

# The Return of Tūtaepatu Lagoon

MARTIN FISHER

## Abstract

Tūtaepatu lagoon has been an important Ngāi Tahu mahinga kai/food gathering site for over 300 years. Following the formal colonisation that began in 1840, Ngāi Tahu meant to reserve the lagoon from the 1848 Kemp's Deed purchase but this was not done. This article sets out the ways in which control of this mahinga kai was wrested from the control of Ngāi Tūāhuriri hapū in the mid-nineteenth century and managed by Pākehā local and central government authorities throughout the twentieth century until it was finally returned as a part of the Ngāi Tahu Treaty settlement in the 1990s. The importance of political power at both the local and central government level was fundamental to its eventual return.

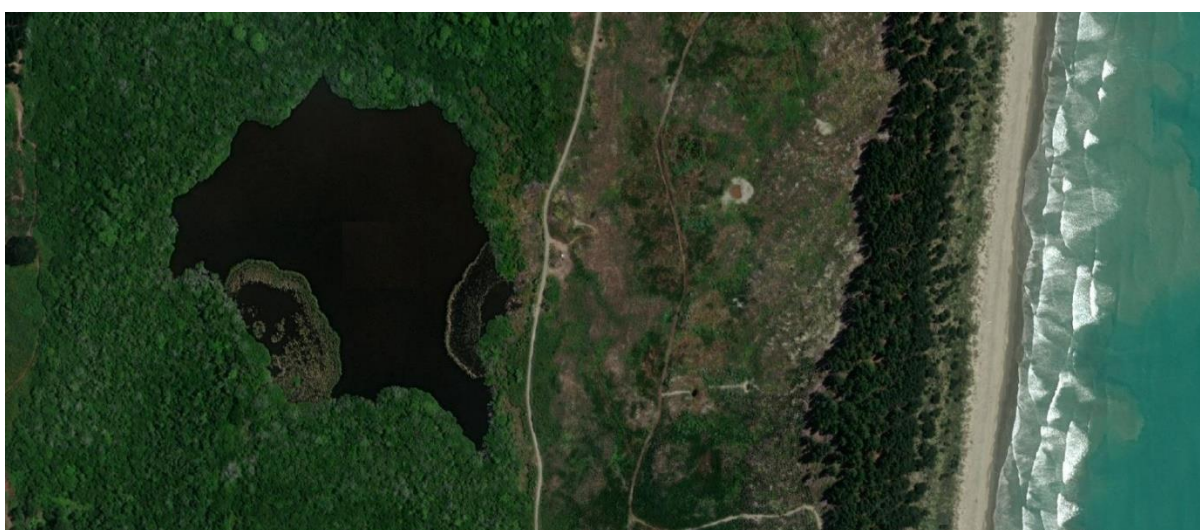


Figure 1: Tūtaepatu on the left with the Pacific Ocean on the right

One of the most important mahinga kai for the Ngāi Tūāhuriri hapū of Ngāi Tahu has always been Tūtaepatu lagoon. Prior to the arrival of Europeans, Kaiapoi Pā was the largest and most important residential and commercial centre in Te Wai Pounamu/the South Island. Kaiapoi Pā in central/north Canterbury was surrounded by a number of significant mahinga kai from the coast nearby, in the Rakahuri/Ashley and Ruataniwha/Cam rivers as well as the kaleidoscope of surrounding swamps and lagoons including Tūtaepatu. Following successive invasions and a famous siege of the pa in 1831 which rendered it tapu due to the shedding of blood it was abandoned by Ngāi Tūāhuriri. After land purchasing by the Crown in the late 1840s, the former community of Kaiapoi Pā relocated itself to Tuahiwi nearby. This article sets out the importance of the lagoon to Ngāi Tūāhuriri and the ways in which control of this mahinga kai was wrested from the control of the hapū in the mid-nineteenth century and managed by Pākehā local and central government authorities throughout the twentieth century until it was finally returned as a part of the Ngāi Tahu Treaty settlement in the 1990s. There was a significant cultural clash of conceptions between Western and Māori methods of environmental management. The importance of political power was fundamental to its eventual return and speaks to the struggle of Maori communities across the country who have historically not only had to deal with the effect of central government control but also an unsympathetic and often intransigent local government. Māori interactions with local government historically have not

been researched at the level of Māori-central government relations, and case studies such as this investigation of Tutaepatu Lagoon are important to both broaden our understanding of this key part of Aotearoa New Zealand’s history and focus on the local experiences of whānau and hapū.

### **Early history of Tūtaepatu Lagoon**

Tūtaepatu lagoon is located near Woodend Beach and is fed by the Rakahuri/Ashley River through a number of creeks and ground water. It was believed that the lagoon contains the urupā for Tūrākautahi, middle son of Tūāhuriri’s wife Hinetewai, who was the founder of Kaiapoi Pā.<sup>1</sup> In fact, he is buried elsewhere but a number of other tūpuna are buried at Tūtaepatu.<sup>2</sup> Eels were the main source of food taken from this lagoon by netting or spearing and were known to be large and black. They were guardians of Tūtaepatu and the nearby Ruataniwha (Cam) river. Eels continued to be an important source of food for the Tuahiwi community until the 1970s when eel numbers plummeted but have rebounded in the 2000s. Even when there were few eels left in the lagoon, women from Tuahiwi continued to use the paru (mud) from the lagoon as a black dye for their harakeke (flax) and kiekie weaving.<sup>3</sup> Eels from Tūtaepatu had a particular taste due to the unique environment contained in the lagoon. Rakiihia and Te Maire Tau noted that “eels caught at Tutae patu were firm and were enhanced by currying them, opposed to eels caught in the Cam.”<sup>4</sup>

