

I TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGIWAI 2700
WAI 1944

KEI RARO I TE MANA O te ture o te Tiriti o Waitangi 1975

Ā

I TE TAKE O te ruku tātari ā kaupapa, Mana Wahine (Wai 2700)

Ā

I TE TAKE O tētahi kerēme nā **Te Kenehi Teira, Johnny McGregor, Tracey Stretch, Rangitewhiu Jury, Kararaina Te Ira, Heemi Te Peeti, Huataki Whareaitu, Wayne McGregor, Pania Taylor, Heta Taylor, Tania Hippolite (aka Alesana), Kim Hippolite, Kim Woon, Heeni Meretini Collins, Puhi Carlotta Campbell, Stephanie Turner and Toha Eparaima** on behalf of themselves and Ngā Hapū o Kererū (Wai 1944)HE TAUĀKĪ KERĒME WHAKAHOU
NĀ NGĀ HAPŪ O KERERŪ
I TĒNEI RĀ, I TE 27 PĒPUERE 2026P O Box 4104
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Waitangi Tribunal

27 Feb 26Ministry of Justice
WELLINGTON

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*Piki ake au ki runga ki taumata te utu o Te Arapaepaerangi,
Ka āta tiro iho ki ngā take hiwi a Pukekohe.
Mai i te Kai-o-te kapukapu ki Pīkautahi ki Kererū
Kūterehia ngā manga o Kōpūtoroa i taha mauī, Waokū i taha katau e
Kōpikopiko te awa nui Manawatū te nukuroa
Mā Te Whirokino ki Piriharakeke, te waro hunanga o Peketahi,
Tere tonu ki Papangaio te pūwaha, Te Whārangi rā ia
Putā ki waho te tāwhangawhanga ki ngā tai aupaki
Te Moana Tāpokopoko a Tāwhaki
E hoki ahau ki Te Kererū, ki Te Kōpū-o-te Toroa, te rua i moe ai a Raukawa
Ko Māhina-ā-rangi e
Ko Ngāti Takihiku, Ngāti Ngārongo e,
He ara hei kāwei tautika mai ki ahau e.*

*Taumanuka ki runga, Tawhirihoe ki raro
Ko Te Maire ki uta, ko Te Wharangi ki tai
Ko Te Awahou, ko Matararapa, ko Hokio ki waenganui
Ko Papakiri, ko Te Pua-o-Tau, ngā rua whakakī a ngā Kaumātua
Toroa ki uta, Toroa ki tai ko te kōpū o te toroa e*

TĒNĀ E TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI

1. This Particularised Statement of Claim (“**PSOC**”) is filed on behalf of Wai 1944, Te Kenehi Teira, Johnny McGregor, Tracey Stretch, Rangitewhiu Jury, Kararaina Te Ira, Heemi Te Peeti, Huataki Whareaitu, Wayne McGregor, Pania Taylor, Heta Taylor, Tania Hippolite (aka Alesana), Kim Hippolite, Kim Woon, Heeni Meretini Collins, Puhī Carlotta Campbell, Stephanie Turner and Toha Eparaima on behalf of themselves and Ngā Hapū o Kererū (“**the claimants**”).

Background

2. On 31 August 2018, the claimants filed their original Statement of Claim¹ in the Mana Wahine Kaupapa Inquiry (“**Inquiry**”), setting out the issues of Ngā Hapū o Kererū Wāhine (“**Kererū Wāhine**”), which continue to underpin this PSOC.
3. Ngā Hapū o Kererū comprises the affiliated hapū of Ngāti Takihiku, Ngāti Ngārongo, and Ngāti Hinematā, whose collective identity, authority, and rangatiratanga form the foundation of this claim.
4. On 21 September 2018, the claimants filed an Amended Statement of Claim. On 12 September 2025, the claimants filed a Particularised Statement of Claim in relation to the Rangatiratanga Pou. Certain matters in that claim overlap with other pou in this Inquiry and are further particularised in this PSOC.

Nature of the Claim

5. The claimants say that their claim meets the requirements under s 6(1) of the Treaty of Waitangi Act 1975, namely that:
 - a) they are Māori; and
 - b) they have been, or are likely to be, prejudicially affected by the ordinances, Acts, regulations, proclamations, notices and other statutory instruments and policies, practices, acts or omissions of the Crown as further set out in the Statement of Claim.

¹ Wai 2700, #3.1.68.

6. The claim is brought within the confirmed scope of the Inquiry and proceeds on the basis that the intersection of race, gender, and class has created enduring and interconnected disadvantage for not only Wāhine Māori but Kererū Wāhine.
7. The claim identifies the Crown causes of harm, the impacts upon Kererū Wāhine, and the continuing prejudice suffered across generations. The claim is structured under the recognised Pou of the Inquiry, excluding Rangatiratanga which has already been addressed as mentioned above at [3].
8. The impacts suffered by Kererū Wāhine are not isolated, but are experienced by wāhine Māori throughout the motu, reflecting systemic and enduring Crown failures that have undermined mana wāhine, disrupted whakapapa relationships, and diminished intergenerational wellbeing across Aotearoa. These harms are ongoing and continue to prejudice Kererū Wāhine in the present day.
9. The claimants reserve their right to further amend this claim.

WHENUA AND TE AO TŪROA POU

First Cause of Action: Failure to Recognise, Protect, and Uphold Mana Wāhine in Relation to Whenua, Wai, and Tikanga

Crown Duties

10. The Crown is required under Te Tiriti o Waitangi to:
 - a) actively involve and empower Māori in policy and decision making that affects them, including the safeguarding of mātauranga Māori through a genuine partnership;²
 - b) actively protect the rights, authority, and customary relationships of wāhine Māori with their lands and waterways, including their ability to exercise tino rangatiratanga and kaitiakitanga;³

² Waitangi Tribunal, *Ko Aotearoa Tēnei : A Report into Claims concerning New Zealand Law and Policy Affecting Māori Culture and Identity, Te Taumata Tuarua*, 2 vols (Wellington: Legislation Direct, 2011), vol 2, pp 442, 559.

