

**BEFORE THE WAITANGI TRIBUNAL**

**WAI 2700  
WAI 2874**

**UNDER**

the Treaty of Waitangi Act 1975

**IN THE MATTER OF**

the Mana Wāhine Kaupapa  
Inquiry

**AND**

**IN THE MATTER OF**

a claim by **Te Atawhai Nayda  
Te Rangi, Jane Stevens, Gini  
Shepherd, Charmaine  
Anaru, Dellamichelle Tahau,  
Tasi Huirama and Amelia  
Taniwha** on behalf of all Māori  
women and their whānau in  
gang environments (**Wai 2874**)

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**BRIEF OF EVIDENCE OF TE ATAWHAI NAYDA TE RANGI**

Dated this 26<sup>th</sup> day of July 2022

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## MAY IT PLEASE THE TRIBUNAL

### Whakapapa

1. I te taha o tōku pāpā:

Ko Tongāriro te maunga  
Ko Tongāriro te awa  
Ko Te Arawa te waka  
Ko Ngāti Tūwharetoa te iwi  
Ko Te Heuheu te tangata  
Ko Ngāti Tūrangitukua te hapū  
Ko Hirangi te marae  
Ko Tūwharetoa i te Aupouri te whare tupuna  
Ko Takuirā Te Rangikaia mokura tōku pāpā

2. I te taha o tōku māmā:

Ko Hikurangi te maunga  
Ko Waiapu te awa  
Ko Nukutaememeha te waka  
Ko Ngāti Porou te iwi  
Ko Porourangi te tangata  
Ko Te whanau a Uepohatu me Umuariki ngā hapū  
Ko Mangahanea te marae  
Ko Hinetapora te whare tipuna  
Ko Tawai Hauraki tōku māmā

3. Ko Te Atawhai Nayda Te Rangi ahau. I was born and raised in Porirua in the late 1950's. I am the middle child and have four sisters and two brothers. I completed all my schooling in Porirua, a young city then.
4. My kōrero for this brief of evidence begins with looking at the status of wāhine in traditional Māori society and provides an understanding of te ira wāhine from a

Māori worldview. It is also based on lived experience of both domestic violence and abuse and rape within Māori gang culture. This part of my kōrero is informed by my Masters Degree exegesis, *‘He Reo Kō, He Reo Areare – The Liberated Voice of Wāhine*<sup>1</sup> which is marked herewith as ‘A’ to this brief.

### **The Status of Māori Women According to Tikanga Māori**

5. The roles of men and women in traditional Māori society can be understood only in the context of the Māori worldview, which acknowledged the natural order of the universe, the interrelationship or whanaungatanga of all living things to one another and to the environment, and the overarching principle of balance.
6. Both men and women were essential parts in the collective whole, both formed part of the whakapapa that linked Māori people back to the beginning of the world, and women in particular played a key role in linking the past with the present and the future. The very survival of the whole was absolutely dependent upon everyone who made it up, and therefore each and every person within the group had his or her own intrinsic value. They were all a part of the collective; it was therefore a collective responsibility to see that their respective roles were valued and protected.
7. Female strength formed part of the core of Māori existence and was sourced in the power of female sexual and reproductive functions. This emerged clearly in the cosmogonic accounts, the potency of female sexuality being implicit in the womb symbolism of Te Kore and Te Pō and in the birth of Papatūānuku and Ranginui’s children into the world of light, Te Ao Mārama.
8. The creation of humankind upon the advice of Papatūānuku further reflected this theme, with Tāne Mahuta being sent by his mother to Kurawaka, her pubic region, to gather the red earth containing the necessary uha or female element from which Hine-ahu-one, the first woman could be shaped. Accounts of the first act of sexual intercourse between Tāne Mahuta and Hine-ahu-one indicate that she possessed an

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<sup>1</sup> Te Atawhai Te Rangi, *He Reo Kō, He Reo Areare – The Liberated Voice of Wāhine within a Gang Collective*, Te Wānanga o Aotearoa (1 December 2016).

