food resources of Kā Pākihi Whakatekateka a Waitaha, which we now call the Canterbury Plains. The traditional histories are a virtual descriptive inventory of the resource wealth of the region. They refer to the great forests of Banks Peninsula, the luxuriant growth of tī kouka (cabbage trees) which was so highly valued for the production of kauru, a favourite form of food prepared from the stem 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. At the very centre of those traditions are the eels, the patiki, the mohoau (the big black flounder) and other species and resources which are described as being particularly abundant in Te Waihora.

3.6 When Kaiapu and Tamakino were reporting to Moki and his colleagues of the Ngāi Tūhaitara migration at Kahutara particular hapū leaders made various statements of claim in advance of the areas which they would occupy. There is a traditional format for these foundational land and resource claims. For example, Te Rakiwhakaputa nominated the head of Whakaraupo (Lyttelton Harbour) as his; that it was there he would lay down his rāpaki (kilt), and so you get the name Te Rāpaki a Te Rakiwhakaputa, which is now known as Rāpaki Bay and that is the claim of those people to Governors Bay and the resources of those rich tidal flats. Similarly Makō claimed the lake Wairewa and Little River valley, and the meeting house at Wairewa is named after him.

3.7 Te Ruahikihiki, another leader of Ngāi Tūhaitara, asked Kaiapu and Tamakino about Kaitorere Spit and Te Waihora, of which they replied that pātiki (flounders), eels and ducks of all kinds could be harvested there. Te Ruahikihiki replied “that shall be my possession” (see figure 4 attached to my evidence at Appendix 1). So Te Ruahikihiki claimed Taumutu and the meeting house there is named after his son, Moki II.
3.8 Kaiapu and Tamakino also explained that they had learnt that Tūtekawa was living in his pā, Waikākahī, which is located at the eastern end of Te Waihora. Another Māori name used for Te Waihora is Te Kete Ika a Tūtekawa, which means ‘The Food Basket of Tūtekawa’.

3.9 I have always regarded this name as being associated with the northern end of Te Waihora towards Wairewa. Tūtekawa is a contested figure in our tribal history. He is known for a number of negative reasons in our history but that is to some extent challenged by the fact that there were meeting houses and places named after him. Those naming’s tend to challenge an entirely negative view towards Tūtekawa, but there is no question that he was known to have killed two women and that he was the object of a vengeful pursuit by Ngāi Tūhāitara. By the same token I don’t think this could necessarily be described as an interfamily feud or intergenerational feud because his son, Te Rakitāmau who lived at Taumutu, had significant and amiable relationships with his cousins at subsequent times despite the circumstances surrounding his father’s death.

3.10 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 Tūhāitara to move south from their base at Kahutara. Moki eventually killed Tūtekawa at Waikākahī while Tūtekawa’s 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 Walkākahī, and his suspicions led him to go there.

3.11 When Te Rakitāmau arrived at Waikākahī 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 Ngāi Tūhāitara and their relations. In summary then, the food resources and surrounding settlements of Te Waihora were a major factor in the foundational migration and occupying traditions of Ngāi Tahu in the 17th century.

3.12 Te Ruahikihiki claimed ownership of Taumutu, and his descendants today are collectively known as Ngāi Te Ruahikihiki. Te Ruahikihiki established the pā of Ōrāriki at Taumutu where the old Māori church, Hone Wetere, now stands (see figure 5 attached to my evidence at Appendix 1). Te Ruahikihiki’s son, Moki, often referred to as Moki II, established his pā where the Taumutu marae now stands, and is referred to as Te Pā o Moki. Te Ruahikihiki is one of the five primary hapū, or sub-tribes, of Ngāi Tahu.
today. Three of those five traditional hapū have their traditional heartland in Canterbury; Ngāi Tūāhuriri based at Kaiapoi in North Canterbury, Ngāti Irakehu based on Banks Peninsula and Kāti Huirapa based at Temuka in South Canterbury.

