

**IN THE WAITANGI TRIBUNAL**

**WAI 2700  
WAI 2855**

---

**IN THE MATTER OF** The Treaty of Waitangi Act 1975  
**AND**  
**IN THE MATTER OF** The Mana Wāhine Kaupapa Inquiry  
**AND**  
**IN THE MATTER OF** A claim by Hana Maxwell  
concerning mana wāhine and  
Ngātihau

---

**Brief of Evidence of Hana Maxwell**

**Dated 30 June 2021**

---

---

**Counsel Acting: Brooke Loader & Cameron Hockly**

**HOCKLY  
LEGAL**

Cameron Hockly  
cameron@hockly.co.nz  
021 738 542

Hockly.co.nz  
Mangere Bridge  
AUCKLAND 2022

**RECEIVED**

Waitangi Tribunal

**30 Jun 2021**

Ministry of Justice  
WELLINGTON

## MAY IT PLEASE THE TRIBUNAL

Ko Te Maruata te maunga  
Ko Waitangi te awa  
Ko Minarapa Paeawa raua ko Ri Peka ngā tupuna  
Ko Ngātihau o Whāngārei te hapū  
Ko Ngāpuhi te iwi  
Ko Kahukuri te tangata  
Tihewa Mauri Ora

1. My name is Hana Maxwell. I am of the Ngātihau hapū of Ngāpuhi. I derive my whakapapa through my tupuna Minarapa Paeawa and Ri Peka. I live in Tikipunga, Whangarei.
2. The purpose of this brief is to provide our foundational understandings of ngā mana o ngā Wāhine o Ngātihau for the tuapapa phase of the Wai 2700 Mana Wāhine inquiry.

### **The Tikanga of Atua Wāhine and Mana Wāhine**

#### ***Te Arataki***

**“Te Pu Te More Te Aka Te Weu Te Rea, Te Waonui Te Kune Te Kore Te Po, Ki nga tangata Māori na Rangi raua ko Papa, Ko tenei te timatatanga O Te Ao”.**

3. This overview of Papatuanuku through karakia and waiata is an introduction to the creation of the Māori world and the role of Papa, the female essence of that Māori world.
4. Rangi embraced Papa and the world remained in darkness. Ka moetahi Ranginui raua ko Papatuanuku.
5. One of their sons, Tane the “Atua” of forests, separated Rangi and Papa to allow the light to penetrate the darkness and provide space for himself and brothers Tangaroa, Tawhirimatea, Rongomatane, Haumietiketike, Whiro and others who lived in the tight embrace of darkness.
6. It is on the basis of this genealogy that all things of the world are related - the trees, the fish, the birds, the insects, the butterflies, stones, rocks, the small plants, turehu,

the male elements and female elements of the heavens, those who live under the sea, and people.

### **The Relationship between Papatuanuku and Kokowai**

7. The excruciating pain from Papatuanuku was heard the moment light came into the world and is likened to the karanga of the women on their sacred whenua Papatuanuku. The separation caused Papatuanuku to bleed, and this bleeding created kokowai, the sacred ochre of Kurawaka.
8. Kokowai was still being used in villages at the time of Patuone, who was known to have a favourite *kokowai* colour. The sacred and *tapu kokowai* was used by chiefs and smeared on whole villages including their homes and palisades.
9. Tane took some earth from Papatuanuku, from Kurawaka, and kneaded, shaped and fashioned Hine Ahu One. He took aspects of his brothers who were tied into her human form and took her as his wife. This was the physical creation of the female element that originated in Papatuanuku.
10. Of all that was created, people or tangata were the most important. Theirs was the highest degree of being, the highest form of tapu. When Hinetitama became an adult she was informed that Tane was her father she was so ashamed that she became Hinenuitepo the origin of death to mankind in this world. The formal acknowledgement of Papatuanuku, of Hineahuone, of Hine Titama, and of Hinenuitepo is still in common practise amongst iwi of Aotearoa, New Zealand.
11. Te Atua Wera, who was also known as Papahurihia, was Ngātihau Ngati Kaharau from Omanaia. He was the Spiritual Leader of the religion known as Te Ngakahi.
12. Rima Edwards provides writings from Te Wananga of Te Ngakahi, that gives a description to the sacred female element characteristic of atua whaea and the ceremonial rituals still practised imbued in whaikorero:<sup>1</sup>