awesome sexual power that came from deep within her, thus setting the precedent for the Māori view of sexual relations between men and women as summarised by Te Rangihiroa as, “*In sex matters, it is the female organ which figuratively kills its male antagonist.*”<sup>2</sup>

9. The daughter of this first male-female union to produce human life, Hinetītama, produced many children. When she discovered that her husband, Tāne, was also her father she recited a karakia to render him strengthless to pursue her and she left him. She commanded him to remain behind and care for their children in their earthly life while she descended to one of the underworlds, Rarohenga, to prepare a place for them and to care for them in death. She has remained there ever since, known as Hine-nui-te-pō, guardian of the spirits of all her human descendants.
10. The tales of one of her descendants, Māui-tikitiki-a-Taranga, are particularly instructive as to the influential roles that women held. Māui acquired fire from his kuia, Mahuika. It was with the jawbone of his kuia, Muriranga-whenua, that he fished up Te-Ika-a-Māui (the North Island) and made the patu with which to subdue Rā (the sun). And it was to his ancestress, Hine-nui-te-pō, that he eventually succumbed when he failed in his quest to attain immortality. These stories tell us a great deal about the role of kuia as repositories of knowledge, and the conditions under which they are prepared to share that knowledge, showing these kuia possessed vast amounts of knowledge and supernatural powers.
11. They identified Māui as a special person, one with whom they were prepared to share their expertise to ensure that certain benefits would be passed on to their human descendants. But it was also their role to set the limits of what could be achieved. So, when Māui sought immortality by attempting to reverse the birth process, that is, by crawling up into Hine-nui-te-pō’s vagina, it fell to her to provide Māui with his final teaching:<sup>3</sup>

Come Māui-tikitiki-a-Taranga... In this your last journey, you will give your final gift to those of earth, the gift not of immortality, but of homecoming, following death . . .

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<sup>2</sup> Buck P, “*The Coming of the Māori Tradition*” (1982) at p 17-18.

<sup>3</sup> Kahukiwa R & Grace P, “*Wahine Toa*” (1984) at p 58.

I do not cause death and did not ordain it. Human death was ordained when human life was ordained... I will wait at this side of death for those who follow, because I am the mother who welcomes and cares for those children whose earthly life has ended.

12. It is here, in the story of Māui's death that the potency of the female sexual organs becomes most explicit of all. The passage through which each of us passes to enter Te Ao Mārama is the same passage through which each of us must pass on our inevitable journey back to Te Po.
13. The process which brings each of us into being, brought the world into being. Our very existence is centred around the sexual power of women. There are numerous indicators in Māori language that there was no hierarchy of sexes. The language is gender-neutral in the sense that there is no he/she (ia) or his/hers (tana/tona) in Māori. The importance of women is also symbolised by language and concepts expressed through proverbs. Rose Pere has written on the association of positive concepts with females, pointing to the description of women as whare tangata (the house of humanity), the use of the word 'whenua' to mean both land and afterbirth, and the use of the word 'hapū' as meaning both pregnant and large kinship group.<sup>4</sup> Pere has pointed out that the common saying:<sup>5</sup>

He wāhine, he whenua, e ngaro ai te tangata” which is often interpreted as meaning “by women and land men are lost”, also refers to the essential nourishing roles that women and land fulfil, without which humanity would be lost.

14. Pere describes her childhood as being full of very positive female models, and how her elders set the example of men and women respecting and supporting each other and working alongside one another. She considers her Māori ancestresses, prior to the impact of Christianity, to have been “*extremely liberated*” in comparison to her English ancestresses.<sup>6</sup>
15. She points out that Māori women were not regarded as chattels or possessions, that they retained their own names upon marriage, that their children were free to

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<sup>4</sup> Mikaere A “*Māori Women: Caught in the Contradictions of a Colonised Reality*” (1994) 2 Waikato Law Review 125.

