Mihi

Tēnā koutou,

It's not really understood by the general public that over the last century and a half our people have lived upon reservations scattered throughout the South Island. Reservations are seen as phenomena of the United States, Australia, Canada or worse, South Africa. However, in 1858 our people had been relocated from the Amuri Plains onto the reservation which would be formerly gazetted as 'Kaiapoi Maori Reserve 873' - Tuahiwi. In that time, the land stood outside the authority of the Crown because sovereignty (imperium) only extended to its dominium – what it actually owned.

The result was that the Crown and Ngāi Tahu would come to an agreement wherein the land would be converted into Crown Title, while the Rūnanga (tribal council) would be the body with regulatory and fiscal authority over the land. In fact legislation was passed to allow this by way of the 1858 Native Districts Regulation Act wherein the Rūnanga authority would supersede that of the provincial government. And, the legislation was substantial on the powers that Māori would have on their reservations: the capacity to raise taxes, regulate land activity and just as importantly, the right to enforce custom and common law. All of this was consistent with the New Zealand Constitution which allowed tribal government. Canterbury leadership at the time such as James Edward Fitzgerald and the first Premier, Henry Sewell, were supportive of tribal government because it was consistent with the law of the United Kingdom and the New Zealand Constitution. The Bailiwicks of Guernsey, Jersey and Man are three examples of self-governing possessions of the Crown.

In what became a behavioural pattern for both Māori and the Crown, Ngāi Tahu allowed the land to be passed under Crown Title and the Crown chose to not honour its end of the deal by gazetting us under the 1858 Act.

The result was economic and social disaster. Our reservations became over regulated by everyone (Māori Land Court, Crown, Local Government) except the landowners who roughly come to 10, 000 out of a Rūnanga membership that is now just under 30, 000. In fact for many of our people who wish to build a house, a Court Order is required first following a visit by a Judge.

Over the last century and a half, Ngāi Tahu have engaged with the Crown and local government, mostly in a litigious manner. Yet it has been an interesting decade post-earthquake wherein our past Mayor, David Ayers and now Dan Gordon have engaged with our community in meaningful way. This plan represents a good starting point between our people and the Waimakariri District Council. The zoning regulations submitted are a good step towards advancing development on our reservations as was originally agreed because the fundamental aim of both WDC and Ngāi Tahu is to attract investment to our region so that we can equally profit.

The work by our Mayor, Dan Gordon, and his council is deeply appreciated and we are cautiously optimistic with the proposed plan. Our optimism is not just because of our appreciation for water and sewerage through our pā and the recent achievements advanced but because real relationships are based on personal relationships and a fundamental trust with its leadership. Ultimately our Rūnanga is focused on ensuring agreements are kept and we look forward to working with the Waimakariri District Council on these matters.

Te Maire Tau

Ūpoko
Ngāi Tūāhuriri