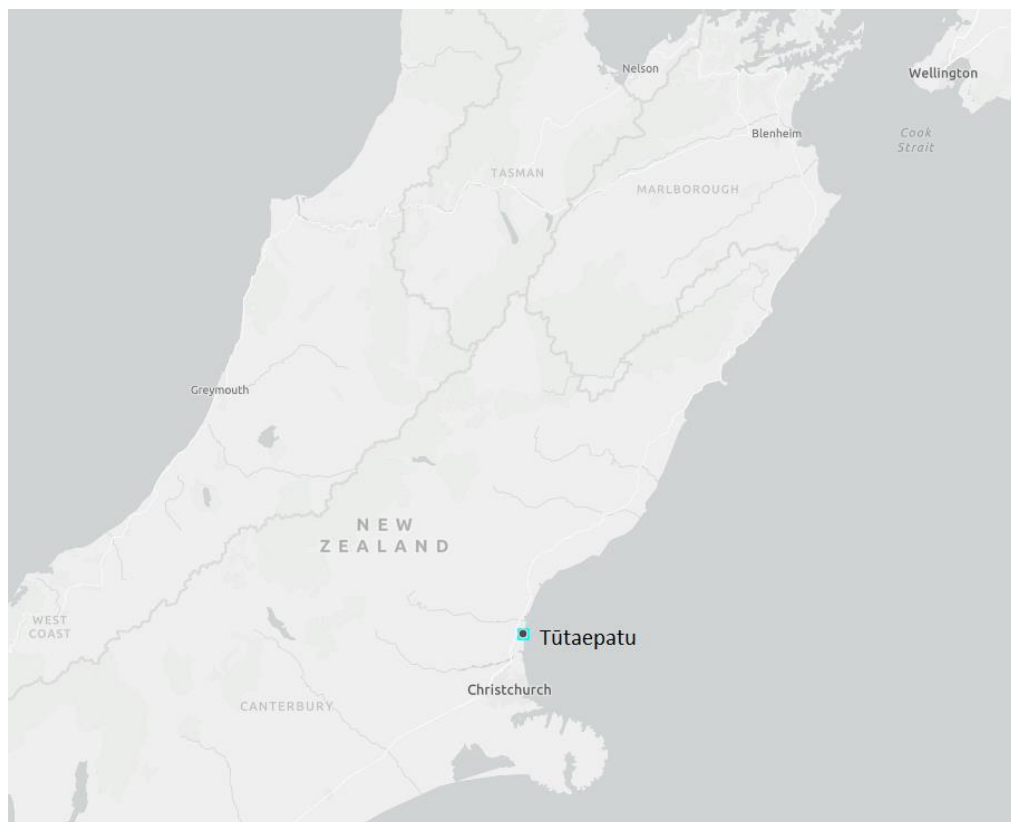


Figure 2: Location of lagoon in Te Wai Pounamu/the South Island

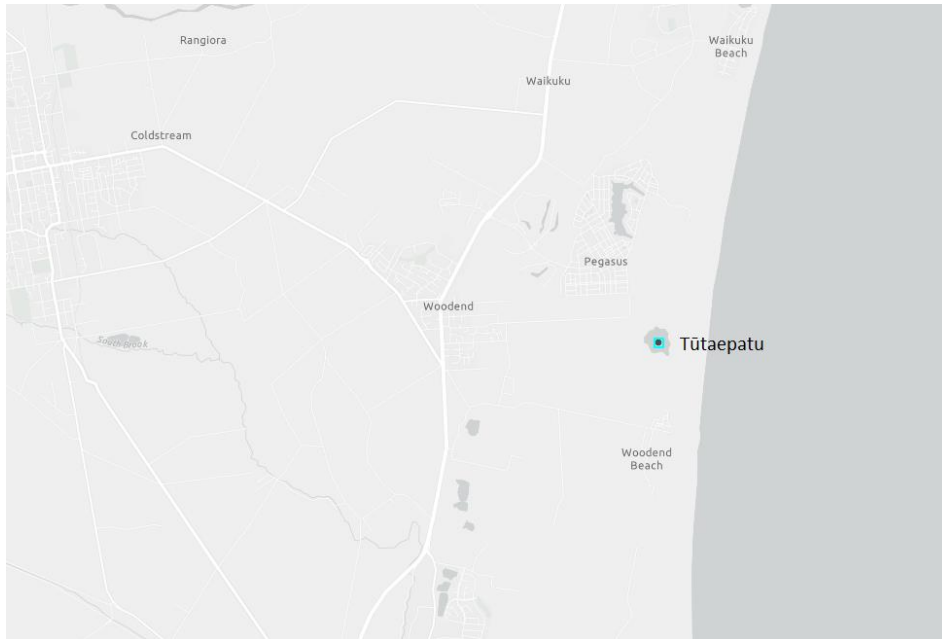


Figure 3: Location of lagoon locally

In 1848, under significant pressure from colonial authorities who had already mischievously and unjustly purchased lands from Ngāi Toa in North Canterbury and Kaikoura, Ngāi Tahu rangatira sold 20 million acres for £2,000 through what became known as Kemp’s Deed. The iwi were left just 6,359 acres spread across the massive purchase area. Ngāi Tahu initially demanded millions of pounds for the enormous block but were pressured to sell at an incredibly low price. The largest block of land was reserved at Tuahiwi, not far from the now tapu Kaiapoi Pā. Tuahiwi was to be the new centre of the Ngāi Tūāhuriri Rūnanga<sup>5</sup> and nearby was the Tūtaepatu Lagoon.<sup>6</sup>

Drainage operations in Aotearoa New Zealand in the post-1840 period was part of the overall transformation (including tree felling) that served to change the environment of these islands perhaps quicker than any other land settled by humans in the world.<sup>7</sup> This was certainly the case for the swampy land filled with a series of lagoons in central and north Canterbury. Nearby Tūtaepatu lagoon was another important wetlands—the Tairutu lagoon which directly abutted Kaiapoi Pā and used to provide so much kai for its residents.<sup>8</sup> In July 1861 Woodend resident George Edlin offered to drain off the “Kaipaoia [sic] lagoon,” which was in fact Tairutu lagoon. His tender proposed the draining to take place over 2 months for the sum of £27, and it was at least partially drained at that time.<sup>9</sup> The increasing drainage activities occurring around Canterbury led to efforts by Ngāi Tahu across the rohe to preserve and protect their mahinga kai.

Since 1849 Ngāi Tahu rangatira had petitioned the Crown to provide adequate reserves as had been agreed to during the negotiations leading to the signing of Kemp’s Deed in 1848. Finally in 1868 the Native Land Court (NLC) held its first hearings in the South Island sitting in Christchurch presided over by NLC Chief Judge Francis Dart Fenton.<sup>10</sup> It was that same year that the first Pākehā reservation of the Tūtaepatu lagoon area was made in 1868 for a rifle range by the central government. Ngāi Tahu rangatira, including from Ngāi Tūāhuriri, took the NLC hearing as their opportunity to air their grievances against the Crown in an attempt to obtain additional reserves.

During the NLC hearings, Fenton refused to hear any claims related to lands that had already been Crown granted<sup>11</sup> such as those claimed by Hakopa Te Ata o Tu in Christchurch. Fenton regarded the word of the Crown's counsel, Wynn Williams, over that of Ngāi Tahu witnesses throughout. Ngai Tuahiriri, described in the Mackay's Compendium as "Kaiapoi Natives," "claimed for eel pahs, five acres at Tairutu, ten near Kowai, ten at saltwater creek, ten between Kowai and Waipara, ten near Tairutu and ten at the mouth of the River Avon." The NLC Minute Book for the hearing reveals the "ten near Tairutu" in Mackay's Compendium as a shortened summary of the minutes. Although it was not entirely clear from the Minute Book, as the Clerk was clearly writing very quickly, it can be discerned that "Tutapatu" (sic) is listed as an area for "eels" near Tairutu that the Crown agreed would be provided as additional reserves.<sup>12</sup>

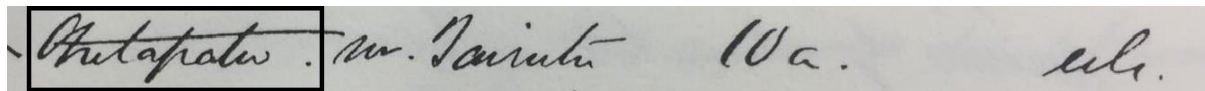


Figure 4: NLC Minute Book showing "Tutapatu" amongst reserves agreed to by the Crown

While nearly all these requests were granted, the "Kaiapoi Natives" needed and desired much more. When the time came to issue the grants, only Wiremu Naihira was in Court as the rest of the community was too disgusted with the Crown's paltry offer of an additional 650 acres which would only bring the total number of acres per person to 12 acres, far less than was necessary. Naihira offered to accept it on behalf of Ngāi Tūāhuriri. A number of these "Fenton reserves" were provided along the rivers and river mouths to enable food gathering to continue but it is unclear why the incredibly important Tūtaepatu lagoon was not included.<sup>13</sup> The people at Tuahiwi certainly thought it had been reserved and continued to use it as a mahinga kai. Annual eel-catching competitions were regular events since the mid-1800s. In 1893 an eel-spearing contest was held by "Kaiapoi Natives" at Tūtaepatu lagoon which was won by "H. Pohio" who most likely was Henare Pohio, the son of the famous Ngāi Tahu rangatira Horomona Pohio.<sup>14</sup>

### **Pākehā control of the Lagoon**

In August 1900 local Pākehā Frederick Howell wrote his MP (Kaiapoi), David Buddo, about establishing a reserve at Tūtaepatu/Woodend Lagoon. Howell informed Buddo that there was already "a reserve at Woodend known as the Rifle Range and on this reserve there is a large sheet of water or lagoon surrounded by raupo, and a breeding place for native game (ducks, bittern, pukeko), in fact the only breeding place for miles around now as native game is fast decreasing especially in this part of the country." Howell had been asked "by several influential residents in and about Woodend" to ask the Crown "to proclaim it a sanctuary or breeding place for native game." There were at that time during hunting season on Sundays and weekdays "persons who are there continually pot shooting, etc., and it is contended that if it was set aside as a sanctuary the birds would not only breed there but it would be a resting place for them during the season, and there would be ample shooting on the small ponds, creeks and rivers for those who desired it in a sportsman like manner." Howell noted that the "mounted rifles use it as a rifle range" but he felt that the sport shooting would not interfere with their training as the mounted rifles did not "shoot over the water."<sup>15</sup>

