

**IN THE WAITANGI TRIBUNAL****Wai 2700****Wai 2118****IN THE MATTER OF** the Treaty of Waitangi Act 1975**AND****IN THE MATTER OF** the Mana Wāhine Kaupapa Inquiry

**BY** Te Amohia McQueen, and Albert McQueen, on behalf of themselves, their whānau, and other whānau of their hapū, and on behalf of the descendants of Io Matua Kore and Te Wherowhereo Tāwhiao of Waikato Maniapoto

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**BRIEF OF EVIDENCE OF TE AMOHIA MCQUEEN****19 February 2021**

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Waitangi Tribunal

**19 Feb 2021**Ministry of Justice  
WELLINGTON

I, **Te Amohia McQueen**, Whānau Advocate, of Waikato-Maniapoto, state that:

**A: Introduction**

1. I present this Brief of Evidence in support of my claim in the Mana Wāhine Inquiry on behalf of myself, my whānau, and other whānau of my hapū, and on behalf of the descendants of Io Matua Kore and Te Wherowhero Tāwhiao of Waikato-Maniapoto.
2. I am a descendant of Te Wherowhero Tāwhiao, the second born son of Tāwhiao and the grandson of Pōtatau Te Wherowhero.
3. I whakapapa to Ngāti Rōrā. Rōrā was Maniapoto's youngest son and I am directly descended from Ngāti Rōrā on my grandfather's side. Ngāti Rōrā were based in Te Kūiti but their influence overlapped with many other hapū in the heartland Ngāti Maniapoto territories.
4. Our marae is the Te Kuiti pā. Our wharetupuna is Te Tokanganui-ā-noho and the tupuna at the top of our wharepuni is Paruparu.
5. I am a whānau advocate who is very active in many of the issues which affect our whānau and hapū. Throughout my experiences, the role of our wāhine is and continues to be undermined.
6. At the time of the signing of te Tiriti o Waitangi ("te Tiriti") our wāhine held prominent positions within our whānau and our hapū.
7. The Crown's numerous imposed policies and practices since the signing of te Tiriti have greatly reduced the mana and status of our wāhine.

**B: Korero**

8. I was born in 1967 to Mahora Enid Joyce Ormsby of Waikato-Maniapoto and Kaura Pakaka Fox, Ngāti Porou. I am 53 years old.
9. Growing up, I did not know my connection to our creator Io Matua kore, and I did not understand whakapapa. I never got to meet our grandmother Te

Amohia, and our great grandmother, Piupiu Te Wherewhero. I did not learn to speak te reo Māori. I did not understand the Treaty of Waitangi, nor did I understand or know about He Whakaputanga.

10. Then, I did not identify as a wahine Māori. Instead, I was told that I was a New Zealander, a citizen, and Queen Elizabeth was our only queen. The dominant culture was tauwiwi. They were the politicians, judges and lawyers, doctors, teachers, the law enforcers who ruled the roost – that is my view.
11. We are colonised from the day we are born. Registered in the system, and given a number at birth. This foreign State controls our births, deaths, and marriages by having a registry and collecting huge amounts of information about us. Māori births were first registered in 1913. The State “required that Māori births and deaths be recorded” in a separate registry up until 1962, when that register was combined with the general register. This law undermined the rights of Māori, the rights of wāhine, their pēpi, the whānau and hapū. There was no consideration for any cultural perspectives.
12. We are property of the Crown, registered like land, vehicles and animals. On the face of it, it seems that we have total autonomy, and are able to control our destiny and that of our whānau, hapū and iwi, but it is not true. We are enslaved by the system that has captured us by an act of registration. Interestingly, the registration of stillbirths was introduced the same year, in 1913. But that is another story.
13. Prior to colonisation, it was wāhine who held and exercised kaitiaki and mana whenua over land in te Ao Māori. However, during the process of colonisation, wāhine Māori lost the vast majority of our lands, in large part due to the policies and practices of the Crown, which were predicated on the idea that wāhine could not own property and therefore could not hold and exercise Mana Whenua.
14. As part of our mana whenua status, wāhine were the kaitiaki over our tamariki, whānau, lands and other taonga. However, because the Crown refused to accept or acknowledge the mana that wāhine Māori held, wāhine were

prevented from exercising tino rangatiratanga and kaitiakitanga over our tamariki, whānau, lands and taonga.