<sup>5</sup> Ako: Concepts and Learning in the Māori Tradition (1982) at p 17-18.

<sup>6</sup> Above n 4 at p 56-57.

identify with the kinship group of either or both parents, that they dressed in similar garments to the men, and that conception was not associated with sin or childbearing with punishment and suffering but that these were uplifting and a normal part of life.<sup>7</sup> In line with the centrality of female sexuality to Māori existence.

16. Māori women celebrated their femaleness with confidence, both expecting and exercising sexual autonomy. Pere also points out that assault on a woman, be it sexual assault or otherwise, was regarded as extremely serious and could result in death or, almost as bad, in being declared “*dead*” by the community and ignored from then on. Instances of abuse against women and children were regarded as whānau concerns and action would inevitably be taken against the perpetrator.<sup>8</sup>
17. Traditionally, therefore, the whānau was a woman’s primary source of support. Her “*marriage*” did not entail a transferral of property from her father to her spouse. She remained a part of the whānau. Even if she went to live with her husband’s whānau, she remained a part of her whānau, to whom her in-laws were responsible for her well-being. They were to ensure that she was well-treated and to support her. In cases where misconduct was shown, divorce was relatively simple so long as the correct procedures were followed. Divorce carried no stigma, and any issues as to custody and ongoing support of children were sorted out within the whānau context.
18. The absence of distinction between private and public domains in the context of family arrangements protected and affirmed women. Kuni Jenkins describes the interaction of a couple and their children with the rest of the whānau in the following terms:<sup>9</sup>

In her cultural role the Māori woman was part of a community. The home unit was part of the whole kāinga. Grandmothers, aunts and other females and male elders were responsible for rearing the children of the kainga. The natural parents were not the sole caregivers and the routines of the whānau were such that couples could not be

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<sup>7</sup> Above n 4 at p 56-57.

<sup>8</sup> Ibid, p 57.

<sup>9</sup> Jenkins K, “*Reflections on the status of Māori women*” (Unpublished paper, 1986) 1.

isolated to lead independent lifestyles. Their communal living required constant contact and interaction with other members

19. This form of social organisation ensured a degree of flexibility for women not possible within the confines of the nuclear family. The presence of so many caregivers, and the expectation that they would assume much of the responsibility of childrearing, enabled women to perform a wide range of roles, including leadership roles. Iwi histories that have been handed down orally from generation to generation present a picture of a society where women and men featured in all aspects of life and fulfilled all manner of roles. It is clear from such histories that Māori women occupied very important leadership positions in traditional society, positions of military, spiritual, and political significance.
20. In summary, Māori law was based on the imperative to maintain balance within whānau, hapū and iwi, including balance between women and men. The charter for Māori life was laid down in Māori cosmogony, which established the centrality of female sexuality and reproductive capabilities in the creation of the world. The female strength apparent in the cosmogonic accounts was reflected in the daily lives of whanau, hapū and iwi. As valued members of their whānau, women were affirmed and supported throughout their lives. The sharing of work amongst the whānau enabled women of child-bearing years to develop their strengths and expertise in a range of areas and to fulfil leadership roles.
21. From here, I would like to transition my kōrero to setting a basis for how the role and treatment of wāhine has been deconstructed over time including how the balance of wāhine and tāne and the inherent tapu associated with te ira wāhine has been denied. I do so by gleaning into my own personal experiences of how wāhine Māori have been subjected to violence and abuse in the context of gang culture.

### **My Early Life**

22. In telling my story, I can't help but think back for a brief moment to my parents and their experiences of the world they lived in and observed. It was the early 1950's and my parents, along with many Māori, migrated to the cities. As young

adults they left their respective hapū to seek employment and housing in Wellington. Their total existence was from a life amongst whānau and hapū, where tikanga, spiritual well-being, Te Reo Māori and genealogy was their birth right. They left Te Ao Māori behind and arrived at a cold and unfamiliar world looking for warmth and comfort within their own culture and peer groups. Like seedlings plucked from the whenua and planted in concrete, they adapted as best they could to new lives in the city.