Shortly after receiving Howell's letter, Buddo wrote to the Colonial Secretary, JG Ward, proposing that a reserve be declared at Woodend Lagoon. In 1900 the Animals Protection Acts Amendment Bill was before the House and Buddo sought to include a clause in the legislation



that would provide “a sanctuary for breeding places for native game.” He acknowledged that the area was currently vested in local bodies and their permission would be sought for the reserve. Buddo asked that the Colonial Secretary issue “regulations which would prevent reserve 807 Maudeville Rangiora Road District [Tūtaepatu Lagoon] from being shot over.” He felt certain that his proposal “would be a great assistance to the preservation of such native game as Grey Duck, Bittern, Pukako.”<sup>16</sup> As a result of Howell’s lobbying, a reserve “for native and imported game” was declared for Woodend Lagoon later in November 1900.<sup>17</sup>

It was re-affirmed as a sanctuary in 1925 and 1929.<sup>18</sup> Neighbouring owners and lessees did not always respect the sanctuary’s restrictions. The Secretary of the North Canterbury Acclimatisation Society (NCAS), CW Hervey, wrote to the Department of Internal Affairs in 1930 complaining that an adjoining lessee, WS Wright, refused the authority of Rangers to enforce prosecutions of shooters in the sanctuary. The NCAS was responsible for some of the day-to-day management of the Lagoon.<sup>19</sup>

In 1953 Parliament passed the *Wildlife Act* and every sanctuary constituted under previous legislation was deemed a Wildlife Refuge under the new Act, including Reserve 807 (Tūtaepatu Lagoon). Following the passage of the Act, the Department of Internal Affairs conducted a review of Wildlife Refuges. It was reported that from 1954 to 1956 the numbers of ducks at Tūtaepatu had dropped.<sup>20</sup> In 1956 the NCAS recommended that Woodend Lagoon be retained as a Wildlife Refuge.<sup>21</sup> It was gazetted as such in 1957 and furthermore the use of boats was prohibited on Woodend Lagoon.<sup>22</sup> WS Wright remained one of the adjoining lessees at the time and he sought the government’s authority to trap rabbits in the Refuge area, the right to graze cattle, horses and sheep and have a dog for working the stock.<sup>23</sup> Another adjoining lessee was the Woodend Domain Board which also sought the authority to trap rabbits.<sup>24</sup> Both applications were granted.<sup>25</sup>

The constant threat of drainage was apparent in the revocation of refuge status for two other North Canterbury wetlands at the same time that Woodend Lagoon’s was renewed—Blythe’s Swamp and Yarr’s Lagoon—both of which had been drained.<sup>26</sup> In 1957 the Department of Internal Affairs through its Wildlife branch sent to all Department of Works offices helping to establish district schemes under the Town and Country Planning Act a memorandum setting out the importance of maintaining wetlands for the protection of birds. The Wildlife branch was “seriously concerned at the progressive draining of swamps, lagoons and similar areas.”<sup>27</sup> They were focused on the environmental degradation’s effect on the bird life in lagoons for recreational, scientific and aesthetic reasons but not as a source of mahinga kai for Ngāi Tūāhuriri. Nonetheless the effect of the Wildlife branch’s opposition to drainage would have been equally supportive of some of Ngāi Tūāhuriri’s concerns for the lagoon.

Senior officials in the Wildlife branch proposed clearing willow and poplar to control the encroachment on the lagoon and expressed concern about the increasing efficiency of draining operations in the surrounding lands.<sup>28</sup> Additional threats to the health of the lagoon emerged in the early 1970s when the Rangiora County Council planned a series of developments around the lagoon. They proposed to establish a sewerage pond in conjunction with tree planting, both of which encroached on the refuge. In addition, the County Council intended at a future date to establish a road along the sea front which would pass through the eastern end of the refuge, and also to drain a number of swampy areas to the north of the lagoon to establish a golf course. The Ministry of Works was also developing a new northern motorway which would cut across the western end of the refuge. The refuge was under threat from all corners.<sup>29</sup>

As a result the NCAS sought an urgent change of status in the lagoon to a Wildlife Management Reserve to protect what they considered to be the second most important waterfowl habitat in the region. This would provide a five-chain margin around the lagoon to protect it from any future development. The Secretary for Internal Affairs agreed and recommended to the Director-General of Lands for the declaration of a Wildlife Management Reserve. If the change were to occur it was expected that the wider Wildlife Refuge area would be reduced or revoked all together. The Commissioner of Crown Lands in Christchurch, D Morse, felt that the best protection for the lagoon would be for it to remain in its original Wildlife Refuge status. The Secretary for Internal Affairs questioned how the proposed drainage, development as a golf course and installation of sewerage ponds supported the view that it was amply protected? For the next year there followed fruitless attempts by Internal Affairs to get a further response from the Commissioner of Crown Lands in Christchurch. In the meantime, the County Council's developments negatively affected the lagoon. In June 1971 the Game Management Officer, ES Bucknell, complained in a memorandum advocating for the change in reserve status that in the summer of 1970-1971 "there was very little water left when I visited the lagoon shortly before leaving Christchurch and since that visit I consider that some urgent action is necessary to preserve this area."<sup>30</sup>

D Morse was succeeded by R Bastion as Commissioner of Crown Lands in Christchurch in 1971 and he felt quite differently about the issue than his predecessor. He was very apologetic about the long delay in processing the application for the Wildlife Management Reserve, but he gave its establishment his strong support and felt there would be no difficulties implementing it in the near future. The major challenge would be obtaining the support of the Rangiora County Council. They were initially sympathetic to the aims of the Wildlife branch and the NCAS, but felt that a form of joint control would be better than sole control by the Wildlife branch.<sup>31</sup>

A report on the status of the lagoon was produced in September 1971. It noted that the reserve was the site of an "outstanding water fowl lagoon" that was "one of the few areas of natural wet lands remaining in Canterbury." There was blackberry, willow, gorse, broom, lupin and *pinus radiata* present. The willows were still encroaching since the last report in 1964. According to the Wildlife service, only limited grazing of stock occurred around the lagoon, and it had no detrimental effect on the vegetation. The inspectors felt that no additional neighbouring land was needed as a buffer but that the perimeter of willow swamp and water level needed to be maintained. The new roading proposals on the eastern flank of the lagoon were of concern as would be any further development and drainage in the region. The inspectors recommended that a Wildlife Management Reserve be declared either under the sole control of the Wildlife branch or under joint control with Woodend Domain Board (which was the Rangiora County Council). Perhaps unsurprisingly, the Domain Board sought to retain some control and to continue leasing grazing land to farmers within the refuge area. It also sought to limit the boundary of the Reserve to only one chain west of the high-water mark of the lagoon. The Secretary of Internal Affairs felt that they did not have any alternative other than to accept the Council's proposal but the Wildlife branch officials on the ground in Canterbury did not want the Council involved. In the end the Council agreed to sole control by the Minister of Internal Affairs but the rental paid by a neighbouring farmer would have to be refunded and the cost of fencing would have to be covered by the NCAS.<sup>32</sup> The fencing was ultimately delayed due to funding limits until the end of the 1970s.

