BEFORE THE COMMISSIONERS ON BEHALF OF
THE OTAGO REGIONAL COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER Proposed Otago Regional Policy Statement 2021

STATEMENT OF EVIDENCE OF MATAPURA ELLISON
ON BEHALF OF
TE RŪNANGA O MOERAKI
KĀTI HUIRAPA RŪNAKA KI PUKETERAKI
TE RŪNANGA O ŌTĀKOU
HOKONUI RŪNANGA
23 November 2022

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Ko Hikaroaroa te mauka
Ko Waikōuaiti te awa
Ko Pūrākaunui, ko Pirini Pania, ko Puketeraki, ko Karitāne kā papakāika
Ko Kāti Huirapa, ko Moki Tuarua, me Kāi Taoka kā hapū
Ko Puketeraki te marae
Ko Huirapa te whare

Ki kā whare tipuna o ia kāika, o ia hapū o Te Tai o Āraiteuru tēnā koutou katoa
Ko kā iwi ko Kāi Tahu, Kāti Māmoe, me Waitaha hoki

QUALIFICATIONS AND EXPERIENCE

1. My name is Matapura Ellison. I was born in 1955 and have lived at our seaside kāika of Karitāne for all but one year of my life. My father John Rangiroa Huia Ellison was born in 1901, being one of eight children of Teone Matapura Ellison[1] and his wife Taua Sally nee Parata.[2] It was the opportunities I had during my formative years to talk with my father and his brothers and sisters about their experiences of growing up in the early part of last century, which has shaped my understanding of Te Ao Māori and my place within it.

2. I have been actively involved in the affairs of Puketeraki marae since the age of eighteen. I am the Chairperson of Kāti Huirapa Rūnaka ki Puketeraki and have held this position for more than thirty years. I am involved with our Papatipu Rūnaka Komiti Kaupapa Taiao (environmental committee), which focuses on matters relating to the natural environment. I am also the representative for my Papatipu Rūnaka on Te Rūnanga o Ngāi Tahu, where I also hold the role of Kaiwhakahaere Tuarua. I am recognised by my Papatipu Rūnaka as a cultural expert.

3. I give my evidence on behalf of Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga (collectively mana whenua).

4. In preparing my evidence I have reviewed:
   (a) The Ngāi Tahu Report 1991, Waitangi Tribunal WAI 27
   (b) The Ngāi Tahu Ancillary Claims Report 1995, Waitangi Tribunal WAI 27

SCOPE OF EVIDENCE

5. My evidence addresses the following matters:
   - The history of Crown purchases of Māori land within my takiwā, including Crown failures to adhere to various undertakings in these sale deeds
   - The impacts of negligent resource management decisions by local authorities on Kāi Tahu communities and culture across generations
   - Current Kāi Tahu aspirations for Māori land within my takiwā – particularly papakāika aspirations, and the barriers whānau currently face within resource management policy to achieving these

[1] Teone Matapura Ellison (Erihana) (1864–1949), Kāi Tahu, Te Āti Awa, Ngāti Mutunga, Ngāti Tama
[2] Hera Kore Parata, the second daughter of long-serving Kāi Tahu parliamentarian Tame Parata (c.1838–1917)

KĀTI HUIRAPA RŪNAKA KI PUKETERAKI

6. The hapū that have prominence at Puketeraki marae in Karitāne are Kāti Huirapa, Kāi Te Ruahikihiki, Kāi Taoka, and Kāti Moki Tuarua.

7. Prior to the Ngāi Tahu settlement with the Crown, we were very focused here in Karitāne on our Huirapa Māori Committee. The need for a new legal structure that did not whakapapa back to Crown legislation became increasingly important to our community during the 1980s' as we participated in the negotiations around the settlement of the Ngāi Tahu claim. Kāti Huirapa Rūnaka ki Puketeraki was formed in 1990 to provide a legal form for our local mana whenua traditional communities in the post-Settlement environment.

8. The takiwā of Kāti Huirapa Rūnaka ki Puketeraki centres on Karitāne and extends from the Waihemo River (Shag River) to Purehurehu Point (north of Heyward Point) and includes a shared interest in Otepoti (Dunedin) and the greater harbour of Ōtākou. Our takiwā extends inland to the Main Divide where we share an interest in the lakes and mountains to Whakatipu-wai-tai with Papatipu Rūnanga to the north and south.

THE KEMP PURCHASE AND IMPACTS OF LAND SALES ON KĀI TAHU

9. Many Māori have the shared experience of being alienated from our lands. For Kāi Tahu, it was not achieved with guns and raupatu,[3] but was achieved by other means to the same effect; namely the loss of access to our indigenous lands, resources, and the resulting slow decline of our traditional kāika.