15. Our grandmother, Te Amohia, was born in Rarotonga. Te Amohia returned from the islands when she was around eight years old with her mother, Piupiu. They were both very astute women, whose strong leadership qualities outnumbered their private dispositions. Michael King in his book, *Te Puea*, would describe our great-grandmother, Piupiu, alongside her cousin and other family members as follows:

There was a streak of imperiousness, and air of disdainful command presence, that impelled some people to give these indulged women exactly what they asked for and others to despise them. Tawhiao's cousin Te Puea had it, as did Tiahuia, Te Puea's first cousin Piupiu and, later, her grand-niece Piki and her second cousin Te Marae Mahuta.<sup>1</sup>

16. My story in this space will talk about the power play that minimised our worth as tangata whenua, tāne, wāhine, tamariki and mokopuna. It will also tell of the destruction of cultural and spiritual values that underpinned our worldview. It was the whānau unit, the hub, and the cogs, that kept the hapū and iwi ticking over.
17. Mana Wāhine is a distant reality for me. The main wāhine in my life, my mother and grandmothers, our matriarchs, died before their time. I was 18 years old when our mother passed away. I was a mother myself. Our father, Hami Sam Waetford, our mother's second partner, and father to my brothers, shared private notes from my mother to each of her children. My one read, "You are the lady of the house now, look after your father and brothers and keep smiling". Simple words loaded with unsaid expectations.
18. Pōtatau Te Wherowhero refused to sign the Treaty of Waitangi. The basis of the Crown's exercise of authority over us was the free consent of the chiefs at the time te Tiriti/the Treaty was offered. However, our chief did not sign Te Tiriti. Therefore, William Hobson did not have jurisdiction as Lieutenant-

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<sup>1</sup> Michael King "Te Puea" (Penguin, 2008), at Chapter 1, page 10.

Governor to operate within our Tikanga jurisdiction, governed by the Wakaminenga, in their collective capacity, which included Te Wherowhero and Te Hapuki.

**C: Ngā Atua/the Gods**

19. All mana is sourced from the atua/gods. Ranginui is our Sky Father and Papatūānuku is our Earth Mother. For Māori wāhine, the sources of this mana (mana wahine) include te ara uwaha o Tahu (the heavenly female path of Tahu), the primal parent Papatūānuku and other female deities.

**D: Mana Wāhine**

20. A wāhine is woman. She is not a hine, a girl. She has matured over time and she is wa-hine. The 1835 He Whakaputanga, known also as the 1835 Declaration, translates mana to mean power and authority. Together mana wāhine are females who have power and authority, and they have the means to stand strong.
21. In the whānau, the wāhine have the power and authority, they are the whare tangata, the house of people. This symbolism of whare tangata is reflected in te whare tupuna. There it is said that Rongomātāne resides, in the house of peace.
22. Māori refer to wāhine as te whare tangata (the house of humanity), recognising the vital roles wāhine play in providing life and nurturing future generations. Wāhine are respected for our ability to create life, so we are treated with the same consideration as Papatūānuku, the creator of all life. Terms associated with te whare tangata are synonymous with the land.
23. The power and authority that wāhine have in the whānau is an important role. It is the foundational building block of our society. Wāhine Māori manage the affairs of whānau, ensuring that sustenance abides within it, enabling growth and wellbeing. Our role is complemented by the role of mana tāne. He oversees and protects the mana of the whānau, but he does not manage the affairs of the whānau.