Another inspection was carried out in March 1972. It measured the open water of the lagoon as 20.23 hectares and the surrounding swamp as 3,642 hectares but this must have been a

mistake and either 364.2 or 36.42 hectares was intended. The average depth was listed as 0.6 metres with a PH level of 8.9. The floor was recorded as a mix of sand and loam with sewage flowing into it but it was not stated from what source or for how long. Waterfowl, shags, rails, grebes and wader waterbirds were listed as being known to frequent the area. It was only noted that fish were present in the lagoon but it was not specified what kind. Eeling was listed as of low commercial value and that drainage and pollution were the two greatest threats.<sup>33</sup>

### **Clashes over eeling in the Lagoon**

The protection of the birdlife that was at the centre of the Wildlife branch and Acclimatisation Society's concerns for Woodend lagoon led to a negative association with a key mahinga kai for Ngāi Tūāhuriri, tuna/eel. Eel trapping was encouraged by the managers of the lagoon. In January 1972 PR Bowman applied to the Wildlife Officer for permission to "trap eels at the Woodend beach lagoon." Bowman claimed that he was aware that the lagoon was a wildlife refuge which was "quite small" but as it was "infected with eels some trapping would be beneficial." The terminology used such as 'infected' reflected the clashing conceptions of this vital mahinga kai. Bowman proposed to "use fyke nets exclusively...[and] would be prepared to visit the lagoon with an officer from your department to arrange areas where nets could be set so as to cause little or no disturbance to birdlife." He assured the Wildlife Officer that "all nets would be set from the bank and tended regularly" and "all eels over 1lb in weight would be removed." The following year the Game Management Officer for the lagoon, JS Adams, hesitated to allow eel trapping not to conserve the resource but only because it would have been inconvenient for the shooting season. He was supported by his superiors in Wellington. Adams personally supported reducing the eel population for the sake of the birdlife but not in that specific instance. He stated that the lagoon had been dry for 6-8 weeks and doubted that eels would return in sufficient numbers prior to the shooting season. Rakihiia Tau Senior noted in his evidence to the Waitangi Tribunal that the water at the lagoon had dried up in 1973.<sup>34</sup> Adams questioned the suitability of fyke nets as well as the lagoon was of such a shallow nature that nets would be too close to the water surface. The concern was always overwhelmingly in regard to the birdlife.<sup>35</sup>

This trapping of eels was brought to the attention of Ngāi Tūāhuriri at Tuahiwi. Many Māori land owners in Tuahiwi used ART (Robin) Corcoran as their lawyer and his law firm sent a letter to the Wildlife branch regarding Ngāi Tūāhuriri's opposition to the trapping of eels at Tūtaepatu for commercial and conservation purposes in June 1973:

At a recent meeting of the Tuahiwi Rūnanga attention was drawn to the proposal to allow commercial eel catching in the Woodend Wildlife sanctuary. The meeting was made aware of the fact that whilst the Maori people no longer had any rights so far as this sanctuary was concerned the Woodend lagoon upon which the sanctuary is established was one of the Maori peoples traditional cultivations and fisheries which they used as a food gathering place. On this basis the meeting resolved that this letter should be sent to you recording a formal protest against the issue of licence for commercial eel catching on the sanctuary and to draw your Division's attention to the thoughts expressed at the meeting namely: 1. That the area concerned was a traditional cultivation of the Maori people and as such should not be interfered with and be allowed to be used for commercial purposes. That whilst the people were aware that there was some considerable quantity of eels within the sanctuary it was considered that there would not be any interference with other wildlife as having regard to the normal size of the eels in this area they would not prey upon other wildlife. The meeting resolved that these facts be brought to the attention of your Division in the

hope that commercial fishing be not allowed in the sanctuary and that access be made available as had been the case in the past for the benefit of the Maori people.<sup>36</sup>

The Secretary for the Wildlife branch replied to Corcoran that the commercial trapping of eels was only undertaken during a limited period of time over a four-week period in March and in the winter between the close of shooting season in June and the onset of duck breeding in August. He maintained that “access onto the refuge by the Maori people and by the public in general, for the purposes of taking eels, is not restricted in any way by the commercial operation.” But the Secretary also held that there was “evidence to show that removal of eels from bodies of water results in a higher survival rate of young ducks” and subsequently “commercial eel taking can be beneficial to the refuge values, but I can assure you that this method of eel harvesting will be very limited, and eeling for domestic purposes is encouraged.”<sup>37</sup>

This seemed to leave open the possibility of continued eeling for Ngāi Tūāhuriri, but it was in this very period that evidence from the community showed that the eel population was already dwindling and that commercial operations were not necessary. In his evidence to the Waitangi Tribunal, Rakihia Tau Snr noted that as a young man [possibly in the 1940s or early 1950s?] he “went eeling there often and I can remember one day when three of us speared 700 eels” but when he took his sons there in 1978 “to teach them how to spear for eels and we caught one in the whole afternoon.”<sup>38</sup> The Wildlife branch proceeded with its plans for commercial eel trapping and employed P Bowman in February 1974 to do so over a 2 month period with a fairly stringent set of conditions including lifting the traps daily, that all eels caught that were surplus to commercial requirements would be destroyed, that the traps were to be removed on demand if necessary and a report detailing the number and weight of eels removed be submitted at the end of the year.<sup>39</sup> In the end the commercial operations were discarded, but the reason why is not clear. According to Ngāi Tūāhuriri it was due to low water levels while the Wildlife service contended that it was a result of the stringent conditions imposed on Bowman.<sup>40</sup>

In addition to correspondence from the ART Corcoran law firm on behalf of the Tuahiwi Rūnanga, the Southern Maori MP Whetu Tirikatene-Sullivan<sup>41</sup> contacted the Minister of Internal Affairs, Nathan May, who was shortly to take control of the lagoon following its declaration as a Wildlife Reserve. She expressed concern with the contracting of Bowman for taking eels commercially and mildly threatened that an application would be made to the Maori Land Court to have the lagoon declared a Maori Reservation:

I have received representations from constituents of mine residing at Tuahiwi Pa, North Canterbury. They have been in contact with the Rangiora County Council ... it seems that your Department is to give favourable consideration to an application from a Mr P. R. Bowman to trap eels commercially in the Tutai-Paku (sic) Lagoon which is also known as the Woodend Wildlife Sanctuary. The people of Tuahiwi Pa are very concerned; this lagoon has for years been a recognised fishing easement for their people, the Ngai Tu-Ahuriri tribe and visits have been made regularly by them to the Lagoon in order to acquire their necessary diet. Consideration is at present being given as to whether an application should be lodged to the Maori Land Court in order to declare the Lagoon a Maori Reservation, as stipulated under section 439 of the Maori Affairs Act 1953. As the application which is being entertained by the Internal Affairs Department, Christchurch, will profit Mr Bowman alone, I ask that consideration be given in respect to the Ngai Tu-Ahuriri people who have approached me for assistance as their Local Member of Parliament.<sup>42</sup>



Tirikatene-Sullivan seemed to be trying to leverage the trapping of eels to Ngāi Tūāhuriri at the least since the commercial contract would further restrict their access to mahinga kai at Tūtaepatu.

