

**IN THE WAITANGI TRIBUNAL
KEI MUA I TE TARAIPUNARA**

**WAI 2700
WAI 2655**

UNDER

**The Treaty of Waitangi
Act 1975**

CONCERNING

**Te Mana Wāhine Kaupapa
Inquiry**

AND

**Ngā Kairauhii Nannies
Against P Claim (Wai 2655)**

OPENING SUBMISSIONS FOR WAI 2655

Dated: 3 December 2025

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TĒNĀ, E TE TARAIPUNARA

Introduction

1. These are the opening submissions for the Ngā Kairauhii Nannies Against P Claim, Wai 2655 (**claimants** or **nannies**).
2. The Ngā Kairauhii Trust was established to bring health matters back to the marae. It represents six marae clustered around Hastings.¹ Nannies Against P is a wāhine-led, kaupapa Māori initiative established in 2017 under the Ngā Kairauhii Trust's umbrella to support nannies experiencing harm caused by whānau using methamphetamine.

Summary of the Claim

3. The Nannies Against P rōpū provides social services to kuia in a manner that aligns with their tikanga and mātauranga: “nannies wanting to help and support nannies in any way we can, like nannies do”.²
4. Since the establishment of the rōpū, the nannies have seen that many kuia are enduring significant violence at home from drug-addicted whānau. Often, they continue to remain in that vulnerable situation either because they have nowhere to go or because they feel whakamā about their circumstances and don't seek out help.³
5. The claimants seek to establish a kuia-led, kaupapa Māori safe house. The proposed safe house would offer a place of refuge where nannies can receive culturally-grounded care from other nannies with shared experiences, without shame or judgement.⁴
6. The nannies have unsuccessfully spent years trying to obtain Crown funding for this safe house. There are no funding pathways available that allow a group like Nannies Against P to establish such a facility while

¹ Brief of evidence of Lovey Edwards 16 October 2025 at [9].

² Brief of evidence of Memory Materori Jane Kaukau 16 October 2025 at [2].

³ Brief of evidence of Hera Makere Ferris 16 October 2025 at [5].

⁴ Brief of evidence of Ruku Areta Te Huia 16 October 2025 at [22]–[27].

retaining rangatiratanga over their how their services are designed and delivered.⁵

7. As a group of strong wāhine who have long cared for their whānau and marae, the claimants now appear before the Wai 2700 Tribunal seeking recognition of their rangatiratanga and tikanga within their communities.

Addressing the Tribunal Statement of Issues

8. The Tribunal Statement of Issues for the rangatiratanga pou sets out three questions concerning the intersection of mana wāhine and rangatiratanga which are addressed below.⁶

What are the Crown's duties and obligations under te Tiriti / the Treaty concerning the exercise of rangatiratanga and tikanga by wāhine Māori in relation to their status, roles, responsibilities, practices, values, and beliefs?

What are the Crown's duties and obligations under te Tiriti / the Treaty in relation to creating conditions for wāhine Māori to participate in and hold leadership and decision-making roles within the wider community and the non-governmental sector?

9. The Crown's duties and obligations under Te Tiriti arise from ngā mātāpono o te Tiriti principles that are engaged on the facts of this claim. Those principles are discussed below in turn.⁷

Te Mātāpono o te Tino Rangatiratanga / Authority and Autonomy

10. Te mātāpono o te tino rangatiratanga is the central Tiriti principle engaged, going to the heart of the relationship between Māori and the Crown.
11. Tino rangatiratanga encompasses the right of Māori to be recognised as distinct peoples, to freely determine their own social, economic and cultural development, and to exercise autonomy and self-governance in

⁵ Brief of evidence of Ruku Areta Te Huia 16 October 2025 at [22]–[27].

⁶ Wai 2700, #1.4.4.

⁷ Counsel are instructed to rely on Te Tiriti as the prevailing text, in line with the approach adopted in the Waitangi Tribunal since at least 1983, see Waitangi Tribunal *Motunui – Waitara Report* Wai 6, 1983) at 49.

matters affecting their communities.⁸ At essence, it is a promise of active protection for Māori autonomy in circumstances where:⁹

The single thread that most illuminates the historical fabric of Maori and Pakeha contact has been the Maori determination to maintain Maori autonomy and the Government's desire to destroy it.