3.13 Te Ruahitihihi was a leading light in that migration and in the known traditions of that migration. He established his settlements at Taumutu and in the Te Waihora area, especially the southern part of the lake. It was the putahi or traditional heartland of that particular section of our tribe. Taumutu was always the major centre of permanent occupation at Te Waihora while most other places around the lake tended to be seasonal resource gathering points.

3.14 Waikākahi and Taumutu became involved in major inter-tribal fighting in the early nineteenth century, which eventually involved many of the leading Ngāi Tahu chiefs from Banks Peninsula, Canterbury, Otago and Southland. This is known in our history as the Kai Huaka feud. The feud is notable because of the incidents of cannibalism amongst relatives – a fact of considerable cultural revulsion amongst Māori. It is a mark of the intense bitterness of feud.

3.15 During this period of time Te Maiharanui was Upoko Ariki (Paramount Chief) of Ngāi Tahu. Whilst his mana extended over the entire tribe his authority was effectively based in mid-Canterbury and centred on Kaiapoi, Horomaka and Taumutu. While Te Maiharanui was away visiting his relations in Kaikōura, a woman by the name of Murihaka was caught wearing his tūpuni (a fine dog skin cloak). A garment of the Upoko Ariki was extremely tapu and this sacrilegious act triggered off the inter-tribal fighting.

3.16 Te Maiharanui’s relatives believed that punishment must occur and consequently killed a relation of Murihaka, who was a slave. The owners of the slave were outraged of this killing and wanted to take revenge against the slave’s murderers but were not prepared to attack Te Maiharanui’s relatives. Instead they killed a member of the Ngāti Koreha hapū who were residing at Taitapu on the shores of Te Waihora. This person happened to be closely related to the people of Taumutu.

3.17 The people of Taumutu then attacked Waikākahi, and when Te Maiharanui returned from Kaikōura he did not attack Murihaka’s people but instead those at Taumutu. The escalating retaliation and fighting amongst the
closely related families of Ngāi Tahu resulted in the massive weakening of
the tribe and placed it in a position which was to make the tribe vulnerable
in the extreme to the musket invasion of Ngāti Toa. The Canterbury Ngāi
Tahu were decimated and were only to re-unite following the expulsion of
Ngāti Toa by a coalition of their southern Ngāi Tahu kin under the
leadership of Tuhawaiki later in the 1830s.

4. RIKI TE MAIRAKI ELLISON

4.1 Riki Te Mairaki Ellison was the first born son of Edward Pohau Ellison,
'Ned' Ellison of Te Atiawa, and of Tini Taiaroa of Ōtākou (see figure 6
attached to my evidence at Appendix 1). His mother was a daughter of
Hon. H.K Taiaroa. Hori Kerei Taiaroa (1840-1905) was the son of a noted
Ngāi Tahu chief of the contact period who was himself to become a leading
parliamentarian and driver of the Ngāi Tahu Claims. He was an industrious
recorder of tribal information and especially of information about mahinga
kai and resource management and use.

4.2 Riki was adopted by his uncle as an infant and lived and worked all his life
on the Te Awhitu farm property at Taumutu. He was eventually to inherit
his grandfather’s papers and lands and was to become himself the
respected senior face of Ngāi Tahu in the Canterbury region. He was well
regarded for his generosity and openness of spirit, throughout the region
and the tribe. He played a particular role as an in-house kaumatua at
Rehua marae in Springfield Road in Christchurch but his home base was
Taumutu. Apart from his war service, he lived in the area all of his life.

4.3 Riki was very generous to my generation both in his time and support. He
was an important source of knowledge of both traditions and natural history.
If you were in the car with him he would stop at a seemingly unimportant
bridge, creek or stream. He would fetch from his car boot, a wool sack and
a small tarpaulin, remove his trousers, and wrap the wool sack around
himself and walk into the creek. The kanakana would attach themselves to
the sacking. The kanakana or piharau belong to the lamprey family. They
were no more than 5-6 inches long and not like other kanakana in other
parts, which are much longer and thicker. They would attach to the wool
sack, he would then walk from the water and then shake the sack over the
tarpaulin. The kanakana would fall off and he would go back in to get some
more. He would gather these and dry them in the sun. Our journeys were
not uncommonly comprised of a long series of stops at nondescript creeks,
springs and streams. If your route took you past a place where he knew there was food, you knew there was a good chance you would be late for any meeting you were going to.