The Minister of Internal Affairs, Nathan May, responded by challenging her characterisation of the lagoon as a fishing easement for Ngāi Tūāhuriri. This may have referred to the Fenton fishing easements provided in 1868 through the Native Land Court hearing in Christchurch presided over by Chief Judge FD Fenton, but no easement was ever provided for Tūtaepatu lagoon even though it was requested and promised.<sup>43</sup> Ngāi Tūāhuriri Rūnanga genuinely believed they had title to the lagoon. Rakihia Tau noted in his evidence to the Waitangi Tribunal that “we believed it to be the case, we acted if it were.” He noted not only eeling but also cutting and gathering manuka to bring back to Tuahiwi for firewood. In addition the Rūnanga also received rents from a Mr Stan Wright from lands around Tūtaepatu that were actually owned by the Woodend Domain Board. To Tau it was “strange that Kaiapoi pa was set aside but the burial site of its founder Turakautahi was not” (as it was then believed).<sup>44</sup> May stated in his letter to Tirikatene-Sullivan that “the lagoon is part of an area that has been Crown land for approximately one hundred years and I am informed that no easements have been granted” and as a result “the Maori people there are free to fish the area at any time but have no special privileges in this respect.” May’s focus was purely on the birdlife as he noted that “the primary function of the reserve is for the management of waterfowl and this would be assisted by allowing steps to be taken that would result in a greater harvest of eels than has been previously achieved.” He pointed, as his officials had previously done, to studies showing the removal of eels from lagoons resulted in a higher survival rates for ducklings. May’s statement that “the resultant increase in waterfowl numbers benefits a large number of people both from a shooting and aesthetic point of view” was reflective of the cultural clash at play. Tirikatene-Sullivan herself did not specifically refer to the right to mahinga kai that was guaranteed in Kemp’s Deed, possibly because she was not aware of it at the time through no fault of her own, but because it would not have been a valid argument in the eyes of the Minister of Internal Affairs. What did Ngāi Tūāhuriri’s right to gather tuna have to do with his lagoon? May concluded that “while an immediate decline in the availability of eels may result from the commercial trapping this can only be expected to be beneficial to wildlife for a relatively short period. It is to be hoped that the eel population can be kept at a low level through non-commercial taking, to avoid the need for any further commercial ventures.” “My present feelings are that when the lagoon is vested in me for control and management purposes I will not wish to prevent any member of the public entering into it to take eels. I would of course, not want to have any undue disturbance of the wildlife therein.”<sup>45</sup>

### **Establishment of a Wildlife Refuge at Tūtaepatu**

It took another three years until the Wildlife Refuge at Woodend lagoon was finally gazetted due to delays in surveying the area in 1976.<sup>46</sup> The Department of Internal Affairs developed a management plan for the refuge and sought the input of a number of local and central government authorities for their comment but neglected to discuss the issue with Ngāi Tūāhuriri at Tuahiwi.<sup>47</sup> When the Ngāi Tūāhuriri Rūnanga proposed to the Wildlife service that they be part of the management committee they received no reply.<sup>48</sup> Part of the proposed management plan was a water control structure to be constructed on the outlet drain to control water levels. An application for a water right from the Crown was foreshadowed.<sup>49</sup> The management plan itself made no mention of eels in its inventory with “no information available” for what were termed “aquatic fauna.” The only place eeling occurred was in the management plan’s section on ‘Recreation’: “Some recreational eeling by local Maoris has taken place on a small scale.” The plan then set out a common refrain from local government

officials towards Ngāi Tahu at the time and for long before it: “They have no rights to the area.”<sup>50</sup> This ignorant comment disregarded the Ngāi Tūāhuriri Rūnanga’s repeated desire for participation in its management and the lagoon’s importance to Ngāi Tūāhuriri. Perhaps if Fenton had not omitted the Rūnanga’s request for a reserve at Tūtaepatu, these types of comments would not have been so commonplace in the twentieth century.

An inspection report on the refuge in June 1976 noted that the almost complete ring of willow-poplar bordering Tūtaepatu was “gradually expanding at the expense of the lagoon and adjacent wetland.” It recommended that the lagoon be secured from livestock by a boundary fence and “sturdier signs indicating the status of the reserve” noting that “one bullet-ridden notice was found on the ground.” An internal access track and observation points were suggested as possible improvements. Concern about the water level of the lagoon was also present as it was recommended that “some provision will also be made in the management plan to control the water level of the lagoon, preferably at its present outlet.”<sup>51</sup> An August 1977 information sheet about the lagoon stated that it consisted “of a freshwater coastal sand dune lagoon of approximately 10.5347 ha. and an adjoining willow swamp.” Since 1972 the lagoon had nearly halved in size. Water levels were maintained purely by ground water seepage and surface water runoff while discharges were made via a man-made drain at the southern boundary. The information sheet claimed that the lagoon was known to dry up completely during extremely dry summers but that overall fluctuations were minimal.<sup>52</sup>

The management plan proposed a series of developments in relation to the lagoon. These developments began with the planned fencing and installation of a water level control gate to minimise the effect of summer drought conditions and included the bulldozing of a series of tracks for walking and canals to provide additional open water for birds. The sand dune areas of gorse and broom would be cleared away and replaced with sand stabilising plants. Four new ponds within the existing willow ponds would be excavated and three islands established in the lagoon for resting and nesting sites for birds. Finally a series of observation towers would be constructed to allow people to gain access to the lagoon edge without disturbing the wildlife.<sup>53</sup> The NCAS, which had managed day-to-day operations for decades under the old management structure, had issues with the new management plan and a number of meetings were held with Wildlife service officials to discuss their concerns.<sup>54</sup> What this showed more than anything was the extent to which acclimatisation societies were involved in management but not the Rūnanga. Even when the NCAS essentially refused to even undertake day-to-day management and frustrated the Wildlife’s service, there was never a thought given to having the Ngāi Tūāhuriri Rūnanga involved.

In 1982 the Wildlife service proposed refining the boundaries of the wildlife refuge down to essentially the area around the lagoon. The Rangiora County Council was eager to have the rest of the refuge outside of the lagoon revert to reserve lands under the control of the Council. The NCAS preferred to retain the status quo but grudgingly agreed to relinquishing the Council land to the west of the lagoon. The sand dunes to the east were necessary and should be retained while they advocated that the northern boundary of the lagoon should be extended further north if possible because of neighbouring lagoons on private property that could be drained and negatively affect the water level of Tūtaepatu.<sup>55</sup>

In the early 1980s, the Wildlife service begins to refer to Woodend also as ‘Tutai Paku’, incorrectly spelled on two fronts as ‘tutae’ is the correct spelling of the first and ‘patu’ of the second.<sup>56</sup> This was subsequently changed formally by gazettal to Tutai Paku in 1982. But even Wildlife service officials questioned the incorrect spelling.<sup>57</sup> The matter was cleared up

following the receipt of a letter from the later upoko (head) of Ngāi Tūāhuriri but who at the time was the Secretary of the Rūnanga, Rakihiia Tau Senior, who referred to the lagoon as Tutae Patu. He made some proposals in relation to the draft management plan for the wildlife refuge focused on the regulation of commercial eeling and the right of Ngāi Tūāhuriri to the resource.

Tau not only addressed the issue of Tūtaepatu but also sought to inform the Wildlife service of the Rūnanga's role and authority:

The Ngāi Tūāhuriri Rūnanga is the administrative body of the Ngāi Tūāhuriri Hapū, or sub-tribe of the Ngāi Tahu people. This hapū is recognised as holding the manawhenua or prestige of the land in the Kaiapoi area. They are resident on M.R. 873 Rangiora Survey District and the immediate surrounding area. They are commonly referred to in earlier legislation as the 'Kaiapoi Natives'. The Rūnanga is administered by officers duly elected by the people of this Hapū. The various Maori Reserves within our area that have been set aside for the benefit of the Kaiapoi Natives are administered by trustees nominated by the Ngāi Tūāhuriri Rūnanga and approved by the Maori Land Court. The Ngāi Tūāhuriri Rūnanga exercises authority, at Rūnanga level, over Trustees of our various Maori Reserves.