10. In 1848, Henry Tracy Kemp, acting on behalf of the Crown, purchased an estimated 20 million acres of land for £2,000 in what is now known as the Canterbury Purchase or Kemp's Deed. If our rakatira had not agreed to sell, the Crown would have recognised the claims of Te Rauparaha, a Ngāti Toa chief from the North Island who had no claim to this land.[4] The boundaries of the sale were not well defined at the time, and the exact area purchased by the Crown has always been a contentious issue for Kāi Tahu.

11. What is not under contention, however, is that the 1848 Kemp Purchase agreement provided the following undertaking:

[3] The Crown confiscation of Māori-owned land as punishment for Māori who opposed Crown policies
[4] The Crown, prior to the Canterbury Purchase had bought land at Kaikōura and Kaiāpoi belonging to Kāi Tahu from Te Rauparaha.

"Ko o matou kainga nohoanga ko a matou mahinga kai, me waiho marie mo matou, mo a matou e tamariki, mo muri iho i a matou; a ma ta Kawana whakarite mai hoki tetahi wahi mo matou a mua ake nei a te wahi e ata ruritia ai te whenua nga Kai Ruri."[5]

12. This recorded that land would be set aside for our kāika, further lands would be set aside to enable the expansion of these kāika for future generations, and that all areas where mahika kai activities were undertaken would be reserved for us. Unlike the Ōtākou Deed, these undertakings were made explicitly in writing in Kemp's Deed.

13. Retaining access to mahika kai resources was pivotal to maintaining an economic base for Kāi Tahu whānau and hapū. Pre-European crops such as kūmara did not grow in abundance south of Waihora (Lake Ellesmere) due to the shorter growing season, so our tūpuna relied on the seasonal gathering of mahika kai from the coast and the inland areas to sustain themselves.

14. Kemp was instructed to identify and survey the lands that would be reserved for Kāi Tahu prior to the signing of the deed. This did not occur. Kemp's Deed was then implemented by Crown civil servants such as Walter Mantell, who zealously pushed to minimise Native Reserves, shrinking them further, or removing them where he could. Our tūpuna who remonstrated with the Crown officials were described as "troublesome natives" when they opposed these acts of ill-faith.

15. It is important to note that out of that massive acreage covered by the Kemp Purchase, stretching from north of Christchurch to south of Dunedin (excluding the Ōtākou and Banks Peninsula blocks, which were purchased separately) the area that the Crown set aside for Kāi Tahu was a meagre 6,359 acres. When we look at the acreage considered acceptable at the time for a Pākehā family, versus what was considered appropriate acreage for all Kāi Tahu living within the Kemp Purchase area, the difference is stark, and was, at its core in my view, racist.[6]

16. Our people lost access to mahika kai resources, and insufficient land was set aside within the Native Reserves to enable our people to benefit from the new economy or even to sustain themselves. Our people went from being chiefs and traditional owners of the land to being almost destitute in one generation. These acts of colonisation –

[5] Waitangi Tribunal (1991) *The Ngāi Tahu Report*, Volume 1, p.52.
[6] At Waikōuaiti, Johnny Jones, a European farmer and entrepreneur, was awarded over 1000 acres per member of his family, including his wife and nine children. In contrast, Kāi Tahu were left with less than 30 acres per head. (*Source: The Ngāi Tahu Report 1991, p.43*)

and those that followed - were transformational to our culture, identity, economic prosperity, and wellbeing, with impacts reverberating through to the present day.

ALIENATION OF THE NATIVE RESERVES

17. Without easy access to mahika kai resources and sufficient land to sustain themselves and their whānau, many whānau were forced into parting with further pockets of Māori land to cover debts incurred for such core cultural responsibilities such as attending takiaue. There were some quite good Pākehā entrepreneurs hanging out around every Māori kāik who profited from our destitution. One person became one of the biggest landowners in our district. One of his characteristics was that while he honestly enjoyed the company of Māori people, he also had an eye for business, and would lend local Māori money if they needed money to attend a tangi or other purpose - but would require them to put their land as security. Inevitably, they wouldn't be able to pay the money back, and this person would become the owner of yet another block of Māori land. That happened time and time again.

18. Our Native Reserves were also reduced in size or lost by the decisions of the Crown and Local Government - power structures that were imposed upon us. The Matainaka Reserve at Waikōuaiti was cut through by the Otago Provincial Council to drain the upper area by the racecourse in the 1870s. They cut right through the Reserve, making it largely useless in a sense. Its intended purpose was as a food-gathering location for local Māori, but by cutting through it and draining it, many of the mahika kai species we gathered there disappeared. That is just one example of how the Provincial Government of the day used Māori land as they wished, really. There was very little opportunity to rail against those decisions. It is also another example of how our access to mahika kai resources was progressively compromised.

