

IN THE WAITANGI TRIBUNAL

**Wai 2700
Wai 1917**

IN THE MATTER OF the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF the Mana Wāhine Kaupapa Inquiry

BY Lucy Dargaville(*dec*), Rihari
Richard Takuirā Dargaville,
Frederick Collier Junior, Paula
Wetere, Amelia Waetford, and
Louisa Te Matakino Collier, on
behalf of themselves, and the
descendants of Kaiwhare and
Ngatau Tangahia/Tangiwai

**SECOND AMENDED STATEMENT OF CLAIM
12 September 2025**

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Waitangi Tribunal

21 Oct 25

Ministry of Justice
WELLINGTON

THE CLAIMANTS BY THEIR COUNSEL SAY:

I: INTRODUCTION

1. This Second Amended Statement of Claim (“ASoC”) is filed on behalf of Lucy Dargaville(*dec*), Rihari Richard Takuira Dargaville, Frederick Collier Junior, Paula Wetere, Amelia Waetford, and Louisa Te Matakino Collier (“the Claimants”), on behalf of themselves, and the descendants of Kaiwhare and Ngatau Tangahia/Tangiwai (“the Claimant Group”).
2. The Claimant Group filed their claim on 20 August 2008 (“the Original SoC”).¹ This Second ASoC for Wai 1917 in this Inquiry should be read in conjunction with:
 - a. the Original SoC; and
 - b. the ASoC dated 25 October 2018.²

II: RANGATIRATANGA

3. The Claimants have been directly affected by the failure of Crown systems, including government departments responsible for issuing identification documents, to provide culturally appropriate pathways that enable wāhine Māori to assert and maintain their identity without unnecessary interference, constraint, or invalidation. This includes the refusal or questioning of Māori names that do not conform to Western naming conventions, despite their acknowledged significance within Tikanga Māori.
4. The Claimants have also been prejudiced by the lack of genuine engagement and consultation by the Crown, which has undermined their rangatiratanga by preventing them from fully participating in hui and decision-making processes that affect their whānau, hapū and iwi, and which would otherwise ensure outcomes that benefit Māori communities.

¹ Wai 1917, #1.1.1.

² Wai 1917, #1.1.1(b).

5. Mana wāhine rangatiratanga is grounded in the puhi line and the responsibilities of wāhine as holders of mana whenua and kaitiaki.
6. The authority of wāhine in Te Ao Māori rests within the puhi line, through which mana whenua and kaitiakitanga are inherited and maintained.³
7. Wāhine were the holders of mana whenua, responsible for the protection of whenua, manu, and kai, a role that was central to the survival and wellbeing of hapū.⁴ The Crown’s policies displaced these roles, diminishing the autonomy of wāhine and eroding their ability to exercise tino rangatiratanga over their taonga and whenua.⁵

III: THE CLAIM

8. The Claimants are Māori for the purposes of section 6(1) of the Treaty of Waitangi Act 1975 (“the ToW Act”).
9. The Claimants claim that they have been, continue to be, and are likely to be prejudicially affected by the various actions of the Crown in breach of te Tiriti/the Treaty.
10. The Claimants rely upon the findings made in Stage 1 of Te Paparahi o Te Raki Inquiry (“the Ngāpuhi Inquiry”), which include:

In February 1840, the Rangatira who signed te Tiriti did not cede their sovereignty. That is, they did not cede their authority to make and enforce law over their people or their territories. Rather, they agreed to share power and authority with the Governor. They agreed to a relationship: one in which they and Hobson were to be equal - equal while having different roles and different spheres of influence. In essence, Rangatira

³ Wai 2700, (#A133(a)) dated 20 January 2021.

⁴ Wai 1673, (#G13) dated 1 July 2013.