Tau then turned to the issue of Tūtaepatu and attempted to explain the importance of the lagoon to Ngāi Tūāhuriri: "The Tutae Patu Reserve possesses the human remains of one of our ancestors – Turakautahi – and is therefore an Urupa or sacred burial ground." While, as noted in the beginning of this article, this is not believed to be true today, there are still a number of other tupuna buried in the lagoon. As a result, Tau stated that "under the Town and Country Planning Act 1977's second schedule it must be considered as a matter of National importance." He felt that the "sacredness" of the area meant that the Rūnanga should have a voice "as of right on all matters affecting the area." It offered to join whatever Board was established to manage the refuge. To Ngāi Tūāhuriri the lagoon was "a place of occupation and cultivation which includes fisheries." Tau claimed that the only reason that Ngāi Tūāhuriri did not have a legal title to Tūtaepatu was due to an "oversight," the actions of Fenton in 1868, but that they had "by traditional custom observed the traditional rights of taking eels for domestic consumption." They considered it "essential that the lake be stocked with eels" and returned to Ngāi Tūāhuriri. The Rūnanga put forward the following submissions focused on the management of eels:

- 1) Eels are caught by spear only, or specified eel pot
- 2) Netting of eels to be an offence
- 3) Restrictions on taking eels from tributaries
- 4) No commercialisation of eel catches
- 5) Authority to take eels to be vested in the Rūnanga of Tuahuriri

Tau concluded by stating that their submissions were offered by the goodwill of the people of Ngāi Tūāhuriri and they hoped their submissions would be of benefit to the Wildlife service in their preparation of the lagoon's draft management plan.<sup>58</sup> A response was never received.<sup>59</sup>

### **Waitangi Tribunal hearing and Treaty settlement**

In 1985 the Fourth Labour government passed the Treaty of Waitangi (Amendment) Act which allowed for the investigation of historical claims by the Waitangi Tribunal. Although the Tribunal had been formally established by the 1975 Treaty of Waitangi Act it was originally limited solely to investigating contemporary claims.<sup>60</sup> Gradually, submitted claims began to rise following the 1985 legislation and one of the first groups to submit their historical claims

was Rakihihia Tau on behalf of the Ngai Tahu Maori Trust Board.<sup>61</sup> Eventually all the different claims of Ngāi Tahu spreading across most of the South Island from Parinui o Whiti/the White Cliffs on the east coast and Kahurangi Point on the west coast down to Rakiura/Stewart Island were combined together. Taking their claims together served as a unifying force for the iwi. Rakihihia Tau, Te Maire Tau and Rima Bell provided evidence regarding Tūtaepatu, some of which has been used in the sections above.

The Tribunal reported on different aspects of the claim in four reports: on the main claim and easily the largest report (1991), a very short report on legal personality (1992), and two medium-sized reports on sea fisheries claims (1992) and ancillary claims (1995). Tūtaepatu lagoon was noted as an area that Ngāi Tūāhuriri had meant to reserve in evidence on mahinga kai in the main Ngāi Tahu report, but no recommendations were specifically made for its return as there were for the return of pounamu and Rarotoka Island.<sup>62</sup> It is unclear precisely why these recommendations were not made in the 1991 report but perhaps it was just one of many issues which could not be addressed in the first report because of the magnitude of claims across the rohe. Tribunal recommendations could have important consequences for the redress obtained in their Treaty settlement with a fairly strong correlation between redress obtained and recommended by the Tribunal. In the 1995 *Ngai Tahu Ancillary Claims Report*, the Tribunal made concrete recommendations that “Tutaepatu Lagoon should be vested in Ngai Tahu and developed as a fishery resource for tribal use in joint management scheme with the Crown which was to provide financial, technical, scientific and management resources.”<sup>63</sup> This played an important part in the eventual return of the lagoon in the interim settlement of June 1996.

Negotiations between Ngāi Tahu and the Crown took place from 1991-1997, with two distinct phases of discussions from late 1991 to late 1994 and mid-1996 to late 1997 with a breakdown of the negotiation in between. Te Kēreme, the Ngāi Tahu claim, covered more than half of the area of New Zealand so dealt with almost every single possible kind of Māori claim across the country except for claims about geothermal resources or raupatu/military confiscation. The minutes of the first meetings between the two sides in September 1991 revealed the breadth of claims with the long list of issues addressing financial compensation, the establishment of a legal personality and the return of key sites of what would later become known as cultural redress. This included the return of Tūtaepatu lagoon which was flagged early on as a non-negotiable aspect from the point of view of Ngāi Tūāhuriri and the named claimant for the claim to the Waitangi Tribunal and co-negotiator for much of the negotiations, Rakihihia Tau Senior.<sup>64</sup> Its importance was akin to the return of two other non-negotiable aspects of the negotiations—the return of the Crown Titi Islands and pounamu.

Its eventual return was seemingly accepted quite readily by central and perhaps even local government but the Crown was wary of providing much redress piecemeal, preferring a comprehensive settlement covering all of Ngāi Tahu’s claims. Nonetheless other more local matters helped progress issues in relation to Tūtaepatu even when the negotiations broke down. While there were major issues that led to eventual legal action regarding the settlement negotiations in late 1994/early 1995, there were other more minor matters that essentially remained in a holding pattern such as Tūtaepatu and the return of pounamu.<sup>65</sup> In the case of Tūtaepatu lagoon, Ngāi Tūāhuriri gained some leverage from the Ngāi Tahu claim in the Waitangi Tribunal. Many lessees of baches at nearby Waikuku beach had sought to freehold their properties and the local government—first, the Rangiora County Council in the late 1980s, and then the Waimakariri District Council in the early 1990s—was supportive and understood it was a political necessity. While the claim was ongoing, the local government was prevented from freeholding the lands without the permission of Ngāi Tahu. The development of the



Waitangi Tribunal claims process had led directly to this outcome and markedly influenced the eventual ease with which the return of the lagoon was effected. It was a stark contrast to the intransigence that had marked the relationship between local government and Ngāi Tūāhuriri in relation to the lagoon (and many other matters<sup>66</sup>) since 1840.

Ngāi Tahu negotiators were able to achieve significant concessions through Court action during the breakdown in the negotiations, but they recognised that the litigation strategy could not achieve a settlement. When the negotiations recommenced in mid-1996 following the passing of the Te Rūnanga o Ngāi Tahu Bill, Ngāi Tahu negotiators were quite adamant that some tangible redress was necessary. As noted above, the Crown is generally always opposed to interim settlements but quickly turned from an adamant denial to open acceptance. The Crown recognised the importance of the interim settlement to keep the momentum of negotiations going after such a prolonged period of litigation, and in hindsight the Crown was correct. After dragging along for years, the negotiations were now moving very quickly and within a few months a Heads of Agreement/Agreement in Principle would be signed and by late 1997 a Deed of Settlement.<sup>67</sup>

The interim Ngāi Tahu settlement signed in mid-June 1996 consisted of three parts: 1) \$10 million that would not have to be refunded if the negotiations were not a success; 2) promise of ownership of pounamu; 3) the return of Tūtaepatu lagoon.<sup>68</sup> The lagoon was vested in Te Rūnanga o Ngāi Tahu through the *Ngāi Tahu (Tūtaepatu Lagoon Vesting) Act* in 1998 and its status as a reserve under the *Reserves Act 1977* was revoked.<sup>69</sup> Although the lagoon was owned by Te Rūnanga o Ngāi Tahu (of which Te Ngāi Tūāhuriri Rūnanga is a part), a co-governance regime was established by Te Rūnanga o Ngāi Tahu and the Waimakariri District Council that centred on the lagoon: Te Kōhaka o Tūhaitara Trust. Six trustees sit on the Trust Board with three appointed by each party. The Trust manages the Tūhaitara Coastal Park which covers over 2000 acres of land along the coastline from the Waimakariri river mouth to Waikuku Beach. While the area is mainly protection and plantation pine forest and sand dunes, Tūtaepatu lagoon is its centrepiece.<sup>70</sup> After over seven generations of struggle, the lagoon was again under the control of the local hapū and whānau.

