IMPACT STATEMENT

IMPACT STATEMENT AND SUBMISSION FOR NGĀTI PĀMOANA

IN THE MATTER OF: The Treaty of Waitangi Act 1975
AND IN THE MATTER OF: A claim by Ngāti Pāmoana concerning the Crown's ongoing failure to implement the Whanganui settlement properly.

FILED ON BEHALF OF: Ngāti Pāmoana
DATE: 11 September 2026

MAY IT PLEASE THE TRIBUNAL:

1. WHO WE ARE

We are Ngāti Pāmoana, a hapū of the Whanganui River. Our tīpuna whare is Te Waiherehere. That is where we meet. That is where we decide.

Whakapapa is not a mandate. Belonging to a hapū is not a decision-making process. A hapū decides through its own tikanga: it meets, debates, votes, and passes a resolution. Koriniti Marae did that. It is the only hapū that did. And it said no.

On 17 May 2026, our marae passed a unanimous resolution rejecting the Crown's mandate [Exhibit 16]. It is the only written hapū resolution on the parliamentary record.

Several hapū do not have a Chairperson in a position to drive this- someone with the time, the skills, and the resources to challenge the Crown process. Their silence is not consent. It is exhaustion. This window is left open for them.

2. WHAT THE CROWN IS FAILING TO DO

The Crown is failing to implement the settlement properly. It is failing to monitor its commitments under He Korowai Whakamana. It is failing to ensure the PSGE is accountable before transferring assets. It is failing to resolve post-settlement issues.

The Crown's own framework requires monitoring, accountability, and issue resolution. The Crown is not doing these things. The Crown's own OIA responses confirm it did not assess the suitability of the Interim Trustees or whether governance concerns affected the PSGE's fitness for purpose. The Crown's own Auditor-General has found systemic failure. The Crown's own agency, Te Puni Kōkiri, is the system lead.

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Waitangi Tribunal
16 Sep 26
Ministry of Justice
WELLINGTON

The Crown cannot claim it did not know. Its own documents prove it knew.

3. WHAT WE LOSE

The Koriniti Scenic Reserve will vest in Takapau Whāriki, not in Ngāti Pāmoana. The whenua is currently administered by DOC. Our whakapapa ties us to it across generations. The settlement does not return it to us.

We have no enforceable representation. The Deed states Trustees "will not be bound" by uri resolutions. We are advisory only.

Pāmoana fought battles so others could keep their whenua. Those interests are not confined to Koriniti. The settlement does not recognise them.

These losses are permanent. The Crown is about to lock in the same structure that has already failed us in the river PSGE.

4. THE LIVED EXAMPLE

We do not have to imagine what this Deed will do. We already live it through our river PSGE, Ngā Tangata Tiaki o Whanganui.

Ten years in. First review due in 2019. Started 2022. Report done in November 2022 and voted on in mid-2026. Seven years late. No penalty. No explanation. That review reduced accountability to hapū. The only formal hapū oversight body, Te Matua a Rohe, was removed. The Board now appoints Advisory Trustees, not hapū. Future reviews are optional.

The 2022 review the Trust relies on had 86 participants. The hui at Ranana had zero attendees. Only 17 people were familiar with Te Matua a Rohe. Of those 17, ten said to keep it, and seven said to remove it. That is not a mandate to remove it. [Exhibit 87]

In July 2026, Ngā Tangata Tiaki amended its Deed. Announced 91% support. Only 9.28% of eligible voters participated [Exhibit 20A]. The Trust claims a mandate from fewer than one in ten beneficiaries. That is not a mandate. That is a small minority, presented as the will of the people.

Participation in the settlement ratification was 25% of the reduced roll, 10.1% of the official register [Exhibits 09, 20, 20A]. The Crown accepted it. The Trust claims a mandate from those who voted. The question is why so few voted.

The evidence suggests several reasons. Ngā Tangata Tiaki's own response confirms hapū have no power: Advisory Trustees are advisory only, uri resolutions do not bind Trustees, reviews are at the Trustees' discretion, and the Dispute Resolution clause was not triggered [Exhibit 86]. The conflicts register is closed to beneficiaries. The legal advice has not been shared. The stand-down period was refused, allowing trustees and employees to move between roles and award contracts to each other. The money does not trickle down: $360,000 to 36 marae while the Trust spends $7.63 million [Exhibits 77, 77A, 77B]. Our marae received $8,000 this year. Over the last ten years, distributions have ranged between $5,000 and $10,000 per marae. Beneficiaries see the same people in the same roles, the same outcomes, the same structure.

When people see no benefit, no power, and no change, they stop participating. That is not apathy. That is a rational response to a system that does not serve them.

Where does the money go?

Ngā Tangata Tiaki o Whanganui holds $131.88 million in net assets. It earns $2.5 million in investment income. It distributes $360,000 to all 36 marae combined, about $10,000 each. Our marae received $8,000 this year. Over the last ten years, distributions have ranged between $5,000 and $10,000 per marae. [Exhibits 77, 77A, 77B]

Total expenses: $7.63 million. The marae get $360,000. The rest goes to the Trust: staff, consultants, professional services, and the corporate structure. Two senior staff received $433,000, more than every marae combined. Professional fees were $692,000, nearly twice what all marae received.

There is no evidence that this spending is reaching the hapū. It is being spent on the entity and the people who run it. The beneficiaries are not seeing the benefit.

The pattern is known.

The Crown knows the shortfalls of these PSGE structures. The Auditor-General has documented them. The Waitangi Tribunal has documented them. In 2024, the Supreme Court in Nikora v Kruger confirmed the Māori Land Court has jurisdiction over PSGEs holding general land. That gave beneficiaries a pathway to hold trustees accountable. Now the Crown is legislating to remove that jurisdiction. Forty-two of 73 PSGEs have asked to be exempted from Māori Land Court oversight.

Why? Because they do not want to be accountable. They want autonomy, not accountability.

The Crown is about to lock in the same structure for the land settlement. The Crown knows. It has been told. It has the reports. It has the evidence. It has chosen not to act.

We are no different.

These structures don't serve our people. They are serving the entity and the people who run it. Our people see it. They see the information. They see the outcomes. And they choose not to participate, because they see no benefit. That is the truth the Crown does not want to hear.

5. WHY WE ARE HERE

I did everything a responsible Treaty partner should do. I wrote letters. I held hui. I sought legal advice. I filed OIAs. I gathered evidence. I brought my case to the Select Committee. I filed with this Tribunal.

Every institution failed. The Ombudsman said too slow. The Auditor-General declined. Charities Services declined. The Select Committee asked no questions. The Tribunal was blocked. Now the Bill has passed. The Tribunal door is open.

The Crown could still intervene. It could still fund advice. It could still stop the Initial Trustees. It has chosen not to.

We do not ask the Tribunal to overturn the settlement. We ask only that the Crown be held to account for its failure to implement it properly.

Pāmoana fought for us. Now I fight for him. For Tauira. For Ngāti Pāmoana. For all who come after.

SIGNED:

Alaina Koreena Teki-Clark
Chair, Koriniti Marae Māori Reservation Trust
Speaking for Ngāti Pāmoana and the legacy of Tauira (Granddaughter of Chief Poutama)
[redacted]
11 September 2026