URGENCY APPLICATION

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Waitangi Tribunal
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Ministry of Justice
WELLINGTON

IN THE WAITANGI TRIBUNAL
WAI [TO BE ASSIGNED]

URGENCY APPLICATION

I, Alaina Koreena Teki-Clark, Chair of Koriniti Marae Māori Reservation Trust, speaking for Ngāti Pāmoana and the legacy of Tauira (Granddaughter of Chief Poutama), apply for urgency.

1. THE LEGAL TEST

1.1 Urgency requires: (a) significant and irreversible prejudice; (b) no alternative remedy; (c) readiness to proceed.

2. SIGNIFICANT AND IRREVERSIBLE PREJUDICE

2.1 The Bill received Royal Assent on 11 September 2026 [Exhibit 01]. The settlement date is 40 working days later.

2.2 Clause 78 of the Act provides for the vesting of the Koriniti property in the trustees. The property is declared a reserve and classified as a scenic reserve [Exhibit 84]. Once vested, our whakapapa whenua is gone from our reach forever.

2.3 The people who will receive and manage these assets have overlapping governance and management roles across the Trust and related entities. They may appoint additional trustees, appoint a Chief Executive, establish subsidiaries, and make binding decisions before any hapū vote.

2.4 The entity they will run was designed without us. The Trust admitted it was designed in a closed workshop with lawyers.

2.5 The Trust Deed gives us no enforceable rights. No hapū veto. No withdrawal mechanism. No guaranteed share of resources. Trustees "will not be bound" by uri resolutions (clause 18.11(e)) [Exhibit 41].

2.6 The $1.4 million Council loan to Tupoho Investments Ltd may be transferred to Takapau Whāriki. Tupoho Investments Ltd's directors include the Lead Negotiator and the Project Manager. Those individuals personally guaranteed a separate BNZ loan of

$435,000 plus interest and costs [2022–2024 Financial Statements, Note 19/18]. The Crown never reviewed the Council loan [Exhibit 09].

2.7 The Crown is implementing this knowing its own records show it verified nothing. Seven "does not exist" answers—multiple "not held" refusals [Exhibit 09].

2.8 Every day entrenches the prejudice.

2.9 The prejudice is not speculative. The settlement date is fixed. The vesting will occur. The extinguishment is statutory. The appointments are pending. Each of these is irreversible.

3. NO ALTERNATIVE REMEDY

3.1 The Ombudsman said it was "very unlikely" to complete an investigation before the vote [Exhibit 46].

3.2 The Auditor-General declined [Exhibit 45].

3.3 Charities Services declined [Exhibit 44].

3.4 The Select Committee asked no questions [Exhibit 03].

3.5 The courts cannot make Treaty findings. Only this Tribunal can.

3.6 I filed on 9 May 2026. The Tribunal declined under section 6(6).

3.7 Judicial review would not provide the remedy sought: a finding that the Crown breached the Treaty.

3.8 The Crown may argue the Tribunal's recommendations are not binding. But the Crown has responded to Tribunal findings before. The Tribunal's findings in those inquiries led to meaningful change.

3.9 The Crown cannot argue that I should have pursued judicial review when the Crown's own OIA responses, which are the core evidence for this claim, did not arrive until 4 June 2026. By then, the Bill was before the House and the Tribunal was barred. The Crown's rush to legislate foreclosed the very remedies it now says I should have pursued.

4. CONTINUING BREACH

4.1 The Crown's Treaty obligations do not end at Royal Assent.

4.2 The Crown knows the process was flawed. It could still intervene. It has chosen not to.

4.3 The Crown's decision to proceed with implementation, despite knowing the process was flawed, is a new Crown act inconsistent with the principles of the Treaty. It is not the same act that was before the House during the section 6(6) bar.

4.4 That choice is a continuing breach.

4.5 The Crown cannot use its own speed to legislate as a defence against accountability.

5. PUBLIC INTEREST

5.1 This claim is about whether hapū consent matters.

5.2 If the Crown can proceed on a roll cut in half with no criteria, deny legal advice, hide a $1.4 million loan, and pass a Bill through committee with no questions asked, every hapū faces the same risk.

5.3 The NTT Declaration shows the official count has not dropped [Exhibit 20A].

5.4 The template is already established. The river PSGE has demonstrated the same failures. The land settlement will repeat this.

5.5 This Tribunal has previously acted in mandate inquiries to correct Crown process failures. The Tribunal's findings in those inquiries led to meaningful change. This claim presents the same opportunity.

6. EXCEPTIONAL NATURE OF EVIDENCE

6.1 The Crown's own documents show systemic failure in implementation:
(a) The Crown's OIA confirms it did not assess the PSGE's fitness for purpose [Exhibit 09].
(b) The Auditor-General has found the Crown's monitoring is a systemic failure [Exhibit 81].
(c) The Crown has failed to resolve the post-settlement issue [Exhibit 83].
(d) The Crown's own framework requires monitoring and resolution [Exhibit 80].

6.2 The Crown cannot claim the process was fair when its own records show it did nothing.

6.3 The evidence is not contested. It is the Crown's own documents. The Crown cannot deny its own OIA responses. It cannot deny its own observer reports. It cannot deny its own Ministerial reports. The evidence is documentary and overwhelming.

7. READINESS TO PROCEED

7.1 The claim is drafted. The evidence is compiled. The exhibits are indexed.

7.2 I am unrepresented and have applied for Special Aid.

7.3 The claim is ready for urgent hearing. The evidence is before the Tribunal. The claimant requires no further investigation. The Crown cannot claim it needs more time to respond to its own documents.

8. RELIEF SOUGHT

8.1 Urgent inquiry into whether the Crown breached the Treaty.

8.2 I do not ask this Tribunal to overturn the settlement. I ask for findings that will provide the basis for the Crown to re-engage with Ngāti Pāmoana before proceeding.

8.3 I recommend that, pending the Tribunal's findings, the Crown:
(a) Withhold transfer of settlement funds and assets.
(b) Do not transfer the Koriniti Scenic Reserve.
(c) Fund independent legal advice for Ngāti Pāmoana.
(d) Do not permit the Initial Trustees to take irreversible steps.

8.4 If urgency is declined, I request the claim proceed through the ordinary inquiry process.

SIGNED:
[INSERT ELECTRONIC SIGNATURE HERE]
Alaina Koreena Teki-Clark
Chair, Koriniti Marae Māori Reservation Trust
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