## Conclusion

Tūtaepatu lagoon has always been an important site for Ngāi Tūāhuriri hapū and Ngāi Tahu as a whole, a vital mahinga kai. After the Kemp's Deed purchase in 1848, Ngāi Tūāhuriri considered that their taonga—Tūtaepatu—had been excluded from the sale and continued to use it as they had for generations. Unbeknownst to the hapū, it was not formally reserved in the late 1860s along with the other reserves from the Kemp's Deed purchase. Gradually it began to be managed by the Pākehā state at the local and central government levels. The first Pākehā reservation of the lagoon area was made in 1868 for a rifle range. From 1882 until 1971 it was under the control of locally elected boards and from 1971-1977 was managed by the Rangiora County Council. The Wildlife service took control in 1977 and it became part of the Department of Conservation estate in the late 1980s until it was returned to Ngāi Tahu in 1997. The clash between Ngāi Tūāhuriri and the Wildlife branch of the Ministry of Internal Affairs (as well as the North Canterbury Acclimatisation Society) over control of the lagoon was fundamentally clashing conceptions about conservation principles. The Wildlife branch and Acclimatisation Societies across the country felt that their focus on European scientific principles were superior to those of Māori. This focus on maintaining birdlife, even non-indigenous birds, over that of tuna was at the core of the management of Woodend Lagoon. When Ngāi Tahu's claims were finally heard by the Waitangi Tribunal in the late 1980s, the

iwi finally began to gain some real political and legal leverage. Early on in their negotiations there was agreement over the return of Tūtaepatu and by the end of the 1990s its return was effected. Under the co-governance regime established by Ngāi Tahu and the WDC, the health of the lagoon has thrived. A salutary lesson for our nation as co-governance arrangements increase around the country. The persistence of Ngāi Tūāhuriri to maintain their connections to Tūtaepatu over seven generations despite the barriers imposed by local and central government is reflective of the enduring determination of all Ngāi Tahu hapū. For Ngāi Tūāhuriri some measure of tino rangatiratanga regained over its taonga has benefited both the hapū and the wider local community.



Figure 5: Tūtaepatu<sup>71</sup>

---

<sup>1</sup> Rawiri Te Maire Tau and Henare Rakiihia Tau, “Mahinga Kai, evidence from the Tuahuriri area, including the submissions of Rawiri Te Maire Tau and Henare Rakiihia Tau,” *Tau Wai* 27 H6, 1988, 62; Adrienne Rewi, “Ahakoa he iti, he pounamu Tutaepatu Lagoon,” *Te Karaka*, last modified 12 October 2012, [https://ngaitahu.iwi.nz/our\\_stories/ahakoa-he-iti-he-pounamu-tutaepatu-lagoon/](https://ngaitahu.iwi.nz/our_stories/ahakoa-he-iti-he-pounamu-tutaepatu-lagoon/).

<sup>2</sup> Te Maire Tau, message to author, 19 September 2022.

<sup>3</sup> Te Maire Tau, Anake Goodall, David Palmer & Rakiihia Tau, *Te Whakatau Kaupapa: Ngai Tahu Resource Management Strategy for the Canterbury Region* (Wellington: Aoraki Press, 1992), 5, 14.

<sup>4</sup> Tau, Goodall, Palmer & Tau, pp. 5, 14; “Mahinga Kai, evidence from the Tuahuriri area, including the submissions of Rawiri Te Maire Tau and Henare Rakiihia Tau,” 19, 35, 38, 54.

<sup>5</sup> Rūnanga translates to Council in English, and were forms of tribal government that developed very early in the colonial era for Ngāi Tahu with, at times, Crown support: Te Maire Tau, ‘Ngai Tahu: From “Better Be Dead and Out of the Way” to “Be Seen to Belong”’, in John Cookson & Graeme

---

Dunstall (eds.) *Southern Capital, Christchurch: Towards a City Biography* (Christchurch: Canterbury University Press, 2000), 222-231.

<sup>6</sup> Waitangi Tribunal, *The Ngai Tahu Report* (Wellington: GP Publications, 1991), 387-524.

<sup>7</sup> Geoff Park, *The Groves of Life/Nga Uruora: ecology and history in a New Zealand landscape* (Wellington: VUW Press, 1995), 303-332; Janet Hunt, *Wetlands of New Zealand: a bitter sweet story* (Auckland: Random House, 2007).

<sup>8</sup> WA Taylor, *Lore and History of the South Island Maori* (Christchurch: Bascands Ltd., 1950), 34-45.

<sup>9</sup> George Edlin to the Provincial Secretary, 5 July 1861, CAAR CH287 19936 Box CP24 ICPS 1393/1861, Archives NZ.

<sup>10</sup> Richard Boast, *The Native Land Court Volume 1 1862-1887: A Historical Study, Cases and Commentary* (Auckland: Thomson Reuters, 2013), 443-446.

<sup>11</sup> By Crown granted, it refers to the fact that the lands had already been provided a Crown Grant under fee simple title in the *Torrens* system.

<sup>12</sup> Native Land Court (NLC) Minute Book South Island 1B: 84.

<sup>13</sup> Alexander Mackay, *A compendium of official documents relative to native affairs in the south island*, volume 2 (Wellington, 1878), 208, 217-218.

<sup>14</sup> WA Taylor, *Lore and History of the South Island Maori*, 44; Te Maire Tau, “Pōhio, Horomona”, *Dictionary of New Zealand Biography*, first published in 1990, accessed 18 August 2022, <https://teara.govt.nz/en/biographies/1p16/pohio-horomona>.

<sup>15</sup> Frederick Howell to David Buddo, 13 August 1900, AAAC W3179 28103 Box 15 Record 46/29/81 (R1402333), Archives NZ.

<sup>16</sup> Buddo to JG Ward, 30 August 1900, AAAC W3179 28103 Box 15 Record 46/29/81 (R1402333), Archives NZ.

<sup>17</sup> *New Zealand Gazette*, 8 November 1900, No. 93, p. 2033.

<sup>18</sup> *New Zealand Gazette*, 2 April 1925, No. 23, p. 991; *New Zealand Gazette*, 21 February 1929, No. 11, p. 447.

<sup>19</sup> CH Hervey to Under-Secretary of Department of Internal Affairs, 3 July 1931, AAAC W3179 28103 Box 15 Record 46/29/81 (R1402333), Archives NZ.

<sup>20</sup> “Duck Counts at Woodend Lagoon,” undated, AAAC W3179 28103 Box 15 Record 46/29/81 (R1402333), Archives NZ.

<sup>21</sup> HR Bennington (Secretary of the North Canterbury Acclimatisation Society) to Secretary for Internal Affairs, 29 February 1956, AAAC W3179 28103 Box 15 Record 46/29/81 (R1402333), Archives NZ.

<sup>22</sup> *New Zealand Gazette*, 10 January 1957, No. 1, p. 10.

<sup>23</sup> P. Fry, “Special Comments, Ref. 24/25”, 28 August 1956, AAAC W3179 28103 Box 15 Record 46/29/81 (R1402333), Archives NZ.

<sup>24</sup> RT Burnet to Secretary for Internal Affairs, 29 August 1956, AAAC W3179 28103 Box 15 Record 46/29/81 (R1402333), Archives NZ.

<sup>25</sup> Assistant Secretary for Internal Affairs, 14 February 1957, AAAC W3179 28103 Box 15 Record 46/29/81 (R1402333), Archives NZ.

<sup>26</sup> P. Fry, “Special Comments, Ref. 24/25,” 28 August 1956, AAAC W3179 28103 Box 15 Record 46/29/81 (R1402333), Archives NZ.

<sup>27</sup> Department of Internal Affairs to the District Commissioner of Works Christchurch, 12 April 1957, AAAC W3179 28103 Box 15 Record 46/29/81 (R1402333), Archives NZ.

<sup>28</sup> LS Hogarth to the Controller of Wildlife, 25 September 1964; Controller of Wildlife to LS Hogarth, 21 October 1964: both AAAC W3179 28103 Box 15 Record 46/29/81 (R1402333), Archives NZ.

<sup>29</sup> HB Barker to the Secretary for Internal Affairs, 26 March 1970, AAAC W3207 Box 84 WIL 34/11/9, Archives NZ.

<sup>30</sup> Secretary for Internal Affairs to Director-General of Lands, 3 April 1970; ES Bucknell to the Controller of Wildlife, 18 May 1970; Secretary for Internal Affairs to Director-General of Lands, 16 July 1970; ES Bucknell to Department of Internal Affairs District Officer, 3 June 1971 : all AAAC W3207 Box 84 WIL 34/11/9, Archives NZ.