12. In the context of hauora and social wellbeing, tino rangatiratanga requires that Māori have control over the design, delivery, governance, and evaluation of services intended for Māori. It is a limitation or qualification on the scope of Crown's ability to make law, policy, or choice particular options in this sphere.¹⁰ This must include the ability to maintain and develop kaupapa Māori approaches, uphold whānau-centred practice, and hold decision-making power.¹¹
13. When the Crown may be making policy decisions affecting a sphere in which their Tiriti partner exercises authority, the Crown must collaborate with Māori.¹² In provision of social services, the Tribunal has considered Māori should exercise decision-making responsibility, with the Crown providing logistical and financial support.¹³
14. Put simply, the Crown's obligation to "strengthen Māori to strengthen themselves".¹⁴ Practically, this means that the Crown must work through the structures Māori prefer in the circumstances, whether through iwi, hapū, whānau or any other organisation.¹⁵
15. In the context of this inquiry, the claimants say that wāhine Māori retain authority over the matters that affect their status, roles, responsibilities, tikanga, practices, and values and must be supported to exercise leadership within their communities. Wāhine Māori must be able to

⁸ Waitangi Tribunal *Whaia te Mana Motuhake*, (Wai 2417, 2015) at 26 and Waitangi Tribunal *Ngā Matāpono: the Principles* (Wai 3300, 2024) at 70.

⁹ Waitangi Tribunal *The Taranaki Report: Kaupapa Tuatahi* (Wai 143, 1996) at 6.

¹⁰ Waitangi Tribunal *Matua Rautia: The Report on the Kōhanga Reo Claim* (Wai 2336, 2013) at 66

¹¹ Waitangi Tribunal *Haumarū: The COVID-19 Priority Report* (Wai 2575, 2021) at 43.

¹² Waitangi Tribunal *The Napier Hospital and Health Services Report* (Wai 692, 2001) at 58.

¹³ Waitangi Tribunal *Whaia te Mana Motuhake*, (Wai 2417, 2015) at 29.

¹⁴ At 29.

¹⁵ Waitangi Tribunal *Hauora: Report on Stage One of the Health Services and Outcomes Kaupapa Inquiry* (Wai 2575, 2019) at 28.

identify their own issues and shape the responses to those issues in accordance with their tikanga and mātauranga. Where the Crown fails to uphold this authority, it breaches the principle of tino rangatiratanga.

Te Mātāpono o te Matapopore Moroki / Active Protection

16. The Crown has a duty to actively protect Māori and taonga Māori, including mana wāhine.¹⁶
17. Active protection is not paternalistic but requires honourable conduct by, and fair processes from, the Crown. Crown decision making must be undertaken in consultation with Māori, and in some cases, depending on the level of Māori interest in the subject of the decision—consent from Māori.¹⁷
18. Active protection requires the Crown to ensure that health services are culturally appropriate.¹⁸ Where adverse disparities in health status between Māori and non-Māori are “persistent and marked” the Crown must urgently prioritise and commit, and be seen to be prioritising and committing, to reducing disparities.¹⁹

Te Mātāpono o te Whiwhi Ara Rau / Options

19. The principle of options determines that as Treaty partners, Māori have the right to choose their social and cultural path, while participating in British society and culture as they wish.²⁰
20. Therefore, the obligation of the Crown is to ensure that Māori organisations such as Nannies Against P are supported adequately in any existing or future efforts to deliver culturally appropriate services to their own people.²¹

Te Mātāpono o Te Houruatanga / Partnership

¹⁶ Waitangi Tribunal *Ko Aotearoa Tenei: A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity* (Wai 262, 2011) at 24.

¹⁷ *Ngā Matāpono*, above n 8, at 77.

¹⁸ *Hauora: Report on Stage One of the Health Services and Outcomes Kaupapa Inquiry*, above n 15, at 31.

¹⁹ At 33.

²⁰ Waitangi Tribunal *The Māori Wards and Constituencies Urgent Inquiry Report* (Wai 3365, 2024) at 19.

²¹ *Hauora: Report on Stage One of the Health Services and Outcomes Kaupapa Inquiry*, above n 15, at 36.

21. Partnership arises through the balancing of kāwanatanga and tino rangatiratanga. The Crown must demonstrate a willingness to:²²

[s]hare a substantial measure of responsibility, control and resource with its Treaty partner. In essence, the Crown must share enough so that Māori own their own vision, while at the same time ensuring its own logistical and financial support assists Māori capacity to achieve that vision. The Crown has a duty to protect Māori and an obligation to strengthen Māori to strengthen themselves.