⁵ Wai 2700, 7 Oct 2020 (#A133) dated 7 October 2020.

retained their authority over their hapū and territories, while Hobson was given authority to control Pākehā.⁶

11. In this SoC, the word “Partnership” is used to mean the Partnership envisaged under te Tiriti/the Treaty, which was elucidated by the Tribunal in Stage One of the Ngāphui Inquiry, as comprising three distinct spheres of authority, namely:

- a.** the British Crown governing its subjects over land legitimately acquired by it or them (“British Authority”);
- b.** Māori Tino Rangatiratanga over Māori peoples, lands and other Taonga (“Māori Authority”); and
- c.** a partnership, to be discussed and agreed where Māori and English peoples intermingled (“Shared Authority”).⁷

12. The essence of this Claim is that the Crown, by way of its policies and practices which surround the status and treatment of Māori women have breached te Tiriti/the Treaty and its principles (“the Principles”) by:

- a.** failing to recognise and give effect to Māori women’s status, Mana and Tino Rangatiratanga over their Taonga, namely, their Tamariki, their peoples and their lands and Taonga;
- b.** failing to actively protect Māori women’s Mana and Tino Rangatiratanga over their Tamariki, their whanau and their lands and other taonga;
- c.** failing to actively protect Māori women, their Tamariki and their lands;
- d.** imposing a regime of “care” for children which has resulted in:
 - i.** severe trauma to Tamariki Māori and their mothers, and fathers, and other whanau; and

⁶ Waitangi Tribunal *He Whakaputanga me te Tiriti The Declaration and the Treaty: The Report on Stage 1 of the Paparahi o Te Raki Inquiry* (Wai 1040, 2014), at 529.

⁷ Waitangi Tribunal *He Whakaputanga me te Tiriti The Declaration and the Treaty: The Report on Stage 1 of the Paparahi o Te Raki Inquiry* (Wai 1040, 2014), at 529.

- h.** the marginalisation of wāhine Māori within professional spaces in which their voices and views are not able to be expressed due to the implementation of Crown policy.

- 14.** The Claimants are suffering significant, irreversible and ongoing prejudice as a result of the effect of the Crown's acts and omissions, and as particularised in this SoC.

IV: BACKGROUND

- 15.** The Claimants say that, since time immemorial, Māori women have collectively exercised Mana and Tino Rangatiratanga, in accordance with their body of Māori regulatory laws, called Tikanga, over their Tamariki, their peoples, and their lands and Taonga.
- 16.** In 1840, certain Rangatira signed te Tiriti, which guaranteed Māori, including Māori women, their Tino Rangatiratanga over their Taonga, including their Tamariki, their peoples, and their lands and Taonga. The Crown has not, since 1840, legitimately acquired, in any way, the authority/Tino Rangatiratanga which Māori have exercised, and are entitled to continue to exercise, over their Tamariki, their peoples, and their lands and Taonga.
- 17.** Their Tamariki, their peoples, and their lands are taonga under te Tiriti/the Treaty and the responsibility for exercising Mana and Tino Rangatiratanga over these Taonga resides legitimately with Māori, including Māori women, themselves.
- 18.** Nevertheless, after the execution of te Tiriti/the Treaty, the British Crown, usurped the authority of Māori under te Tiriti/the Treaty, and attempted to enforce its regime of governance over all Māori in Aotearoa New Zealand and over all of their taonga. Lands, and other resources, were illegally taken, any signs of Māori resistance were met with aggression, acts of war and violence, and the Māori people were stripped of their language and culture.

19. Their body of laws, or Tikanga, was forcibly subjugated under the dominant Westminster framework of laws and governance, which had been introduced by the British Crown. The Westminster framework was then utilised as a mechanism to facilitate the alienation of Māori lands and other Taonga, and to further subdue any resistance.
20. Māori women did not cede their Tino Rangatiratanga to the Crown. The Crown's imposition of Kāwanatanga over them was a grave breach of te Tiriti/the Treaty. In imposing its laws over them, the Crown put in place various mechanisms, including, the Old Land Claims processes, Crown purchases and other direct acquisitions and confiscations, and the various Native Land Court regimes, which facilitated, in breach of te Tiriti/the Treaty, the wrongful transfer of Māori lands to the new settler communities.
21. In 1975, the Crown, in recognition of the fact that it had breached te Tiriti/the Treaty and, in doing so, had been responsible for causing great and widespread harm to Māori peoples, established the Waitangi Tribunal and entered into Tiriti/Treaty settlement discussions and negotiations with various Māori hapū and iwi groups. This constituted an attempt to recognise its breaches of te Tiriti/the Treaty, and the wrongs it had perpetrated over the Māori people, including its illegitimate acquisitions of Taonga which had hitherto been the responsibility of Māori women.
22. The Crown has not, since 1840, legitimately acquired, in any way, the Tino Rangatiratanga which Māori women have over their Tamariki, their peoples and their lands, including; under te Tiriti/the Treaty, under international laws and norms, under statute, nor under the common law. As such, Māori women's Tino Rangatiratanga over their own peoples remains extant.
23. Currently, the disparity between Māori women and non-Māori women severely prejudices and disadvantages many Māori women. Māori

women are more likely to suffer poor educational, health, housing, employment and economic outcomes.

