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# Ngā Hapū o Poutama

*'Kaa ruu te whenua  
Kaa ruu a Poutama'*

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## PRESS RELEASE

**Date:** 9 September 2025

**From:** Ngā Hapū o Poutama  
Haumoana White  
Rangatira for Ngāti Wai and Ngā Hapū o Poutama

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**Subject: Mt Messenger - The High Court releases decision against NZTA and finds that Environment Court had no jurisdiction to order costs against Poutama Rangatira and Kaitiaki**

The High Court yesterday overturned a 2023 Environment Court costs judgment of \$70,000 against three Ngā Hapū o Poutama Rangatira and Kaitiaki who were not parties to the 2019 Mt Messenger RMA proceeding.

The judgment of Justice Robinson is clear that the Environment Court had no jurisdiction to award costs against Haumoana White, Russell Gibbs and Tamawaru Hunt who were merely fulfilling their obligations to the wider Poutama hapū and whānau. Justice Robinson found *"The Environment Court ... is always bound by the RMA. The words of s 285(1) are quite clear. The Environment Court may order costs against "any party". The trustees were not parties."*<sup>1</sup>

The High Court judgment confirms that *"The Environment Court has routinely declined applications for costs orders against non-parties"* and *"The distinction between parties and non-parties for these purposes is longstanding."*<sup>2</sup>

Poutama Rangatira Haumoana White says *"the Environment Court must have known they had no jurisdiction to order costs against us, but they did it anyway. To have an unlawful costs judgment hanging over our heads for two years is an abomination under the Resource Management Act. The costs judgment appeared to us to be a punishment against Māori for simply participating in the NZTA Mt Messenger RMA processes to the best of our ability and acted as a deterrent to Māori accepting and carrying out leadership roles in hapū and iwi representative entities."*

Justice Robinson found that the NZTA position was to deprive the former trustees *"of their right to appeal the costs order against them, while leaving Waka Kotahi free to pursue its bankruptcy*

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<sup>1</sup> At [13] and [38]

<sup>2</sup> At [30] to [39]

*proceedings against them based on the unpaid judgement debt.” Justice Robinson determined “I do not consider that would be in the interests of justice.”<sup>3</sup>*

In 2013 former Environment Court Judge Dwyer found the relationship of Ngā Hapū o Poutama with their ancestral lands, water, sites, waahi tapu and other taonga was considered a matter of national importance within the traditional rohe of Poutama.<sup>4</sup>

In a complete about face former Judge Dwyer found Ngā Hapū o Poutama are not tangata whenua in the Poutama rohe for the purposes of the NZTA Mt Messenger bypass in 2019 but that *“we accept as incontrovertible the fact that Ngāti Tama are tangata whenua exercising mana whenua and kaitiakitanga over the land affected by the designation ... The Treaty settlement is ... a form of legal and political recognition of their mana whenua and kaitiakitanga that carries considerable weight”* - even though the Crown had written to Ngā Hapū o Poutama in 2016 and confirmed *“the crown included Poutama Iwi within Ngāti Tama Settlement Act 2003.”<sup>5</sup>*

Ngā Hapū o Poutama has received information under the Official Information Act on 23 May 2025 confirming that the Crown Office of Treaty Settlements variously described Ngā Hapū o Poutama as *“the Mōkau families”* and *“the northern section of Ngāti Tama”* and *“the Ngāti Tama objectors”* during the Crown settlement negotiations with the Ngāti Tama Iwi Development Trust in the late 1990s.

NZTA and Te Rūnanga o Ngāti Tama Trust witnesses told the Environment Court that the Rūnanga represent all sections of Ngāti Tama.

However, following the Mt Messenger RMA hearing in July 2019 but prior to the first interim Environment Court decision in December 2019, Te Rūnanga o Ngāti Tama Trust and NZTA were involved in a separate proceeding together in the Māori Land Court in which the Rūnanga filed a secret report admitting that it had excluded the 174 ancestors of Ngā Hapū o Poutama from the list of ancestors used by the Rūnanga to determine eligibility to be registered and vote on whether or not to sell the treaty settlement land to NZTA for the Mt Messenger bypass. The secret report also confirms the Rūnanga have excluded other sections of Ngāti Tama that have mana whenua interests in Wellington and at the top of the South Island and others. Counsels for NZTA and the Runanga withheld this evidence from the Environment Court and from Ngā Hapū o Poutama.