19. This dismissal of our rights to our own Reserves continued into the twentieth century. In 1925, Hone Matiu and my grandfather were successful in getting an area of the Waikōuaiti foreshore gazetted as a Māori Reserve, on the grounds of it being a burial site. After my father and some other men from the kāik undertook works to remediate the reserve after it was damaged in an extreme weather event, the Crown Marine Department threatened to take the Waikōuaiti Māori Foreshore Reserve Trust to court for "undertaking illegal reclamation". When this matter was eventually settled via the Ngāi Tahu Ancillary Claims process, the Crown essentially vested the disputed area in the Waikōuaiti Māori Foreshore Trust on the proviso that they agreed to a long-term lease of the Māori Reserve for use by the Council. This is another example of the unequal use of power, knowledge, and information that was used against our people to further alienate us from the small pockets of communal land we had left.

CULTURAL DISCONNECTION

20. Once land was sold to the Crown via the Kemp Purchase, fences started to go up, and our tīpuna's access to their mahika kai, ara tawhito, and other important parts of the landscape were pretty much gone. This is similar to the experiences of our whanauka in Ōtākou and Moeraki. Our people went from having a landscape-wide view of our environment and sense of belonging, to a very localised one bound by our Native Reserves.

21. Our people used to live a lifestyle anchored around regular heke across the landscape for mahika kai gathering. My tupuna, Te Matehaere, used to go inland via the Pig Route to Manuherekia to gather mahika kai: tuna (eel), pora (Māori turnip), weka, pārera (grey duck), pūtakitaki (paradise duck), kōareare (an edible plant), and raupō, among other things. It was an annual heke, and part of his taki whenua: the putting of your footsteps on the land to maintain your ahi kā. He was regularly doing this in the 1830, but within two generations those kinds of activities had completely stopped within our hapū at Karitāne.

22. Those more distant parts of our takiwā just became faraway places that our old people spoke about, as our heke-based mahika kai lifestyle had been lost. Since we could no longer hold onto our ahi kā through taki whenua, whānau started naming their children after those places as a tohu of past associations instead, so that those places were not completely forgotten. My half-brother, for instance, was called Hāwea by our grandmother in memory of our lands at Hāwea in Central Otago.

23. Within a few generations we went from having an intensely intimate and physical interaction with the entire landscape, to being isolated on Native Reserves. Not only did this lead to cultural breakdown and destitution, but the mindsets of our people shrunk as we became increasingly colonised. In my father's lifetime we didn't consider it possible to buy land outside the "Māori Line" (the boundaries of the Native Reserve). It was one of those strange things, they thought "that's Pākehā land, we can't go there". Instead, we were always looking to buy land within the Native Reserve, which was a self-imposed limitation. I grew up with that mindset too.

THE DECLINE OF THE KĀIK

24. The people that I grew up around were trying to be Māori and to hold on to what they felt they could, but as a collective group, they were largely totally disadvantaged. They had no real communal asset base at all. A few blocks of lands within the Māori

Reserves were clung on to, but their owners had no resources at all to develop that land to create an economic base.

25. My older cousins that grew up at the kāik speak about it being a very alien experience, in many ways. The old people would still meet in the old Huirapa Hall and have energetic debates about the Treaty of Waitangi and the grievances from Kemp's Deed and other land sales. The younger ones used to be somewhat bewildered because, as it was told to me, the old people would get so animated; they would be poking their walking sticks in the air and gesticulating, and all the kōrero was in te reo Māori. None of my cousins' generation spoke te reo Māori, so the passion of the oratory was both unfamiliar and unintelligible. My Dad was born in 1901, and his parents spoke te reo Māori, but they did not speak it to him or his siblings. That was a deliberate strategy of their parents guiding their children towards learning Pāhekā ways – the way to survive in the future. More formal government policy saw the punishing of Māori children for speaking te reo Māori in the Crown-run Native Schools.

26. By the time I came along, most of those old people had melted away, and my Dad's generation, people born from the 1890s, were the old people now. This generation were not fluent speakers of te reo Māori, and their views and priorities were largely impacted by their experiences of the Great Depression and World War II. However, as a young adult I would still hear my Dad and his sister talking about places like Hāwea and the Māori Reserves.

27. One thing my father instilled in me was to hold onto our land. Landholding drove my father, and he passed that on to me. It is a lifestyle that has made me cash-poor but enhanced my sense of culture and place. It became like an anchor. It was a struggle to maintain, and there were sacrifices along the way to achieving that, which is probably the experience of many Māori families who have successfully struggled to retain their land.