23. When I look back at my pre-teen years (even at that age), I was confident to leave my parent's side. I would catch the New Zealand Railways, bus, or catch a ride to Turangi with relations and stay with my cousin Aroha. I loved being with my Ngāti Tūrangitukua whānau. I envied my cousins who were raised on the marae, who knew our whakapapa and all of our relations.
  
24. By the time I started college I had become quite defiant – sneaking out at night to parties with my cousins in the Mau Mau's<sup>10</sup>, drinking and smoking. Although I enjoyed my years at college, I became disillusioned with who I was. I didn't feel worthy of being Māori because I knew nothing about Te Ao Māori. I was unhappy because I couldn't attend a Māori boarding school unlike my tuakana (older sister) as iwi scholarships were limited to one child per family. I did not have the opportunity to learn Te Reo Māori at school because it was not introduced within the school curriculum until my fifth form year at college.
  
25. In 1976, after four years at Porirua College I started my first job in Wellington at the births, deaths and marriages section of the Department of Justice (as it was called then). One night, I went to a nightclub with my cousin whose boyfriend was in the Black Power, and that was the beginning of what life was to hold for me for the next 48 years.

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<sup>10</sup> Māori & Pasifika gang from Porirua in the 1970's.



## **My Experience of Gang Culture as a Wāhine Māori**

26. I have been associated with two well-known Māori gangs in New Zealand, first with the Wellington Black Power from 1976 – 1978 and then the Mongrel Mob from 1979. A strong relationship with the Mongrel Mob prevails today. I also understand my practice was born out of personal experiences in being a gang member's partner, not just once or twice but three relationships. All of which illustrated varying degrees of male promiscuity, domestic violence and abuse and infrequent normality. As noted in my Master's degree exegesis:<sup>11</sup>

I look back at some of the horrific incidents I witnessed in my time with both gangs and the treatment of women especially the practice of blocking or gang rape. This behaviour was normalized by the gangs and women subjected to gang rape were often persecuted afterwards rather than supported.

27. I have referenced kōrero below that I have come to understand contributes to why gang members/tāne Māori treated wāhine Māori this way.

## **Māori Women and Māori Men**

28. The detrimental effects of colonisation on Māori men are undeniable. They too live a colonised reality. However, as has already been pointed out,<sup>12</sup> their colonised reality is not the same as that of Māori women. Nor has their experience of colonisation been the same:<sup>13</sup>

Colonisation did serve to legitimate the power of Māori men. The first colonisers were men. They dealt with men and observed and studied them. The roles played by Māori women were marginalised because of the ethnocentric and phallogocentric views of these early colonisers.

29. Linda Smith has rightly pointed out that the most important site of struggle for Māori women may well be the home, for "*[i]t is at a day-to-day level that oppression is sustained*".<sup>14</sup> It is plain that isolation from whānau, and removal into

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<sup>11</sup> Above n 1 at p 30.

<sup>12</sup> *Mana Wahine Reader: A Collection of Writings 1987-1998* (Vol 1) Te Kotahi Research Institute (2019) at p 144-145.

<sup>13</sup> *Ibid* at p 50.

<sup>14</sup> *Supra* note 11 at 18.

the nuclear family context has not served Māori women well.<sup>15</sup> For many, the reality has been the expectation that they conform to the traditional Pākeha roles of wife and mother. They have frequently been expected to assume major responsibility for child care and housework, regardless of whether or not they work outside the home as well. They have come to be regarded as the property of their husbands. Their whānau have either been too distant to provide ongoing support, or have come to believe that whatever goes on “*between man and wife*” is private, and not an area in which a whānau might appropriately interfere.

