

FSSB Speaking notes re: Moeraki

Tutaka Hikura is a well-known beach at Moeraki, valued for generations by the hapū for the kai it offers up but valued more recently for the gritty orange sand that was unique to the area. [David Higgins] remembers being told the hapū were paid by the truckload for sand extracted by the government, which was spread on State Highway 1 from as far north at Timaru to Balclutha in the South. The Rūnanga also extracted sand from Tutaka Hikura to make a commercial profit. The sand sometimes went into roofing tiles and the grit boards that you find at the bottom of bird cages. Over time, the roles reversed – no one paid the Rūnanga for extracting sand, and the Rūnanga had to apply for a permit for their activities and came to pay the government instead.

Under the tests in the Bill, would the presence of third-party mining break the exclusive use and occupation of the Moeraki whānau? More than likely, Moeraki would not be able to assert customary title, even though to begin with, the conduct of that activity recognised and affirmed the mana of the hapū there. And would the tests for customary rights recognise their historic commercial operations as a customary activity meriting protection today? Again, we would be at the mercy of a judge or future Minister as to whether they accept commercial activities as part of customary practices.