28. There were still several families living in Karitāne/Puketeraki when I was growing up, but over time, more whānau started to leave the kāik for work in the bigger centres. When the railway jobs were moved into the city, whānau followed for work; and when the Post Office in Karitāne shut down, those whānau had to move away for work as well. Some whānau who left sold their lands, to the regret of their future generations. Our sense of ahi kā was at a low ebb at this time, and our kāik and ancestral whenua had lost relevance and value to many of our people. That is what you get when you are colonised.

CULTURAL REVITALISATION AND THE KĀI TAHU SETTLEMENT

29. One of the beautiful things about our people is that they had great mana. Even in the context of everything our families had experienced, they maintained great pride in themselves and their families, and what they could retain or have the ability to influence. Those that had moved away would still return to the kāik for tangi at the Huirapa Hall. People talked about how tragic it was that we only met for tangi.

30. The Huirapa Hall continued to be a focal point for our hapū. The main focus of the Huirapa Māori Committee was on maintaining that old building. Māori communities that did not have a physical footprint like we had with the hall found it even harder to keep their connections alive.

31. There came a time though, when Huirapa Hall needed to be replaced. We discussed this idea of having a wharenui, and what it might be for us. Over a decade or so we had wānanga to draw the threads back together and gradually enough people came on board to breathe life into these ideas around cultural revitalisation. It was a generational process of course, which coincided with both the Māori Renaissance of the 1970/80s, and the Ngāi Tahu Claim being settled in 1998, which reinvigorated the iwi. Our new wharenui was opened in 2000, two generations after the first discussions about replacing the old Huirapa hall.

32. The settlement of the Ngāi Tahu Claim has aided the revitalisation of an economic base in Karitāne. Our Papatipu Rūnaka is now the biggest employer in Karitāne. We bought the old Karitāne School as our first purchase in the early 1990s. We thought it was a lot of money, but we managed to talk our own people into the purchase, and it has become a hub of activity, with a developing plant nursery and our Papatipu Rūnaka offices being based there now.

33. We also bought a piece of land on Old Coast Road with the objective of providing whenua that whānau could reconnect to and call their own. There are still a few of us farmers on whānau land that we have retained, but everyone else has lost most of their land. In the absence of papakāika, we have set up this land as a place for all hapū members to come and use. Whānau have adapted it for multiple uses now and it has become quite a hub of activity. For example, there is a māra kai on-site, a new waka unua is going to be built from there soon, and a seasonal camping area for whānau is going to be established.

PAPAKĀIKA ASPIRATIONS AND BARRIERS

34. When we use the term papakāika we are referring to the types of development and activities that are needed to support whānau to live on their land. This includes a broad range of activities on the whenua such as housing, cultural activities, social services, and the ability to earn a living. The development of a māra kai and seasonal camping on our land at Coast Road is an example of some of the activities that could be undertaken as part of a papakāika development.

35. My view of papakāika is that they are for whānau to develop, rather than the hapū. There are a few families that have a small bit of land left; often it can be about 3 or 4 hectares by way of a paddock here and there. This creates a space for them to consider papakāika uses - not just residential papakāika, but any papakāika use that brings whānau back together on their whenua. To my mind, papakāika is for the strengthening of whānau in the first instance, rather than hapū because if you can find ways to empower the whānau, the hapū is also a natural benefactor. This is an opportunity for individual groups of whānau to redevelop or reenergise their identity. If you have a strong whānau, they will then contribute in a stronger way to their hapū activities.

36. Our Papatipu Rūnaka is continuing to buy land when we are able to, with the idea that papakāika may be viable for more whānau in the future, particularly those who no longer have their own land here at Karitāne. Even though we already have a small area of communally owned land on the foreshore, it does not lend itself well to papakāika because it is right on the sea, so is subject to erosion.

37. The current rules are reflective of the fears that some councils have based on misconceptions around the nature of papakāika development. In the past, there has been a fear that enabling papakāika would lead to the “ghettoization of Puketeraki Hill” through land being split up and dozens of houses popping up on the hill. These risks and other perceived risks of papakāika development have been overplayed.

38. A better example is a whānau grouping at Brinns Point. They have rebuilt the old house that had survived there, which may in time become their whānau marae for their own activities, rather than the hapū marae at Puketeraki. I think that is a good example of what papakāika could be. That whānau were lucky that they had the remnants of a house that was not so far gone that they were not able to recover it. They had to pull part of it down, but they retained the essence of the building. It also made it easier for them to get resource consent. They probably would not have been able to build on the land without the pre-existing building. This did, however, restrict

them to developing inside the existing footprint of the house, so as to adhere to the current planning provisions.