4.4 I would have first met Riki in the late 1950s and I spent a lot of time with him until his death in the mid-eighties. On one occasion, at my request, he convened a major hui of kaumātua at Ngāti Moki marae (see figure 7 attached to my evidence at Appendix 1) in the late 1970s, the purpose of which was to agree and confirm our customary practice in respect of the kawa (traditional protocols) of our marae and to settle various disagreements which had been emerging. His mana was such that our kaumātua attended from throughout our rohe and reached agreement. There has not been significant difficulty on that subject at least, since that time. During his time Taumutu was one of the places where such significant cultural matters were decided.

4.5 I had described to me by Riki, Arnie Brown and other kaumātua the traditional methods by which lake openings were effected and their view of the reasoning our forebears gave to their lake management practices. The dominant purpose of the traditional opening of the lake was to facilitate fish passage and to manage the environmental health of the lake by enhancing the tide-driven mix of sea water and freshwater. The lake was opened and sometimes shut in accordance with the requirements of mahinga kai. Whilst the old people might not have known the science as we know it now, they understood the nursery effects of the lake for numerous species in the inshore fisheries and identified algae blooms and appreciated their significance. I well recall the comparisons with North Island mangrove areas that was made to me. I remember this in particular because of the dramatically different climatic and environmental settings in that explanation making a strong impression on me.

4.6 The human intervention was essentially dominated by tidal cycles and focused on king tides which were utilized in the actual opening process. The most favorable conditions were when the levels inside the lake were high as a consequence of high rainfall and king tides were being driven up by south easterly winds and swells. When the junction of circumstances was right they would scrape shallow channels with sticks across the “bar” and let the tide cut the entrance for them. As the tide receded the pressure inside the lake would take over and continue to enlarge the opening. Within a few days at the peak of the tide cycle the opening would enlarge
dramatically. My informants used to chuckle at the comparison of efforts they had observed by “the Pākehā” using bulldozers.

4.7 Much of the information regarding the timing of these practices together with the species involved was recorded by the Honourable H.K. Taiaroa, grandfather of Riki Ellison, and is in the mahinga kai evidence provided by Ngāi Tahu to the Waitangi Tribunal in WAI 27.

4.8 In short, Te Waihora and the smaller lake, Wairewa, were managed like giant fish traps which were also nurseries. They were managed with considerable sophistication and they supported substantial populations. Whilst eels were obviously important because of the ability to store the harvest inter-seasonally, many other fish species, particularly a range of flatfish, were able to be harvested and held on a year-round basis.

4.9 I was anxious about the knowledge that Riki was continually talking about while we were walking and travelling around and on Te Waihora. I feared that it might too easily be lost as he was not a well man, and that was why I was recording him. We got Riki to draw up a map of Te Waihora locating the traditional settlements and food gathering sites, which we used as part of the Ngāi Tahu Claim to the Waitangi Tribunal. (See figure 8 attached to my evidence at Appendix 1).

4.10 Over the last eight years our environmental unit, Toitū Te Whenua and our Archives team have been researching and mapping our traditional place names and sites of occupation with the guidance and support of kaumātua who were heavily involved in the research and negotiation of our Claim to the Waitangi Tribunal. The outcome of this work has been the development of an interactive GIS map of Māori place names, trails and original native reserves throughout the Ngāi Tahu takiwā. As Takerei Norton will show in his evidence, the mapping work around Te Waihora to date details numerous place names and settlements that are drawn from an analysis of information collated by Riki Ellison, H.K Taiaroa, James Canon Stack, Herries Beattie, W.A Taylor and the knowledge held by kaumātua and people of the local hapū. As I alluded to earlier Taumutu was always the major centre of permanent occupation at Te Waihora while most other places around the lake tended to be seasonal resource gathering points.