Ko Mauitikitiki i whai kia ora tonu te tangata ki tēnei Ao kia kua e mate. Horekau i taea e Ia. Ko Ia kē te mea i mate. He mea uru atu Mauitikitiki mai i te wharetangata o Hinenuiotepo. Ka ara mai

---

<sup>11</sup> Waitangi Tribunal, Tai Tokerau District Māori Council Oral History Report dated 30 September 2016 (Wai 1040, #AA36) at 36.

Hinenuitepo kutia ana Mauitikitiki e la ka mate a Mauitikitiki a Taranga. Koia te tangata e mate tonu nei. Ehia ngā tikanga nui i puta mai i ēnei mahi. Ko te tuatahi ko te tapu nui i uhia ki runga ki te Ira Wahine i oti ai kei runga ake tona mana i to te Tāne i runga i tēnei ko ia te kaipupuri i te mana o te mate.

*It was mauitikitiki who sought that mankind live eternally in this World and that he should not die. He did not achieve this. He was the one who died. Maui entered Hinenuitepo through her birth passage. Hinenuitepo woke and crushed Mauitikitiki between her thighs and Mauitikitiki a Taranga died. Hence mankind continues to die. Several important customs originate from these things. The first is a great sacredness was placed upon the female element which places her mana above that of the male element in this respect in that she holds the power over death.*

Na tēnei tapu i noho puku ai te wahine ki etahi o ngā tikanga o te iwi engari ki te tae ki te kikiitanga e kore ai e taea e te Tāne ngā karakia ma te tohunga ira wahine e whakaoti ngā karakia. Ko tēnei noho puku kia kaua ai e takahia tona tapu kia kaua ai hoki e pa te raruraru nui kia ratou. He whakaatu ano hoki ki te Tāne kia kaua tona ringa e pa patu i te wahine. Ko te wa ano tēnei e tukua ai te kakano o Papatuanuku ki roto ki te wahine e whānau tonu mai ai te tangata ki tēnei ao. Kei te wharetangata ano te mana nui hei whakaora i ngā mauiui o te takahi tapu o te makutu ranei i tukua mai e tētahi atu.

*It is because of this sacredness that the woman remains silent under some customs of the people but should the male tohunga prayers fail then the female tohunga completes the prayers. This silent position is so that her sacredness is not desecrated and therefore avoids possible catastrophe to the people. This is also a teaching to the male element that striking a woman is forbidden. This is also the time that the seed of Papatuanuku is released into the woman so that mankind continues to be born into this World. The sacredness of the birth passage of the woman also holds the power to restore wellness of illness as a consequence of sacredness being breached or from a curse that has been sent by someone else.*

13. Several important customs originate from the stories of Mauitikitiki and attempts to overcome death. The first is a great sacredness was placed upon the female

element which placed her mana above that of the male element in this respect, that she holds the power over death. It is because of this sacredness that the women remain silent under some customs of the people but should the male tohunga prayers fail then the female tohunga completes the prayers. This silent position is so that her sacredness is not desecrated thus avoiding possible catastrophe to the people.

14. The religion of Ngātihau tupuna was a traditional religion about IO MATUA I TE KORE. He was the parent whose origin was in the void of nothingness and had the supreme dignity of existence and the source of all other beings. From the tapu and mana of Io matua i te kore came Rangi and Papa-tua-nuku, the sky and the earth, their children, the spirits and guardians representing and being responsible for the various elements of the created world.
15. From Ranginui and Papatuanuku the universe was created through their atua children who take on various roles and responsibilities. Humanity and all living things are embodied with mauri and tapu directly from Io Matua I Te Kore.
16. The meaning of the name Ranginui is that within him are the forces that hold the world together. Papatuanuku is the mother of all things and is the seed of the female element including characteristics of love and kindness.