<sup>31</sup> JS Adams to the Controller of Wildlife, 18 June 1971; JS Adams to Department of Internal Affairs Head Office, 27 September 1971; AAAC W3207 Box 84 WIL 34/11/9, Archives NZ.



- 
- <sup>32</sup> JS Adams and GD Cowie, “Woodend Lagoon,” 22 September 1971; RS Bastion, “Note for file,” 10 November 1971; AAH McKenzie (County Clerk) to the Commissioner of Crown Lands, 24 November 1971; RTA note from 22 December 1971 on JS Adams memo to the Secretary of Internal Affairs, 15 December 1971; Bucknell to Adams, 7 March 1972; Adams to the Commissioner of Crown Lands, 1 March 1972; JS Adams to the Secretary of Internal Affairs, 28 April 1972; Adams to the Secretary of the North Canterbury Acclimatisation Society, 1 May 1972: all AAAC W3207 Box 84 WIL 34/11/9, Archives NZ.
- <sup>33</sup> JS Adams, “Wetland survey summary form,” March 1972, AAAC W3207 Box 84 WIL 34/11/9, Archives NZ.
- <sup>34</sup> “Mahinga Kai, evidence from the Tuahuriri area, including the submissions of Rawiri Te Maire Tau and Henare Rakiihia Tau,” Wai 27 J10, 62-65.
- <sup>35</sup> PR Bowman to Wildlife Officer, January 1972; Adams to Secretary for Internal Affairs, 15 March 1973; GP Adams to District Officer Christchurch, 22 March 1973; AAAC W3207 Box 84 WIL 34/11/9, Archives NZ.
- <sup>36</sup> AR Corcoran to Secretary for Internal Affairs, 12 June 1973, AAAC W3207 Box 84 WIL 34/11/9, Archives NZ.
- <sup>37</sup> GP Adams to Corcoran, 20 June 1973, AAAC W3207 Box 84 WIL 34/11/9, Archives NZ.
- <sup>38</sup> “Mahinga Kai, evidence from the Tuahuriri area, including the submissions of Rawiri Te Maire Tau and Henare Rakiihia Tau,” Wai 27 J10, 62-65.
- <sup>39</sup> JS Adams to PR Bowman, 11 June 1973, AAAC W3207 Box 84 WIL 34/11/9, Archives NZ.
- <sup>40</sup> “Wildlife management reserve: Inventory and management plan: Woodend lagoon wildlife management reserve,” undated, p. 5, AAAC W3207 Box 84 WIL 34/11/9, Archives NZ; Tau, Goodall, Palmer & Tau, pp. 5, 14.
- <sup>41</sup> Helen Brown, “Tini Whetu Marama Tirikatene-Sullivan,” in *Tangata Ngai Tahu/People of Ngai Tahu Volume 2*, eds. Helen Brown & Michael J. Stevens (Wellington: Te Rūnanga o Ngai Tahu/Bridget Williams Books, 2022), 331-338.
- <sup>42</sup> TWM Tirikatene-Sullivan to Nathan May, 16 July 1973, AAAC W3207 Box 84 WIL 34/11/9, Archives NZ.
- <sup>43</sup> “Evidence of David James Alexander,” Wai 27 O5, 5-43.
- <sup>44</sup> “Mahinga Kai, evidence from the Tuahuriri area, including the submissions of Rawiri Te Maire Tau and Henare Rakiihia Tau,” 62-65.
- <sup>45</sup> May to Tirikatene-Sullivan, 8 August 1973, AAAC W3207 Box 84 WIL 34/11/9, Archives NZ.
- <sup>46</sup> *New Zealand Gazette*, 26 February 1976, pp. 423-24.
- <sup>47</sup> Wildlife service Director to Department of Scientific and Industrial Research, 29 April 1976, AAAC W3207 Box 84 WIL 34/11/9, Archives NZ. Responses were also received from the Department of Lands & Survey and the Rangiora County Council.
- <sup>48</sup> Tau, Goodall, Palmer & Tau, pp. 5, 14.
- <sup>49</sup> “Information sheet”, 18 August 1977, AAAC W3207 Box 84 WIL 34/11/9, Archives NZ.
- <sup>50</sup> “Wildlife management reserve: Inventory and management plan: Woodend lagoon wildlife management reserve,” undated, p. 5, AAAC W3207 Box 84 WIL 34/11/9, Archives NZ. The Game Management Officer’s hand-written draft notes for the inventory and plan noted: “no record of it ever being set aside for the use of the Maoris or designated to be Maori Land [and] neither had the Maori reserve register or Native Land Court or maps have any indication to the contrary.” Adams, “Woodend Lagoon,” CABK Ch452 2845 Box 10 31 4 127, Archives NZ.
- <sup>51</sup> B.P.J. Molloy, “Woodend Domain-Wildlife management reserve,” June 1976, AAAC W3207 Box 84 WIL 34/11/9, Archives NZ.
- <sup>52</sup> “Information sheet,” 18 August 1977, AAAC W3207 Box 84 WIL 34/11/9, Archives NZ.
- <sup>53</sup> “Wildlife management reserve: Inventory and management plan: Woodend lagoon wildlife management reserve,” undated, pp. 6-10, AAAC W3207 Box 84 WIL 34/11/9, Archives NZ.
- <sup>54</sup> “Notes on Woodend Lagoon discussion,” 25 July 1979, AAAC W3207 Box 84 WIL 34/11/9, Archives NZ.
- <sup>55</sup> Wildlife division to NCAS and Rangiora County Council, 22 November 1982, AAAC W3207 Box 84 WIL 34/11/9, Archives NZ; Rangiora County Council to Wildlife division 6 December 1982; NCAS to Wildlife division, 20 December 1982, AAAC W3207 Box 84 WIL 34/11/9 pt 2, Archives NZ.



- 
- <sup>56</sup> Wildlife service, “Notice of intention to prepare management plans,” 28 August 1982, AAAC W3207 Box 84 WIL 34/11/9, Archives NZ.
- <sup>57</sup> *New Zealand Gazette*, p. 2163.
- <sup>58</sup> Rakihia Tau to Wildlife service, 2 November 1982, AAAC W3207 Box 84 WIL 34/11/9 pt2, Archives NZ.
- <sup>59</sup> Tau, Goodall, Palmer & Tau, p5/14-15.
- <sup>60</sup> Jane Kelsey, *A Question of Honour? Labour and the Treaty, 1984-1989* (Wellington: Allen & Unwin, 1990), 3.
- <sup>61</sup> Claudia Orange, *Illustrated History of the Treaty of Waitangi* (Wellington: Bridget Williams Books, 2004), 224-26.
- <sup>62</sup> Waitangi Tribunal, *The Ngai Tahu Report*, 17.2.4, 17.3.7.
- <sup>63</sup> Waitangi Tribunal, *Ngai Tahu Ancillary Claims Report* (Wellington: GP Publications, 1995), 381.
- <sup>64</sup> Martin Fisher, *A Long Time Coming: the story of Ngāi Tahu’s treaty settlement negotiations with the Crown* (Christchurch: Canterbury University Press, 2020), 48-55.
- <sup>65</sup> Fisher, 103-108.
- <sup>66</sup> This included the governance of the Tuahiwi reserve including pressure to sell sections, challenges to developing housing on Māori land, the role of the hapu in Christchurch and many other issues.
- <sup>67</sup> Fisher, 117-151.
- <sup>68</sup> Melanie Gibbs, “Are New Zealand Treaty of Waitangi settlement achieving justice? : the Ngai Tahu settlement and the return of pounamu (greenstone),” Ph.D thesis, University of Otago, 2001, 105-108.
- <sup>69</sup> *Ngāi Tahu (Tūtaepatu Lagoon Vesting) Act 1998*.
- <sup>70</sup> Te Kōhaka o Tūhaitara Trust, “About Us,” <https://www.tuhaitarapark.org.nz/about-us>, accessed 8 September 2022.
- <sup>71</sup> Courtesy of David Baird photography.