24. The Claimants allege that the current Crown laws, policies and conduct in relation the status and treatment of Māori women are in breach of te Tiriti/the Treaty.

Tino Rangatiratanga and Mana Whenua

25. The Claimants submit that, in Te Ao Māori, although men and women sometimes had different roles, they were valued equally. They submit that the status and authority of Māori women only began to diminish with the imposition of colonisation and English law. They allege that, following the signing of te Tiriti/the Treaty, and the successive imposition of Crown kāwanatanga, Māori women, like Pākehā women, became subordinate to men. Their rangatiratanga was undermined, and Māori women were forced out of leadership roles.
26. The Claimants submit that it was the women who held and exercised kaitiaki and Mana Whenua over land in Te Ao Māori. However, during the process of colonisation, Māori and, in particular, Māori women, lost the vast majority of their lands, in large part due to the policies and practices of the Crown, which were predicated on the idea that women could not own property and therefore could not hold and exercise Mana Whenua.
27. The Claimants submit that, as part of their Mana Whenua status, women were responsible for exercising kaitiakitanga over their Tamariki, whanau, lands and other Taonga. However, because the Crown refused to accept or acknowledge the Mana that Māori women held, women were prevented from exercising tino rangatiratanga and kaitiakitanga over their Tamariki, Whanau, lands and Taonga.

V: JURISDICTION

28. This claim falls within one or more of the matters referred to in section 6(1) of the ToW Act, namely:

- a.** the Claimants are Māori;
- b.** the Claimants have been and continue to be, or are likely to be, prejudicially affected by the various ordinances, Acts, regulations, orders, proclamations, notices and other statutory instruments, or by the various policies, practices, acts or omissions proposed to be done or omitted or adopted by, or on behalf of the Crown, their agents or their successors; and
- c.** the prejudice to the Claimants is in breach of te Tiriti/the Treaty.

29. This claim raises contemporary issues in relation to acts and omissions of the Crown, which are ongoing, and occurring after 21 September 1992. However, these issues cannot be viewed in a vacuum, and the historical context is vitally important. This SoC has provided a brief historical background to give context to the relevant issues and also to the historical, and ongoing, prejudice faced by the Claimants.

VI: BREACHES OF TE TIRITI/ THE TREATY

30. The relevant provisions of te Tiriti/the Treaty, and its principles, that have been breached by the Crown are:

- a.** in breach of Article 2, failing to actively protect Māori women and their Taonga, including their Tamariki, Whanau, and lands;
- b.** in breach of Article 1, imposing an administrative, governance and regulatory regime over Māori women, without their prior informed consent, thus directly undermining the exercise of their Mana and Tino

Rangatiratanga over their Tamariki, lands, Whanau and other Taonga;

- c.** failing to honour the Partnership envisaged in te Tiriti/the Treaty; and
- d.** failing to enter into an appropriate level of collaboration with Māori.

31. The causes of action, which breach the Principles and which give rise to the Claimants' grievances, are:

- a.** the Crown's failure to recognise and give effect to the Mana and Tino Rangatiratanga of Māori women, including the Claimants, under Articles 1 and 2 of te Tiriti/the Treaty. Under Article 2 of te Tiriti/the Treaty, Māori women retained Mana and Tino Rangatiratanga over their Tamariki, Whanau, lands and Taonga. Tino Rangatiratanga was never ceded under Article 1 of te Tiriti/the Treaty. Article 1 of te Tiriti/the Treaty gave the British Crown the authority to govern over their own subjects and over land legitimately acquired by them, but not to unilaterally enforce their regulatory and legal regimes over Māori and/or their Taonga. Reliance is placed upon the conclusions in the Tribunal Report which came out of Stage One of Te Paparahi o Te Raki Inquiry;⁸
- b.** the Crown's purported reliance on the common law of New Zealand, and/or legislation in New Zealand and/or international law as having had the effect of not recognising and/or, in the alternative, extinguishing Māori women's Mana and Tino Rangatiratanga over their Tamariki, Whanau, Hapu, and lands, and other Taonga, when those customary rights are still extant;
- c.** the Crown's enactment, without the adequate collaboration, and prior, free, informed consent of Māori