### **Key tikanga concepts**

17. These concepts were used by Pa Henare Tate in his classes at St Johns, Catholic Institute of Theology, Te Unga Waka, and with many whanau hapū and iwi throughout Aotearoa. Women had full access to the material used in his programme and women were encouraged to become more knowledgeable about traditional roles. He advocated the necessity of woman maintaining these roles in the event of there no longer being males to fulfil their traditional roles.

### ***Tangata, whanau, iwi***

18. A person is born (*whanau*) into a whanau relationship, and the relationship begins at birth. The relationship (*whanaungatanga*) means a consolidation of a people of many whanau being born into a relationship of blood by reason of descent from a common matua or tupuna (he puta tahi, are similarly born from the same source).

19. Whanau identity and *whanaungatanga* can apply to a relationship of matua and Tamariki atawhai (family by adoption) which may or may not be a relationship of blood.
20. There are four models of whanaungatanga;
- a. Heke tika, the direct line of descent
  - b. He hoa, a friend
  - c. He iwi ke, other people
  - d. He hoa-riri, a foe
21. There is always a relationship between people, iwi and iwi ke, tangata whenua and tauiwi, hunga kainga and manuhiri. As there is always a relationship among people, there is always a responsibility upon people to care for the well-being of other people, according to the principles of *tika, pono and aroha*, to address, enhance, defend, restore the tapu of people.

### **Hui**

22. The purpose of a Hui, is the gathering of people for specific occasion or event. The fullness of tapu is within the context of whanau and hapū gathered together. The finest example of a hui and how it works is encapsulated in the tikanga of a Tangi giving expression to the separation of Rangi and Papa, people and relationships are the most fundamental element, and the tangi is filled with a number of rituals as part of tikanga.

### **Te Tapu i Te Tangata**

23. In our encounters with people, we reflect on the nature of their being. They exist. What we see is flesh, te tinana, and we know that people are spiritual as well as physical. People have a mind and heart and emotions, *hinengaro*. All these factors contribute toward and determine the way in which we encounter with each other. Other encounters must recognise, address and enhance te tapu i te tangata, people in their intrinsic being. To be avoided are violations that threaten the very existence of people.

### **Te Tapu O Te Tangata**

24. Te Tapu O Te Tangata is the being of tangata having sacredness, dignity and value by virtue of their relationship with Atua/atua, and whenua. All people have *tapu*. In

the act of creation, tangata are linked with Atua/atua. Our being is *tapu* and has sacredness by our link with *Atua/atua*.

### **Tapu Restrictions**

25. Tapu restrictions have a double purpose. They restrict access to Atua/atua, tangata and whenua. They prohibit violation. When *tapu* is acknowledged and addressed the *tapu* restrictions can be lifted and the fear of violation removed. People must never be left in a restricted position when there is no fear of violation. There is a constant need to lift tapu restrictions.

### **The Principles for Addressing Tapu**

26. Tika determines what is right, proper and worthy of tapu (*te tapu i te tangata*) in its three-fold relationship with Atua/atua, tangata and whenua (*te tapu o te tangata*).

27. Tika must be a foundation principle in our encounters with people. *Tika* needs *pono* and *aroha* to achieve what is right and worthy of tapu. Tika also determines the right relationship of tapu to tapu, te tangata ki te Atua (people to Atua) tangata ki te tangata (people to people) and tangata ki te whenua (people to creation)..

### **Mana**

28. According to the Reverend Māori Marsden, “tapu manifests itself in mana.” If the goal of our encounters is to address, enhance and restore the tapu of people then the consequence must be that tangata have the mana to achieve their goals in life. Tapu addressed and enhanced is mana addressed and enhanced. Tapu diminished through violation is mana diminished. Tapu restored is mana restored. When mana is not exercised with tika the consequences of violation affects not just the victim but also the perpetrator.

