

Before the Independent Hearings Panel

In the Matter of the Resource Management Act 1991

And

In the Matter of the Canterbury Earthquake (Christchurch Replacement
District Plan) Order 2014

And

In the Matter of the Proposed Christchurch Replacement Plan (**Chapter 1:
Introduction**)

Supplementary Statement of evidence of **Lynda Marion Weastell Murchison** on behalf of Te Rūnanga o Ngāi Tahu and Ngā Runanga (Submitter 1145)

Dated: 17 July 2015

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Introduction

1. My name is Lynda Marion Weastell Murchison. I hold the qualifications and experience set out in my statement of evidence for the Strategic Directions Hearing dated 28th November 2014.
2. I am familiar with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note (2014) and confirm that I have complied with it in preparing this evidence. In particular I confirm that my evidence is within my area of expertise and the opinions I have expressed are my own except where I have stated that I have relied on the evidence of other people. I have not omitted any facts known to me that may be material in influencing my evidence.

Scope of Evidence

3. This supplementary statement of evidence addresses the questions asked by the Panel during the hearing on the Introductions Chapter which I confirmed I would respond to the Panel on.
4. Those questions related to:
 - (a) Definitions of some Ngāi Tahu terms;
 - (b) The reference to the Waitangi Tribunal findings in paragraph 3.2.4 of the Christchurch City Council, Crown and Ngāi Tahu agreed revised Chapter 1 provided to the Panel by memorandum (revised Chapter 1¹);² and
 - (c) The appropriateness of a reference to section 6(e) of the Resource Management Act 1991 (RMA) in paragraph 3.2.6 of revised Chapter 1.³

Ngāi Tahu Terms

5. Revised Chapter 1 includes an explanation of common Ngāi Tahu concepts and terms in natural resource management (at section 3.1). The Hearings Panel has queried:

¹ This is the version attached to the Joint Memorandum of the Parties filed 10 July 2015

² Transcript Chapter 1 and 2 at page 138, lines 41-46 and page 139, lines 1-21.

³ Transcript Chapter 1 and 2 at page 139, lines 23-45 and page 140, lines 1-7.

- (a) Whether the description of ‘customary purposes or uses’ (section 3.1.2) is too restrictive as it appears to only apply to access to water bodies⁴; and
- (b) Whether the references to ‘manage’ in the description of kaitiakitanga (section 3.1.6) and ‘authority’ in the description of mana whenua (3.1.9) could be inferred as applying a greater level of authority and control to Ngāi Tahu in natural resource management than is able to be exercised given modern patterns of resource ownership and management.⁵
6. In my view this issue could be resolved by adding the words shown in **bold underline** and ~~striketrough~~ text below to each of these descriptions:

- (a) ‘Customary purposes or uses’ (section 3.1.2) amend the first sentence to read:

*“The expression of many of the concepts and values described in other terms occurs through customary uses of freshwater, **land** and associated natural resources, and maintaining a physical and spiritual connection to that **land**, waterbody or other resource.”*

- (b) ‘Kaitiakitanga’ (section 3.1.6) amend the first sentence to read:

*“Kaitiakitanga is the inherited responsibility of mana whenua to manage the environment and natural resources within their takiwā (area of customary authority) **in accordance with Ngāi Tahu resource management traditions.**”*

- (c) ‘Mana whenua’ (section 3.1.9) amend the first sentence to read:

*“The term mana whenua describes the **customary** authority **given to whanau or hapu within a takiwā** to make decisions concerning the resources and people ~~in a given takiwā~~ **in that takiwā in accordance with Ngāi Tahu resource management traditions.**”*

⁴ Transcript Chapter 1 and 2 at page 137

⁵ Transcript Chapter 1 and 2 at pages 136 - 137

Waitangi Tribunal Reference (Section 3.2.4 of the Introduction Chapter)

7. The description summarising the Waitangi Tribunal findings in relation to the Ngāi Tahu Treaty Claim in section 3.2.4 of the revised Chapter 1 is paraphrased from the summary of the Waitangi Tribunal's Ngai Tahu Report 1991. This summary is recorded on the Waitangi Tribunal Reports website (https://forms.justice.govt.nz/search/WT/reports/reportSummary.html?reportId=wt_DOC_68476209).

8. The wording in revised Chapter 1 was agreed between Ngāi Tahu and the Crown. The summary report itself is recorded on the above website as saying:

In the Ngai Tahu Report, the Tribunal concluded that many of the grievances arising from the Crown's South Island purchases, including those relating to mahinga kai, were established, and the Crown itself conceded that it had failed to ensure that Ngāi Tahu were left with ample lands for their needs. The Tribunal found that, in acquiring more than half the land mass of New Zealand from the tribe for £14,750, which left Ngai Tahu only 35,757 acres, the Crown had acted unconscionably and in repeated breach of the Treaty, and its subsequent efforts to make good the loss were found to be 'few, extremely dilatory, and largely ineffectual...'

Section 6(e) reference (Section 3.2.6 of the Introduction chapter)

9. Section 3.2.6 of revised Chapter 1 refers to the statutory duties of the Council under the RMA in relation to the principles of the Treaty of Waitangi (s8) and kaitiakitanga (s7). In my opinion it would be appropriate to add a reference to the duty to recognize and provide for, as a matter of national importance, the relationship of Māori and their cultural and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga under s6(e).



Lynda Murchison

17th July 2015