⁸ Wai 1040.

women, including the Claimants, of the current laws in respect of Māori women, and their Tamariki, contrary to the principles of te Tiriti/the Treaty because:

- i.** they purport to govern over Māori women, as if Māori women had ceded their authority to the Crown; and, in doing so;
- ii.** they are in conflict with Māori women's responsibility for exercising Mana and Tino Rangatiratanga over their own Tamariki, Whanau, Hapu, lands and other Taonga.

VI: PREJUDICE TO THE CLAIMANTS

32. The breaches of te Tiriti/the Treaty identified above have caused, are causing, and will continue to cause significant and irreversible prejudice to all Māori, including the Claimants as follows:

- a.** the Claimants' Tino Rangatiratanga has been interfered with and diminished, causing severe harm and prejudice to the Mana, self-governance, and status of Māori women;
- b.** the Claimants' Mana and Tino Rangatiratanga over their Tamariki, Whanau, Hapu, lands, and other Taonga have been denied, interfered with, and diminished, causing irreparable prejudice, and economic, social and cultural harm, to themselves, and to their Tamariki, Whānau, Hapū and Iwi;
- c.** the Claimants' responsibility to exercise Mana and Tino Rangatiratanga over their Tamariki, their Whanau, and their lands and Taonga, in accordance with their own Tikanga Māori, and in a manner befitting their status as the original inhabitants of Aotearoa New Zealand, and as the Crown's Tiriti/Treaty Partner, have been interfered with and diminished, causing severe harm and prejudice to the Mana and status of Māori women; and

- d.** Māori women's rights to live in accordance with their own Tikanga and customs has been interfered with and diminished, causing irreparable harm to themselves, and, to their Tamariki, and their Whānau, Hapū and Iwi.

33. The Claimants seek any or all of the following relief:

- a.** a finding that:
 - i.** at or shortly prior to 1840, Māori women collectively exercised Mana and Tino Rangatiratanga, over their Tamariki, Whanau, Hapu, and their lands and other Taonga;
 - ii.** under Article 2 of te Tiriti/the Treaty, Māori women retained the full, exclusive and undisturbed possession of their Taonga, including their Tamariki, Whanau, Hapu, and their lands and other Taonga;
 - iii.** the Tino Rangatiratanga of Māori women over their Tamariki, Whanau, Hapu, and their lands and other Taonga was never ceded under Article 1 of te Tiriti/the Treaty; and
 - iv.** consequently, responsibility for exercising Mana and Tino Rangatiratanga over their Tamariki, Whanau, Hapu, and their lands and other Taonga resides with Māori women;
- b.** Crown acknowledgment that the full responsibility for ensuring the health and wellbeing of Māori women and their Tamariki remains with Māori women, supported by their men, Whanau, Hapu and Iwi;
- c.** the transfer of the provision of Māori women's services, along with the requisite funding, and technical support, where deemed necessary, to Māori women;

- d. restitution, comprising the return of all decision-making, including both local-level decision-making and national-level decision-making, in relation to Māori women, to them;
- e. compensation for all losses suffered either directly or indirectly, as a result of the Crown's conduct in depriving Māori women of their rights and entitlements to Tino Rangatiratanga over their Tamariki, Whanau, Hapu, and their lands and other Taonga;
- f. fully funded on-going Tikanga Māori based counselling services for all Māori Tamariki, mothers, fathers and other whanau that have suffered the consequences of the state's forced removal of Tamariki Māori from their mothers, fathers and wider whanau; and
- g. all costs incurred as a result of bringing this Claim.

VII: RIGHT TO AMEND CLAIM

34. The Claimants reserve the right to further particularise this SoC and to amend or add further to it as appropriate.

Dated: 12 September 2025



**Janet Mason
Counsel Acting**