### **Roles of Tangata Whenua**

29. The roles of Tangata Whenua include:
- a. Kai karanga (the caller)
  - b. Kai mihi (the speaker)
  - c. Kai tautoko (the supporter)
  - d. Kai waiata (the singers)
  - e. Kai manaaki/kai mahi (providers of food)

30. The purpose of the roles of Tangata Whenua are:

- a. To address their tapu
- b. To exercise their mana
- c. To address the tapu of manuhiri

### ***Te Wa***

31. Te Wa are the moments in the journey of our lives. We can only be where we are. All of us have achieved goals, because ourselves and others, have put stages into place. On the other hand some have not reached stages in their lives. One thing is a certainty, we are all on the same journey of life and we contribute to or obstruct the journey of others. Along that journey there is really only one thing within our control in our encounters with others, our own efforts.

### ***Consequences of Te Wa***

32. All must be on board in the process of Te Wa, when engaging with others. When any point where a decision is required, the initiator must initiate discussions (Kokiri te take). The supporter must support (tautoko). Any objectors must provide alternative options (whakatara) as there is no sitting on the fence. Decisions are never achieved by one person alone. Therefore, during discussions, it is not proper to boast, nor condemn definitively, and it is necessary to speak in terms of achievement and non-achievement, rather than success or failure. There must be emphasis on effort which is within one's control, as Te Wa is not.

### ***The State of Noa***

33. Any violation of tikanga diminishes the tapu of the victim, the perpetrator and their links. Violation disempowers tangata because violation blocks and renders mana ineffective. All are in a state of noa - a state of weakness and powerlessness. A person left in this position does not have the mana to free themselves from the position of noa. Goals cannot be imagined nor mana achieved. As a consequence of diminishing tapu and mana, tapu restrictions are no longer effective in restricting access and prohibiting violation. Tapu becomes more vulnerable to violation.

### ***Hohourongo - Restoration through Reconciliation***

34. Hohourongo as described by Pa Henare Tate is the principle and process of restoring tapu and mana through reconciliation facilitated by role players kai-

whakakapi turanga who initiate with mana to Kokiri, who support *tautoko* or issue challenges *whakatara* to ensure that tika is an integral part of the principle and process of hohourongo, that aroha draws from people the compassion for those who suffer the effects of violation so that, in the long run all may celebrate the fruits of a joyful relationship, and be whole again.

### **Ngātihau Whenua**

35. Ngātihau had specific tikanga that applied to the lands they maintained mana over. Traditionally Ngātihau owned their lands collectively with defined kainga and boundaries, and this was managed through the kaumatua, who were both male and female. At the turn of the 1800's this included our tupuna:

- a. Rongo
- b. Hoani Papita Takahanga
- c. Paora Taikawa
- d. Tohora
- e. Minarapa Paeawa;
- f. Terewini Te Kangaahi;
- g. Haki Whangawhanga
- h. Horomona Kaikou;
- i. Hatama Tohora;
- j. Perepe Poti;
- k. Peru;
- l. Aterea Te Arahi;
- m. Hare Paraha;
- n. Whatarau Ruku ;
- o. Hari Pakikura
- p. Peneamine;
- q. Tanatiu Huna; ;
- r. Ngamana Te Kuha
- s. Tahere.
- t. Apetera

36. Some of the women that had that role were:

- a. Waiatarangi (he moetahi ia raua ko Kahukuri)
- b. Te Aupumeroa (he moetahi ia raua ko Kahukuri)

Their descendants fought against Ngaitahuhu. Kahukuri had the mana of the land given to him, his descendants and claims of his two wives.

- c. Matamoe
- d. Makareta Rongo
- e. Ri Peka
- f. Peti
- g. Hiraina Paraha
- h. Kateao

37. Each member of the hapū had rights by their whakapapa to the use of the land, to access the resources of those lands and to maintain it. The authority of our kaumatua and kuia was universally recognised within Ngātihau and by other hapū as the ones who held the knowledge of the land and to ensure it remained Ngātihau land.

38. The system which our kaumatua used relied upon a territory maintained and utilised under the tikanga of Ngātihau. It relied upon a comprehensive understanding of the relationships with the hapū of Whangarei and Ngapuhi. It also relied upon a communal way of life that allowed the old men to pass that knowledge on to whanau of the next generation. It was sophisticated and dynamic and amounted to much more than a name on a piece of paper.