4.11 I now return to those significant historical associations of Taumutu and the surrounding areas. I can recall working on the end of Kaitorete Spit with Riki and the late Maurice Pohio removing kōiwi (human remains) that were
being exposed by sea action and reburying them at Te Ruahikihiki's old pā of Ōrākiri, which is now the site of the old Māori church at Taumutu (see figure 5 attached to my evidence at Appendix 1).

4.12 Again, there is a spring and stream at Taumutu, across the road from the marae, called Te Waiwhakaheke Tupapaku. Water comes up from the side and goes back down at the centre. Its name means “waters for the departure of the dead”. It was one of several such sites in the Ngāi Tahu rohe, which was used in ancient water burial. They used to put corpses into the spring and those corpses would get drawn away. There are, consequently, a whole range of rules about taking food from streams connected to that spring system.

4.13 Prior to Te Waihora being drained we must remember that when our tūpuna came to Te Waihora the shorelines were far different from those we are dealing with now. Motukarara, means “Island of Lizards”, and as its names tells, it was in fact an island. Taītāpua was exactly that, the outer edge of Te Waihora. The area we know as Te Koroha was part of the lakebed (see figure 9 attached to my evidence at Appendix 1).

5. TRIBAL RELATIONSHIPS WITH TE WAIHORA

5.1 The characteristic of most of our traditional 18 Papatipu Rūnanga is that they are multi hapū in their character. An example is the Kaikōura based, Ngāti Kurī. Their whakapapa is to be found in substantial degree at Awarua (Bluff) and on the Foveaux Strait coast. You find most of the other hapū of Ngāi Tahu in Murihiku (Southland) even though published tribal maps will tell you that Ngāti Mamoe is in the far south. Again, examination of the whakapapa of Ngāi Tūāhuriri in Canterbury demonstrates that they, together with Ngāti Kurī, have substantial elements of Ngāti Mamoe in their ancestral origins. I make this point so as to explain that the distinctions between the various sections of Ngāi Tahu have more to do with “branding” than with actual genealogical descent.

5.2 The relationships between all of the various sections of Ngāi Tahu were historically maintained by managed networks of political inter-marriage. The long term effects of those unions continue as a significant cultural feature today but not merely because of the admixture of origins. They were effected so as to secure resource rights and access as much as for the more traditional uses of marriage in peacemaking. The consequence is
that we end up with a much wider group than Te Ruahikihiki having interests in the resources of Te Waihora. To put it simply, a surplus of eels at Taumutu is the reciprocal of Taumutu having access to titi (mutton birds) or tio (oysters) or pounamu (greenstone) from other parts of Ngāi Tahu. Whilst Ngāi Te Ruahikihiki might hold the mana of Te Waihora, the lake and its resources are important to other sections of our people in the same way that their respective resources are significant to Ngāi Te Ruahikihiki.

5.3 Te Koroha is a further example of what I have just been saying. The Te Koraha Reserve is located on the southern bank of the Ahuriri Lagoon, which was a significant mahinga kai. The Te Koraha reserve is held by the Māori Trustee on behalf of all the Canterbury Rūnanga of Ngāi Tahu. Those reserves were put aside when the lake was drained in recognition that the interests in the bed went beyond Ngāi Te Ruahikihiki. Today the Te Koroha rents go to those Canterbury Rūnanga. It is one of the marks of recognition of that traditional network of intermarriage of which I have spoken.

5.4 We only need to look at some of the traditional travel routes used by Ngāi Tahu hapū to access Te Waihora to understand the wider tribal use of the lake (see figure 10 attached to my evidence at Appendix 1). With regards to Horomaka (Banks Peninsula) our Ngāti Whēke relations of Rāpakī and Whakaraupō travelled straight over Gebbies Pass; the people of Akaroa Harbour walked over the hills behind Wainui and down past Wairewa (Lake Forsyth); our Port Levy relations used both the Kaituna Valley and Wairewa; while our relations from Little River only travelled a short distance from their settlements surrounding Wairewa.

