

**BEFORE THE CANTERBURY REGIONAL COUNCIL**

**IN THE MATTER** of a proposed plan  
change under Schedule  
1 to the Resource  
Management Act 1991

**AND**

**IN THE MATTER** of a submission by  
**NGĀI TŪĀHURIRI**  
**RŪNANGA** on  
**PROPOSED PLAN**  
**CHANGE 7 ON THE**  
**CANTERBURY LAND**  
**AND WATER**  
**REGIONAL PLAN**

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**SUMMARY OF EVIDENCE OF RAWIRI TE MAIRE TAU ON BEHALF OF NGĀI  
TŪĀHURIRI RŪNANGA**

**25 NOVEMBER 2020**

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## INTRODUCTION

1. My full name is Rawiri Te Maire Tau. My hapū is Ngāti Rakiamoa (Ngāi Tūāhuriri).
2. I am the Upoko (appointed traditional leader) for Ngāi Tūāhuriri. As Upoko I have the responsibility to ensure our tikanga is observed and the values and practices of our tīpuna are maintained. For reasons I outline, these values and practices are under serious threat by the degradation of the natural environment. I am also Co-Chair of Te Kura Taka Pini, the body instituted by Te Rūnanga to progress Ngāi Tahu rangatiratanga over freshwater.
3. I give my evidence with the support of Ngāi Tūāhuriri Rūnanga and Te Rūnanga o Ngāi Tahu.

## TE TIRITI O WAITANGI, RANGATIRATANGA AND PARTNERSHIP

4. I want to begin by talking about Te Tiriti o Waitangi, rangatiratanga and partnership
5. The contemporary relationship between the Crown and Ngāi Tahu is defined by three core documents: Te Tiriti o Waitangi, the Ngāi Tahu Deed of Settlement 1997 and the Ngāi Tahu Claims Settlement Act 1998 (**Settlement Act**).
6. Importantly, the Settlement Act recognised Ngāi Tahu rangatiratanga and committed the Crown to entering a new age of co-operation with Ngāi Tahu. As rangatiratanga is central to Te Tiriti o Waitangi, section 8 of the Resource Management Act 1991 (**RMA**) needs to be read in conjunction with the Settlement Act. Ngāi Tūāhuriri is of the view our rangatiratanga has been diminished, while the co-operation promised has not eventuated.
7. I will now discuss the context of the Canterbury Purchase or Kemp's Deed.

## **KEMP'S DEED**

8. While the 1848 Canterbury Purchase or Kemp's Deed saw Ngāi Tahu alienated from the majority of their lands, guarantees were also made. Namely:
  - (a) Kāinga nohoanga or 'places of residence' were to be set aside;
  - (b) Rights to mahinga kai were to be preserved;
  - (c) Right to development was to be provided for; and
  - (d) Rights were permanent
9. Unfortunately, these guarantees were not met, with disastrous consequences for Ngāi Tahu.
10. I now discuss what this means in the present, particularly with respect to mahinga kai.

## **MAHINGA KAI**

11. The importance of mahinga kai for Ngāi Tahu goes beyond providing a source of sustenance. For Ngāi Tahu our cultural institutions are the rivers, lakes, estuaries, and shorelines from which our foods come.
12. Mahinga kai was the way in which you learned your identity and whanaungatanga because you always moved in family groups when undertaking mahinga kai activities.
13. The touchstone for understanding the Ngāi Tahu position is rangatiratanga. As the Waitangi Tribunal found, Ngāi Tahu rangatira "would not have agreed to surrender their rangatiratanga over valued lands and food resources."
14. Reserves set aside under Kemp's Deed were placed next to the Ruataniwha (Cam River) with the expectation our people would be able to continue to gather food. The Fenton Reserves contain a legal order for "fresh flowing water" on our reserves to preserve mahinga kai.

15. However, our freshwater bodies and mahinga kai have not been protected.
16. Today when I refer to manuscripts from 1880, I am simply unable to find many of our waterbodies. The reason for this is because many of them are extinct now.
17. Moving forward to the 80s and 90s our kaumātua before the Waitangi Tribunal made clear how much mahinga kai had been lost and the blow this represents for our people. However, I also think there was hope matters would improve - the Crown had promised to restore our Treaty relationship, and we understood the RMA would increase recognition given to our rights and interests.
18. Instead, the acceleration of this degradation has been nothing short of staggering. If you had told me then that in 2020 we would find ourselves in the position we are in today – watercress too logged with effluent to be eaten, rivers too toxic to be swum in – I do not think I would have believed it.
19. The loss that this represents for our communities cannot be overstated. I've noticed at our tribal gatherings and around our communities that people are no longer grounded in food. By this I mean they no longer have a connection to it, an understanding of the ecosystems on which they depend, or how it connects them with their ancestors.
20. The cultural and mental health impact of this loss is substantial – it dislocates people from their identity. The traditions and stories are lost because of an absence of seasonal practices. The burial grounds and other wahi tapu are not visited and are forgotten.
21. This loss is quite hard to explain to Pākehā; I do not think there is an understanding of how integral these waters and food are to us as a people. Our mythology and identity is tied up in our landscapes and practices which have been removed absolutely in this area over the last twenty years.
22. I think we would all like to think that we walk in a post-settlement landscape now and that the days of grievance are behind us. Today Ngāi Tahu has a visibility that would not have been possible in the time of my father and I acknowledge this. But the further reality is that so much of what we had left remaining at the time of settlement has been lost in the subsequent years.

- 23.** I actually think that what has driven the widespread degradation in the last twenty years is no different than what happened with the drainage of Te Waihora in the 1870s. The problem is there has been a continuously flowing riverbed of logic that dictates the agricultural industry trumps mahinga kai and the needs of our communities. Under this logic our mahinga kai is categorised as 'cultural'. In reality, it is the underpinning of our way of life, not just our culture, but our economies and society.
- 24.** In order to move past this space of degradation and grievance, we need to be able to find a space of mutual recognition and respect. To me, this means allowing Ngāi Tahu to exercise our rangatiratanga over freshwater. We need have to have authority on what is happening in our waterways and on our reserves. This would be in fulfilment of the Crown's obligations under Kemp's Deed.

## **CONCLUSIONS**

- 25.** As explained, our reserves were set aside as a kāinga nohoanga – a place of residence while our mahinga kai was to be protected. We need to work towards healthy waterways where we can generate food to maintain our communities which requires strong provisions on the health of mahinga kai.
- 26.** While I welcome the mahinga kai enhancement allocations in Plan Change 7, the value of our mahinga kai is such allocations should be provided even in over-allocated catchments.
- 27.** We can no longer afford long timeframes for improvements in minimum flows and nutrient reductions: a crisis requires a commensurate response.
- 28.** Furthermore, strong provisions to restrict stock access to waterways should be introduced.
- 29.** In order to rebuild our mahinga resources the inclusion of the Ashley Estuary (Te Aka Aka) and Coastal Protection Zone is also appropriate. The importance of this area for mahinga kai cannot be understated and it is critical we have protections for our remaining taonga.

- 30.** The Ngāi Tūāhuriri Rūnanga submission further sets out our views on how our rights and values could be better incorporated into the Plan Change 7. The evidence of Ms McIntyre details the appropriate planning concerns and mechanisms.