22. In line with the Tribunal's determination, Māori have the right as a Tiriti partner to choose how they organise themselves and how or through what organisations they express their tino rangatiratanga. This means that the Crown must work through the structures Māori prefer in the circumstances, whether through iwi, hapū, whānau or marae.²³

Te Mātāpono o te Kāwanatanga Tōtika / The Principle of Good Government

23. The exercise of kāwanatanga must be consistent with the principle of good government and carried out in a manner that actively protects, rather than diminishes, the tino rangatiratanga of Māori.²⁴

24. Where Māori have been adversely impacted by colonisation and its ongoing effects, the principle of good government requires that the Crown take affirmative steps to remedy that prejudice and restore the position of Māori.²⁵ Such steps may include affirmative action measures targeted at Māori as a population group, designed to uphold equity, ensure meaningful participation, and give effect to Māori aspirations for self-determination.²⁶

²² *Whaia te Mana Motuhake*, above n 13, at 29.

²³ *Hauora: Report on Stage One of the Health Services and Outcomes Kaupapa Inquiry*, above n 15, at 28.

²⁴ *Ngā Mātāpono*, above n 8, at 71.

²⁵ Waitangi Tribunal *Kāinga Kore: The Stage One Report of the Housing Policy and Services Kaupapa Inquiry on Māori Homelessness* (Wai 2750, 2023) at 94.

²⁶ *The Napier Hospital and Health Services Report*, above n 12, at xxv and 54.

How does the Crown monitor its roles and responsibilities and the delivery of these obligations? Including in regard to the collection, storage and use of data?

25. The claimants respectfully seek leave to make submissions on this point after considering Crown evidence.

Has the Crown breached these duties and obligations? And if so, how?

26. The claimants submit that the Crown has breached these duties and obligations in the following ways.

Crown failure to recognise and protect mana and rangatiratanga of kuia in their marae and their communities

27. The Crown has failed to enable the claimants to exercise their authority in their marae and communities.

28. In addition to the various services Nannies Against P provides kuia in the community, the claimants seek to offer real protection for vulnerable kuia facing harm through a kuia-led safehouse. The Crown has not resourced or funded this proposal despite the claimants' repeated attempts to obtain support. Instead, the Crown focuses on enforcement of misuse of drug laws, and assisting those with addictions. This failure prevents the claimants from exercising their authority and inherited methods of care in responding to violence and methamphetamine harm within their whānau and community.

29. There are currently no kaupapa-Māori services in Hastings that provide safe housing specifically tailored to the cultural and relational needs of kuia in these circumstances. While women's refuge exists in the region, the nannies submit that trust in such sensitive situations can only occur when kuia are supported by other nannies who share their lived experiences, their tikanga, and their roles within the whānau and marae. The absence of Crown support for a kuia-led safehouse therefore represents a failure to uphold mana and rangatiratanga of these wāhine who are finding unique solutions to the methamphetamine crisis.

Crown failure to recognise and protect wāhine Māori leadership roles

30. The Crown has failed to take steps to assist the claimants to uphold the authority of kuia as traditional leaders and kaitiaki within their marae and communities.
31. Mainstream policies and programs aimed at addressing methamphetamine-related harms largely rely on external service providers, sidelining the voices, expertise, and leadership of kuia who understand their communities' needs. By not engaging kuia as decision-makers or leaders, the Crown has prevented them from exercising their mana wāhine to protect and guide their whānau and marae.

Crown failure to actively protect wāhine hauora

32. By failing to support the kuia-led kaupapa Māori safe house, the Crown has not taken proactive steps to safeguard the hauora of wāhine Māori. The claimants' initiative is designed specifically to respond to the complex harms caused by methamphetamine use in whānau, including exposure to violence. Without Crown support, vulnerable kuia continue to face significant risk, with no culturally appropriate avenues for refuge.
33. Active protection requires more than passive acknowledgment of harm; it obliges the Crown to act in a way that prevents foreseeable harm. By not resourcing the safe house, the Crown has failed to implement measures that would actively protect the health of wāhine, leaving kuia without access to services that they can trust.

Crown failure to actively protect cultural continuity

34. The Crown's failure to resource a kuia-led, kaupapa Māori safe house has left many nannies exposed to repeated trauma and harm. Many kuia are forced to manage the crises caused by methamphetamine use within their whānau without access to proper support. The very practices that ensure the survival and resilience of whānau and marae communities are weakened, creating a significant intergenerational gap.