5.5 From further away locations, such as Kaiapoi, Ngāi Tūhuriri travelled through the swamplands that once covered Christchurch or around the Port Hills. Our southern relations travelled north along the coastline, which was our State Highway One. The Rakaia and Waikirikiri (Selwyn River), via the Waimakariri were popular access routes into the hinterland, and thence onto Te Tai Poutini, the west coast of the South Island. Indeed, the traditional account of how Ngāi Tahu learned of the Browning Pass route to Te Tai Poutini is centred on the tradition of Te Rakitāmau overhearing it in the course of events at Taumutu – another example of the continuing place of Te Waihora and Taumutu in our traditions.
6. THE NGĀI TAHU CLAIM

6.1 Following the signing of the Treaty of Waitangi in 1840, Ngāi Tahu began entering into a series of land sales deeds with the Crown. Under the land purchases the Crown guaranteed Ngāi Tahu that lands needed for settlements and mahinga kai would be set aside. However, in reality, Ngāi Tahu found themselves either landless or confined to tiny plots of land for cultivations and livestock only. Mahinga kai was now on land being opened up to Pākehā settlers and significant resources were being depleted or were gradually being destroyed. Loss of mahinga kai meant Ngāi Tahu could no longer feed themselves and trade as they had done in their traditional way.

6.2 In 1848 Te Waihora was part of the Canterbury Purchase or otherwise known as Kemp’s Deed so called because it was Henry Tacy Kemp who acted on behalf of the Crown in negotiating the purchase (see figure 11 attached to my evidence at Appendix 1). At the time of the Kemp Purchase Ngāi Tahu was under considerable pressure to agree because in the previous year the Crown had ‘purchased’ a large area of Ngāi Tahu land from Ngāti Toa under the Wairau Deed. As a consequence of that action, Ngāi Tahu felt compelled to sign Kemps Deed in order to confirm their mana over the remaining land.

6.3 Under the terms of Kemps Deed, Ngāi Tahu was promised that adequate reserves would be set aside for present and future needs, the provision of schools and hospitals, and all of our mahinga kai would be set aside. The Crown subsequently determined that mahinga kai sites were restricted to those areas currently under cultivations, such as gardens, or fixed structures such as eel weirs. As a result we lost ownership and control of, and access to, virtually all of our traditional food gathering areas within the Canterbury region, including Te Waihora.

6.4 Since 1849 key Ngāi Tahu families and individuals continued funding and fighting the Crown’s breaches of the Treaty of Waitangi and the Land Purchases. The Treaty of Waitangi Act in 1975 and its amendment in 1985 opened a door that had been closed to us for a long time. In 1986 the Ngāi Tahu Maori Trust Board, of which I was Chair at the time, lodged a claim with the Waitangi Tribunal concerning these Treaty and land purchase deed breaches.
6.5 In the Ngāi Tahu Claim we presented to the Tribunal the ‘Nine Tall Trees’, which referred to the eight major land purchases, with the three Horomaka purchases considered as one, and mahinga kai. The loss of authority over, and the degradation of Te Waihora was part of our grievance, and in its own right Te Waihora was a major limb of the Nine Tall Trees.

6.6 I can recall at one of the Waitangi Tribunal hearings held at Ngāti Moki Marae we presented evidence to the Tribunal about the significance of Te Waihora as a food source to Ngāi Tahu and the adverse impacts that the drainage and degradation of Te Waihora has had on our ability to gather food from our traditional food basket.

6.7 The Tribunal strongly recommended that Te Waihora be returned to Ngāi Tahu, and commented that this needed to be accompanied by significant and committed Crown action to restore Te Waihora as a tribal food resource. Subsequent negotiations with the Crown eventually resulted in us reaching a settlement, of which several significant food gathering areas were returned to Ngāi Tahu, including the lakebed of Te Waihora.

