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 TAHU
DATED 16 OCTOBER 2014
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 (Inwell River), Araïara (Lil 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
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 a 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,
3.5 Ngāi Tūhaitara migrated to their relations of Kāti Kūrī 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 Whakaraupō (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 Kalapu and Tamakino about Kaitorete 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.
3.12 Te Ruahihiki claimed ownership of Taumutu, and his descendants today are collectively known as Ngāi Te Ruahihiki. Te Ruahihiki established the pā of Ōrārīki at Taumutu where the old Māori church, Hone Wetere, now stands (see figure 5 attached to my evidence at Appendix 1). Te Ruahihiki’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 Ruahihiki 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 Ruahihiki 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 Maihahau (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 Maihahau was away visiting his relations in Kaikōura, a woman by the name of Murihaka was caught wearing his tōpuni (a fine dog skin cloak). A garment of the Upoko Arika was extremely tapu and this sacrilegious act triggered off the inter-tribal fighting.
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 kaumātua 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.
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 Tiaroa, James Canon Stack, Herries Beattle, 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 Ruahlinkiki’s old pā of Ōrāiki, which is now the
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 tītī (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 Whake relations of Rāpaki 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 Tūāhuriri travelled through the swamplands that once covered Christchurch or around
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.
7.4 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
Map showing some of the key locations of the Ngāi Tuhaitara migration to Te Waipounamu (The Office of Te Runanga o Ngāi Tahu).
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 of placenames near the Ahuriri Lagoon overlaying an 1856 survey map of the area (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).