Matua Haumoana says, *“Counsels for NZTA and Te Rūnanga o Ngāti Tama Trust withholding this critically important secret report from the Environment Court and Poutama has caused a significant and ongoing miscarriage of justice involving the first interim Environment Court decision. It also means that most of the sections of Ngāti Tama were not eligible to vote on whether or not to alienate Ngāti Tama treaty settlement land to NZTA for the Mt Messenger bypass.”*

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<sup>3</sup> At [21]

<sup>4</sup> <https://www.nzlii.org/nz/cases/NZEnvC/2013/254.html>;  
<https://www.nzlii.org/nz/cases/NZEnvC/2013/271.html>

<sup>5</sup> File note from Ministry of Māori Development

NZTA's aggressive campaign against the Poutama section of Ngāti Tama and their entrenched "do minimum" approach was exposed by RNZ in 2019.<sup>6</sup>

Matua Haumoana says:

*"At the hearing of the appeal against the Environment Court costs judgment on 3 April 2025 counsel for NZTA conceded that this was the first time that NZTA has ever taken the novel position that the Environment Court had jurisdiction to award costs against non-parties."*

*"The NZTA Board must have authorized NZTA to make the application to the Environment Court for costs against Ngā Hapū o Poutama Rangatira and Kaitiaki personally who were not parties to the 2019 Mt Messenger RMA proceeding, however I expect those NZTA Board members would not be happy if they were made personally liable for any costs incurred by NZTA."*

*"NZTA have been deliberately attacking Poutama tino rangatiratanga and intentionally setting aside their own NZTA Māori Strategy, vision, values and principles when it comes to Ngā Hapū o Poutama - the NZTA Māori Strategy which ironically includes:<sup>7</sup>*

- Rangatiratanga - *"We recognise and respect the individual autonomy and authority of Māori."*
- Kaitiakitanga – *"We recognise that the environment is a taonga that must be managed carefully. We also recognise that Māori have a responsibility and obligation of care over their communities and environment."*
- Whanaungatanga – *"We foster meaningful and enduring relationships based on good faith, mutual respect, understanding and trust."*
- Te Tiriti o Waitangi – *"We recognise and uphold the principles of Te Tiriti o Waitangi."*
- Huna Kore – *"We value a no surprises approach and information flows both ways."*
- Whakapono – *"We act with honesty and integrity"*
- Partnership – *"We will act reasonably, and in good faith."*
- Participation – *"We will encourage, and make it easier for Māori to more actively participate in NZTA business."*

I attach a paper by respected Ngāti Tama kaumatua Raumati Hook, Ph.D., D.Sc. entitled Oppression: Pēhitanga<sup>8</sup> and a copy of yesterday's decision of Justice Robinson *Poutama Kaitiaki Charitable Trust (In Liq) v New Zealand Transport Agency* [2025] NZHC 2610 [8 September 2025].

The High Court has invited the former trustees of the Poutama Kaitiaki Charitable Trust to claim costs against NZTA.<sup>9</sup>

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<sup>6</sup> <https://www.rnz.co.nz/news/te-manu-korihi/438473/taranaki-hapu-group-sidelined-over-roading-project-documents-show>

<sup>7</sup> <https://www.nzta.govt.nz/assets/About-us/docs/te-ara-kotahi-our-maori-strategy-august-2020.pdf>

<sup>8</sup> Oppression: Pēhitanga by Raumati Hook, Ph.D., D.Sc. at page 23 of 28 "

<sup>9</sup> At [45] *"I question this assumption that cultural rights belong only to those with Māori genealogy and I wonder whether a whangai Pākehā raised by a Māori whānau could claim cultural rights. More importantly, who has the authority to decide, the hapū or the environment court? In my opinion it is not for the environment court to decide who qualifies as tangata whenua. Surely, a hapū retains its authority under the Treaty of Waitangi to assign cultural rights over its lands to whosoever it chooses to endow or has the Crown now assumed those rights as well? This interference by the Crown in Māori affairs is a form of oppression that is difficult to overcome, but one that has been with Māori for well over 150 years."*

End

Naku noa

A handwritten signature in blue ink that reads "R. H. White". The signature is written in a cursive style on a light-colored background.

Haumoana White  
Rangatira

Ngāti Wai

Ngā Hapū o Poutama

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*In addition, the environment court moved to pass judgement on Maori whakapapa claims. Mrs. Pascoe must have claimed whakapapa connections to Toumairangi a Poutama tīpuna. This was judged questionable based upon other whakapapa connecting her to Te Atiawa and Ngāti Rahiri<sup>50</sup>. I point out that Toumairangi having whakapapa connections to other iwi does not render her Poutama connections invalid, and the court should have known this.*

*Whakapapa according to the Pākehā way of thinking must be gospel and absolutely precise, but from a Māori perspective it is, in fact, more about racial memory and who you think you are and it can be sometimes imprecise. The interpretation by Pākehā of the word “whakapapa” to mean “ancestry” alone is incorrect. The Pākehā court being unfamiliar with Māori concepts and social principles such as whakapapa<sup>51</sup> is insensitive to relationships established by tīpuna and therefore assumes that they did not exist.”*