30. The Royal Commission for Social Policy found in 1988 that the home was an unsafe place for too many Māori women, a place where they suffered physical and sexual abuse at the hands of both Māori and non-Māori men.<sup>16</sup> Kuni Jenkins links the abuse of women and children directly to the reduced awareness and appreciation of tapu and noa.<sup>17</sup> There is no doubt that it represents a tragic denial of the inherent tapu of Māori women, such denial being part and parcel of the redefinitions of Māori women as a result of colonisation.<sup>18</sup>
31. While recognising the connection between colonisation and the lack of safety for Māori women within the home, the submissions also stressed the need for Māori abusers to take responsibility for their own actions and to recognise ‘*that the cost of protecting their covert actions through women’s aroha for them and our shame of people knowing, is the physical and mental health of our women and children*’.<sup>19</sup>
32. This is an extremely important point. While the denial of women’s tapu and the destruction of the whānau brought about by colonisation may offer explanations for the level of abuse suffered by Māori women and children at the hands of Māori men, they do not offer excuses. As Linda Smith has observed, “[b]reaking through the psyche of the colonised man is a monumental task”,<sup>20</sup> but ultimately, Māori

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<sup>15</sup>For a fuller discussion of the shift from whanau to family, see 111-124.

<sup>16</sup> Supra note, 233 at 180-181.

<sup>17</sup> Jenkins K “Te Hono ki Wairua” in *Report of the Royal Commission on Social Policy* (1988) Vol III, at p 94.

<sup>18</sup> Ibid at p 96-101 for further discussion.

<sup>19</sup> Raukawa Submissions, Nos. 2297, 2563, 2568, quoted in the *Report of the Royal Commission on Social Policy* (1988) Vol III.

<sup>20</sup> Above n 12 at p 50.

men have to take responsibility for the fact that their behaviour is resulting in the further oppression of Māori women. Māori men must confront the extent of their own colonisation and consciously address it before the balance between male and female can be restored. Until this occurs, the potential of Māori communities will continue to be obstructed by the tension within and all Māori will continue to be the losers.

### **Māori Women's Perceptions of Themselves**

33. Perhaps the most delibetating legacy of colonisation for Māori women is the effect it has had on our perceptions of ourselves. Marginalised by the Crown, our roles diminished and distorted by the application of culturally alien values, the end result for too many Māori women has been a negative self-image and a belief that Māori society does not value us. In spite of the long Māori tradition of female leadership,<sup>21</sup> the view has developed that leadership is primarily a male preserve. Women leaders have either been rendered invisible for explained away as exceptions to the rule of male leadership. Worse still, Māori women have come to regard our powerlessness as a legacy, not of colonisation, but of Māori tradition:<sup>22</sup>

I am the eldest. But being a woman, I was'nt respected. . . I used to think, You're the eldest, you're the rangatira. No. Noti n the Māori world. Always the man.

34. The denial of the status of women was all part of what Dr Moana Jackson has called the destruction of the Māori soul, which he regards as a necessary part of colonisation:<sup>23</sup>

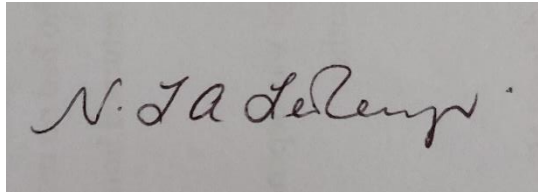
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<sup>21</sup> See p 57-73.

<sup>22</sup> Brown, H in Binny & chaplin, supra note 5, at 48

<sup>23</sup> Supra note 223, at 4-5. Freire also discusses this phenomenon: "In their alienation, the oppressed want at any cost to resemble the oppressor, to imitate him to follow him", supra note 13, at 38.

Māori began to develop an internalized state of alienation in which they rejected themselves because the meanings which their philosophy gave to their existence were being removed. . . The alienation and self-negation so engendered ate away at the Māori soul. Many began to feel that somehow there was an incompleteness in their humanity which only becoming Pākehā could fulfil.

A rectangular image showing a handwritten signature in dark ink on a light-colored background. The signature is written in a cursive style and reads "N. J. A. LeRang".

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Te Atawhai Nayda Te Rangi