7. SUMMARY AND CONCLUSION

7.1 I have endeavoured to explain something of the nature of the Ngāi Tahu interest in Te Waihora and the underlying status of the lake and its environs in our culture and history. In doing so I have tried to demonstrate the nature and sources of my knowledge – principally derived from my association with the late Riki Te Mairaki Ellison. I have also tried to show that the historical role of the lake as a major source of Ngāi Tahu mahinga kai is a key element in the network of relationships which bind us as a people who belong to this island of Te Waipounamu. Customary fisheries are not just a sub-set of public recreational activity. As with other mahinga kai, they are at the heart of who we are.

7.2 I hope I have given you some indication of our belief that the traditional modes of management of lake opening were timed and effected so as to promote the health of the lake as an environment which fostered the sustainable regeneration and harvesting of food. It is our belief that those traditional practices should, as far as practicable, be reverted to (or permitted to be so) in the interests of regeneration and re-enhancement. The Water Conservation Order (WCO) for Te Waihora was a positive step in terms of lake management that recognizes Te Waihora’s cultural
importance to Ngāi Tahu. Lake openings now take place in consultation
with Ngāi Tahu and are undertaken with the health of the lake’s traditional
fisheries in mind. It is of paramount importance that we continue to build
upon the success of the WCO to further ensure that the lake and its
mahinga kai values are protected for future generations.

7.3 For us Te Waihora is a central element in our lives and our culture and we
seek to have that relationship included by way of reference to the
processes aimed at its ongoing health and wellbeing. The enhancement
and repair, to the greatest extent feasible, of that health and wellbeing of Te
Waihora is a major element in the cultural health and wellbeing of Ngāi Te
Ruahikihiki. Our relationship with Te Waihora is one of the wellsprings of
our intergenerational identity as a people.

7.4 Our history and our continuing presence is part of the ecology of Te
Waihora and it is my view and the view of Ngāi Tahu that the recognition of
that by way of reference should be integral to any consideration of the
enhancement and management of the lake.

7.5 What we seek is the recognition of our collective customary interests in the
management of the lake. We are not seeking to disturb the rights of others.

7.6 It is worth saying our property rights by which we were improperly and
unilaterally deprived constituted this lake and its bed. When we were
deprived of them the lake was then drained and converted to another use.
Now that we have rights to some measure of restitution, we have no desire
to damage or harm the comfort or rights of our fellow citizens. We want to
the greatest extent to have our rights and interests recognized and
acknowledged. We seek to have those rights restored consistent with the
co-existing rights of our fellow citizens, the lessors and current owners of
surrounding lands.

7.7 Finally, I wish to advance for your consideration the observation that what is
good for Te Waihora is good for Ngāi Tahu and what is good for Te
Waihora and for Ngāi Tahu is good for New Zealand.

T O'Regan

16 October 2014
APPENDIX 1

Figure 1.

Tū Te Rakiwhanoa raking the ruble of Canterbury Plans to form Banks Peninsula (John Herbison illustration from Ōtamahu: A Link with the Past).

Figure 2.
Photograph of Tuhiraki with Ōnuku Marae in the foreground (Photograph courtesy of Helen Brown).

Figure 3.

Map showing some of the key locations of the Ngāi Tuhaitara migration to Te Waipounamu (The Office of Te Rūnanga o Ngāi Tahu).
Figure 4.

Photograph looking south over Kaitorete Spit and Te Waihora.

Figure 5.

Photograph of the Hone Wetere Church (photograph courtesy of the Christchurch City Council).
Figure 6.

Photograph of the late Riki Te Mairaki Ellison (photograph provided by Dr Terry Ryan).

Figure 7.

Photograph of Ngāti Moki Marae (photograph provided by Helen Brown).
Map drawn by the late Riki Te Mairaki Ellison of the Māori occupation sites of Te Waihora (Ngāi Tahu Māori Trust Board).
Map of placenames near the Ahuriri Lagoon overlaying an 1856 survey map of the area (The Office of Te Rūnanga o Ngāi Tahu).
Map showing some of the traditional travel routes to Te Waihora (The Office of Te Rūnanga o Ngāi Tahu).
Copy of Kemp's Deed Plan (The Ngāi Tahu Deeds: A Window on New Zealand History p.95).