24. Is this reflective of Tikanga Māori? And how is that? Yes, this is the tikanga of ngā atua Ranginui. Heaven, te kauwae runga, the male, rāua ko Papatūānuku. Earth, te kauwae raro, the female.
25. Has this role of wahine been undermined? And if so how? And has te Tiriti and the way in which it was interpreted impacted on wāhine, her power and her authority within whānau? How have the whānau been impacted by this?
26. The whānau have been forgotten and undermined in all of the Crown's processes. The Crown's focus is on hapū and iwi. Yet without whānau, hapū and iwi are nothing. At its most miniscule, the wahine has the power and authority to choose her maker, her tāne, and together they create the power to form a whānau, and that is where the power resides, within whānau.
27. We refer to Atua Māori and refer to Papatūānuku, and the realm in which she, our mother earth, takes residence. This mana is mana whenua, and this mana is wāhine, as the womanly essence is carried in the womb of Papatūānuku, and the womb of women. The placenta resides in the womb. "Hapū" denotes a wāhine who is pregnant with child, and with a slight change in the way it is spoken, it denotes sub-tribes.

**E: Mana Wāhine and the Treaty Settlement Process**

28. I will now discuss mana wāhine in the context of my Wai 2118 claim in this Tribunal.
29. Essentially, it has been the Crown's Treaty Settlement process that has undercut our mana wāhine. I have been involved in conflicts caused by the Crown's flawed mandating process, and was a claimant in the Wai 2858: Maniapoto Mandate Inquiry.
30. By way of context, in December 2016 the Crown recognised the mandate of the Maniapoto Māori Trust Board ("MMTB") to enter Treaty negotiations on behalf of all Maniapoto descendants. The Crown's policy is that it will only "negotiate claims with large natural groupings rather than individual whānau

and hapū”.<sup>2</sup> As a “large natural grouping”, MMTB purported to represent interests that rightly belonged to my whānau.

31. From 2013, I expressed my concerns with MMTB’s representation of “all” and “unregistered” hapū and members of Maniapoto. MMTB had compiled lists of many Maniapoto hapū, which included both registered and unregistered Maniapoto Māori. I knew that they had not consulted with all who whakapapa to those whānau, hapū and iwi before including them in the lists, because the hapū which I whakapapa to was included without our permission.
32. I voiced my concerns on many occasions, including at hui. I objected to the imposition of MMTB’s mandate over all Maniapoto Māori, particularly those who, like my whānau, were unregistered. In the end, I understand that less than a quarter of eligible voters responded to the MMTB’s call for electoral support. I cannot speak for other electors, but my whānau did not support MMTB.
33. Despite these problems, the Crown recognised MMTB’s mandate, and finalised a Treaty Settlement in December 2020. My claim has been excluded from this settlement, but I still have concerns that the legitimate whenua and taonga interests of my whānau have been prejudiced.
34. The great majority of my efforts in the Wai 2118 claim have been consumed by these Maniapoto Mandate issues. The Crown pressed on with MMTB to conclude any sort of agreement, whether or not that would undermine or subjugate other legitimate claims such as my own.
35. The Crown has neglected to deal appropriately with the concerns of hapū, whānau, and in particular wāhine. It is part of our whānau that our wāhine voices are strong. The fact that the Crown deals only with Iwi really has a huge effect on our mana wāhine, and on whether we are heard or not.

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<sup>2</sup> *Ka tika ā muri, ka tika ā mua: Healing the past, building a future* (Office of Treaty Settlements, March 2015) at 27.

36. In relation to mana wāhine, the Crown’s insistence on negotiating with organisations that form “large natural groupings”, instead of directly with our whānau and hāpu structures, has undermined mana wāhine.
37. Despite raising my concerns multiple times, I and many others who did not agree with MMTB’s mandate, were not listened to. These “large natural groupings” are the newest of the Crown’s colonial structures, and perpetuate the oppression of our wāhine voices.
38. These “mandated” organisations are usually dominated by men, and do not respect the mana that wāhine possess. This ignorance of our Tikanga relationships further demonstrates that lack of authority that these Crown-recognised mandates possess. These issues with the Crown’s settlement process, resulting in prejudice to our whānau interests, have undermined mana wāhine.
39. There are many other areas in which our mana is ignored, as in Family Court legislation where our role as mothers and grandmothers is just inaccessible.
40. Across the board, the Crown’s policies have all undermined us as wāhine, and deprived us of our power and status.

**Dated: 19 February 2021**



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**Te Amohia McQueen**