35. The inability of kuia to teach their tamariki and mokopuna effectively threatens not only individual wellbeing but also the continuity of cultural knowledge and identity. By failing to provide the support necessary for kuia, the Crown is in breach of their duties and responsibilities.
36. As a result of the above the claimants suffer prejudice.

What relief should be provided to remove or remedy this prejudice?

37. The claimants seek the findings and recommendations set out in their statement of claim.

Evidence

38. The claimants have submitted the following seven briefs of evidence in support of their claim:

Lovey Matarita Edwards

39. Whaea Lovey is a founding member of Nannies Against P. As a grandmother herself, whaea Lovey was shocked to hear of the violence a kuia and fellow Ngā Kairauhii trustee was facing at home from her drug-addicted son. As a result, whaea Lovey and other nannies grouped together under the Nannies Against P rōpū to help nannies in their community from such violence. In her evidence, whaea Lovey talks about how the rōpū came to be and the support they have been able to provide so far. Their priority is to set up a safe house that is run by nannies for nannies which is an expression of their rangatiratanga.
40. Whaea Lovey seeks to present her kōrero in person to the Tribunal.

Ruku Areta Te Huia

41. Whaea Areta is another founding member of Nannies Against P. As a trustee and chairperson for the Ngā Kairauhii Trust, whaea Areta also felt compelled to take action when a fellow trustee and kuia confided at a trustee meeting about the violence she had been subjected to because of her son's drug addiction. In her evidence, she details the ways Nannies Against P offers help to the nannies. But, despite years of unpaid

services, they have received minimal support and face barriers to accessing funding because Crown agencies want them to deliver services on their own terms. Whaea Areta's evidence emphasises that only nannies can safely care for and protect other nannies, and that their mana and rangatiratanga have been undermined by the Crown's failure.

42. Whaea Areta seeks to present her kōrero in person to the Tribunal.

Memory Materori Jane Kaukau

43. Whaea Memory is another founding member of Nannies Against P. Drawing on her own whānau's experience with methamphetamine, she explains how the rōpū created a safe and culturally grounded space for nannies to speak openly and support one another. Through their mahi, Nannies Against P have helped other kuia understand the impacts of the drug and navigate agencies like Ministry of Social Development, Oranga Tamariki, Police, and health providers. Her evidence details the funding difficulties Nannies Against P have faced, especially in establishing a safe house. Whaea Memory's evidence emphasises that only nannies can deliver this kaupapa safely and effectively, and that without proper resourcing, the harm will continue.

44. Whaea Memory seeks to present her kōrero in person to the Tribunal.

Ngatiriti King

45. Whaea Ngatiriti, kaiwhakahaere of the Nannies Against P rōpū, describes in her evidence her own whānau's experience with methamphetamine. She suffered devastating consequences because of drug addiction in the whānau, including the trauma of being violently harmed by her son while caring for her moko. She emphasises that the rōpū is unique in that it's a place grounded in tikanga, where nannies support one another in ways no other agency can.

Bessie Manaena

46. Whaea Bessie's evidence begins by setting out eight decades of upheaval for wāhine Māori, with the most recent being the devastation of the

methamphetamine crisis. Owing to her background as a Māori warden, whaea Bessie served as the Nannies Against P's police liaison; using her connections with the Police to help nannies navigate the justice processes. She emphasises the strength and experience within the rōpū, but also the absence of any sustained Crown funding despite their critical role. Above all, whaea Bessie highlights the urgent need for a culturally appropriate safe house for nannies, something that women's refuges cannot provide.

Hera Makere Ferris

47. Whaea Hera's evidence is a reminder of the whakama that nannies experience because of drug-addiction in the whānau. Drawing comparisons between the nannies' experiences and her own sister's experience, her evidence emphasises the need for a kaupapa Māori led approach to this crisis. Like whaea Bessie, whaea Hera's experience working for MSD has allowed her to assist nannies navigate social services processes and be an advocate for them. She highlights the urgent need for a dedicated safe house for nannies and their mokopuna, noting that existing services like refuges are not trusted by kuia.

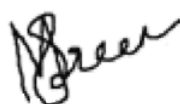
Confidential witnesses

48. This brief of evidence recounts the personal experience of the witnesses who have had to deal with a meth-addicted whānau member. The evidence also lays out the cultural cost Māori whānau face because of trauma that nannies are suffering due to drug-addiction within the whānau. Confidentiality directions have been sought concerning this brief.

Dated: 3 December 2025



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