39. Land was managed within Ngātihau by a group known as the old men. But this must not be confused with an absence of wāhine holding mana within the hapū. Ngā mana o ngā Wāhine was demonstrated in numerous ways, and I want to outline those ways and show how the status of wāhine and the existence of mana wāhine within Ngātihau.

### **Ngātihau Mana Wāhine**

40. We come from an indigenous traditional religion linked by karakia, atua and ancestors. The Io teachings affirm the tapu of Papatuanuku and of the female element. We are fortunate to have the opportunity to share stories of my Ngātihau rangatira women who lived in the times when one's history, boundaries, cultivations, wahi tapu, atua and karakia permeated their lives. The Io teachings were known by Patuone. Ordinary people were not schooled in Io because of the sacredness of Io's being.

41. Within Ngātihau there are numerous examples of rangatira women.
42. Matamoe was the first born of Kahukuri, the Ngātihau ancestor. He named the waterfall on Pukepoto 'Te Rere a Matamoe' to commemorate her birth. Benjamin Wereta Werohia who lives at Maruata is kaitiaki for the Korowai named Matamoe, gifted by Leonie Maxwell, weaver. Ngātihau women had their own named landmarks.
43. Hirana Paraha lived at Huiarau, the Pa site on Ruapekapeka. When she was speaking for the Huiarau Block she referred to her ancestor Hinewha and her marks. Hinewha was the daughter of Kahukuri. Her marks are Te Motu a Hinewha (a clearing) and Ngarua a Hine where Hinewha had a kainga and tapu food. Paraha was also a mark of wairua and belonged to the tupuna Paraha. The dog of this tupuna died and was put on his grandson's Paraha (dog skin cloak) which was then placed in a Rata tree. The Rata tree is also a tapu and a mark.
44. Ka te Ao te Takupu is another example of rangatira whakapapa. Her husband Patu Hohaia was the son of Patuone. She lived in Hokianga with her children as they were growing up. When she was child, Ka te Ao lived at Pukeahuahu, on Puhipuhi, with her parents and at other Ngātihau kainga. She returned in her later years to this kainga on Puhipuhi No. 4. Her land interests and other kainga were widespread across Ngātihau lands. Ka te Ao Te Takupu was another rangatira woman who lived on the ancestral lands of Ngātihau as a child and a young woman.
45. Her daughter Ani Kaaro Hapeta was a well-known Hokianga matakite and tohunga, along with her cousins Maria Pangari and Remana Hi, daughters of Apopo Pangari (Te Houhou) and grandfather Pangari.
46. In her own right as a rangatira Ngātihau woman, Ani Kaaro gifted a small parcel of her land interest on the Whakanekeneke Block to build a Marae, known as Maraenui, for the use of her Ngātihau whanau who were travelling northward. The Whakanekeneke Block is located in Hokianga, a short distance from Rahiri.
47. Mereana Peia was another young woman who went through trials and tribulations. She had three families and lived between Te Maruata and Waiomio. Her first born was Henare Tanatiu, the father of whom was Riwi Taikawa. She had a daughter Whakama Ngahoari and Toki Pumuka to Hoori Pumuka. She had a further four children to Honetana te Kero. They were Rae, Ita, Erana and Ngakoti Honetana.

48. Mereana's grandmother was Makareta Rongo he moetahi ia me Pumuka, she died at Toetoe. She was a sister to Haki Whangawhanga. In her later years she defended her rights to the Puketaha block in the Native Land Court. In her time she would have been one of the oldest woman of the hapū as she was an old lady when claiming Puketaha.

49. In conclusion, our foundational understandings of ngā mana o ngā Wāhine o Ngātihau have been passed through the generations from Rangī and Papa, interwoven through our whakapapa, and bring us to today.

**Dated at Whangārei this 30<sup>th</sup> day of June 2021**

A handwritten signature in black ink that reads "Hana Maxwell". The signature is written in a cursive style with a large initial 'H'.

---

**Hana Maxwell**

**Named Claimant for Wai 2855**