39. We need to knock some of these kinds of roadblocks out of the way so that more papakāika development can go ahead. If we can build on what land we have left, that will create viable opportunities for activities on small pieces of land that might allow the people to come back, even if it is only part time or to undertake economic activities. The internet has revolutionised where people can work from and enabled people and business options to work from home and create a new local economy. When whānau regain or retain access to their lands and have the mana motuhake to make decisions on how it is managed and used, it gives them a focal point to rebuild their collective identity. After generations of loss and disconnection from our whenua, creating these opportunities is now more important than ever.

40. There are already a range of additional burdens that come with owning Māori land. Rates have historically been a burden, along with historical financial constraints of developing such whenua. Multiple ownership and lack of ability to access the land has also been a historical limitation. Often, Māori landowners are caught in a cultural bind that non-Māori landowners/ farmers aren't constrained by, for example non-Māori will buy their property when young and on retirement they harvest their capital for retirement. This is not an option for many Māori landowners who see themselves as kaitiaki for their time occupying whānau land and are committed to intergenerational ownership.

41. District Plan rules placing limitations on rural housing development have largely worked against Māori landowners who often have had less than the threshold hectares required to be able to build a dwelling on their rural land. Recently, there have been legislative changes regarding rates on Māori land and the banking industry is becoming more willing to be innovative in helping Māori landowners to use their whenua, for example to develop papakāika on their lands. While these are useful developments, our people still need more enabling papakāika planning rules to realise their ideas for their land. It is my hope that this Regional Policy Statement will support provision for a broad range of papakāika activities in District Plans to enable our people to reconnect with the whenua.

CONCLUSION

For those of us who lived through the Ngāi Tahu claim settlement process, it felt to many of us like a watershed moment. We tried to look forward to what new opportunities lay in front of us now, not backwards – mostly because it is a painful story to recount.

Despite this historical pain, some of these kōrero have been recounted here to provide context to the matters we are recommending be incorporated into the Otago Regional Policy Statement. As an iwi, we are focused on moving forward in our efforts to reclaim our culture and identity as Kāi Tahu, our ability to live and work on our whenua, and engage with our mahika kai practices are central to this.

Matapura Ellison

23 NOVEMBER 2022

Appendix 1: Glossary of Māori words and phrases

Ahi kā	Representation of continuous occupation, the idea of mana whenua being continuously present on their land
Ara tawhito	Trails and travel routes
Hapū	Sub-tribe
Heke	Migration
Iwi	Tribe
Kāika/ Kāik	Settlement
Kāi Tahu/ Kāi Tahu whānui	the collective of the individuals who descend from one or more of the five primary hapū of Hāwea, Rapuwai, Waitaha, Kāti Mamoe and Kāi Tahu. Kāi Tahu hold mana whenua status across large tracts of Te Waipounamu
Kaitiakitaka, kaitiaki	The exercise of guardianship over natural and physical resources,as an expression of rakatirataka and mana; a person undertaking roles as an expression of kaitiakitaka
Kōrero	Conversation
Mahika kai	A term that literally mean “food workings” and refers to the customary gathering of food and natural materials, and the places where those resources are gathered or produced. The term also embodies the traditions, customs and collection methods, and the gathering of natural resources for cultural use, including raraka (weaving) and rokoā (traditional medicines).
Mana	Prestige, authority, control, power, influence, status
Mana motuhake	Self-determination
Mana whenua	Customary authority or rakatirataka exercised by an iwi or hapū in an identified area*,* iwi that hold this customary authority in a specific location
Māra kai	Garden of edible crops
Papatipu Rūnaka	Regional Kāi Tahu governing bodies
Papatūānuku	Kāi Tahu deity represented by the earth
Rakatirataka	The exercise of mana or authority to give effect to mana whenua culture and traditions across all spheres of their takiwā, including the management of te taiao
Rakinui	Kāi Tahu deity represented by the sky
Raupatu	The Crown confiscation of Māori-owned land as punishment for Māori who opposed Crown policies
Takiauē/tangi	Funeral proceedings
Takiwā	Area, region, district
Taki whenua	The putting of your footsteps on the land to maintain your ahi kā

Te reo Māori	The Māori language
Tohu	Sign, signal, indicator
Tupuna/ tūpuna	Ancestor(s)
Waka unua	Double-hulled canoe
Wānanga	Workshops or meetings for discussions to occur
Whānau/ whanauka	Family/ relations
Wharenui	Traditional meeting house
Whenua	Land