³ *New Zealand Maori Council v Attorney-General* [1987] 1 NZLR 641 (CA), 664.

- c) actively pursue equity for Māori, including by identifying the distinct and systemic challenges faced by Wāhine Māori and, in genuine partnership with them, developing targeted provisions, accommodations, and policies to address those challenges;⁴
- d) to acknowledge Wāhine Māori as a Māori community of interest not confined to kinship, and to take all reasonable steps to avoid actions that create, deepen, or perpetuate division or relational harm affecting mana wāhine;⁵ and
- e) recognise and provide for the relationship of Wāhine Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.⁶

Crown breaches

11. In breach of Te Tiriti o Waitangi, the claimants say the Crown has failed to ensure fair and non-discriminatory treatment of Kererū Wāhine. In particular, the Crown has:
 - a) excluded or marginalised Kererū Wāhine from meaningful participation in the development of laws, policies, and decision-making processes affecting their rights, interests, and mātauranga, thereby undermining genuine Treaty partnership;
 - b) permitted the erosion and denial of Kererū Wāhine authority and customary relationships with whenua, wai, wāhi tapu, and other taonga, including through regulatory, governance, and resource management regimes inconsistent with tino rangatiratanga and kaitiakitanga;
 - c) maintained institutional settings and policy frameworks that reproduce inequitable outcomes for Kererū Wāhine, while failing to implement targeted, partnership based measures capable of addressing the distinct and systemic barriers they face;

⁴ Waitangi Tribunal, *He Tangata, He Whenua: The Citizenship Report*, (Wellington, 2025), p 69.

⁵ Waitangi Tribunal, *The Te Arawa Mandate Report: Te Wahanga Tuarua* (Wellington: Legislation Direct, 2005), p 73.

⁶ Resource Management Act 1991, s 6(e).

- d) failed to recognise and protect the mana of Kererū Wāhine as a collective source of authority and wellbeing, and has instead enabled social, legal, and governance structures that entrench marginalisation, division, and relational harm within and across Māori communities; and
- e) allowed land tenure, succession, governance, and development systems to operate in ways that disadvantage Kererū Wāhine and weaken their intergenerational relationships with ancestral lands, waters, sites, wāhi tapu, and other taonga.

Particulars

12. Crown actions and omissions fundamentally undermined mana Wāhine through the alienation of whenua, wai, and associated taonga, and through the systematic displacement of tikanga based authority exercised by Kererū Wāhine. Prior to Crown intervention, Kererū Wāhine held recognised authority, responsibility, and care in relation to whenua and wai, grounded in whakapapa, Atua Wāhine, and the maintenance of mauri and waiora. The imposition of Pākehā law disrupted these relationships, eroded Wāhine authority, and caused enduring environmental, cultural, and intergenerational harm to Ngā Hapū o Kererū.⁷
13. Tikanga Māori located Kererū Wāhine at the centre of environmental authority. Mātauranga Māori recognises Parawhenuamea as the Atua Wāhine of freshwater and situates waterways within a whakapapa of female Atua responsible for wetlands, river gravels, sands, and the sea. These cosmological frameworks positioned wāhine as primary kaitiaki of whenua and wai, responsible for maintaining balance, intergenerational wellbeing, and ecological integrity.⁸
14. Whakapapa connects Atua Wāhine such as Hinetūmaunga, Hinewai, Parawhenuamea, and Hinemoana, establishing wāhine as the spiritual and practical guardians of landforms and waterways. This genealogical framework

⁷ Wai 2200, #P8(a), *Cultural Impact Report Commissioned by Kererū Marae*, 22 September 2021 at 19.

⁸ *Ibid.*

positioned female deities as the primary kaitiaki of crucial environmental domains, creating a spiritual precedent for wāhine authority within the physical world. Wāhine leadership was therefore embedded within the cosmological foundations of tikanga Māori and extended directly into decision-making, authority, and kaitiakitanga on the ground.⁹

15. Mauri binds the physical and spiritual worlds, and the wellbeing of whānau is inseparable from the health of waterways. The Crown's failure to recognise and give effect to Wāhine centred tikanga frameworks has directly contributed to the erosion of Kererū Wāhine wellbeing across environmental, cultural, and social domains.

Environmental Degradation and the Erosion of Mana Wāhine

16. Crown policies and practices enabled the progressive degradation of waterways and wetlands relied upon by Kererū Wāhine and their whānau. Following land alienation, extensive deforestation, wetland drainage, flood control engineering, permissive regulation of agricultural and commercial discharges, and physical modification of waterways collectively undermined the mauri of the taiao in the rohe of Kererū Wāhine.¹⁰
17. In the Kōpūtōroa catchment, these actions resulted in the loss of mahinga kai species including tuna, kōkopu, īnanga, kākahi, and smelt, the degradation of wetland ecosystems, and the erosion of waterways central to Wāhine Māori customary food provision, cultural practice, and whānau wellbeing.¹¹
18. From the late nineteenth century onwards, forest clearance, gravel extraction, floodgating, and stream straightening reduced the land's natural flood carrying capacity and contributed to erosion, siltation, and declining water quality.¹² These cumulative impacts continue to disproportionately affect Kererū Wāhine and whānau who remained in low lying areas and depended on local waterways.

⁹ Wai 2200, #A253, Meredith P, *The Collision of Two Legal Worlds Te Tikanga me Te Ture*, November 2025 at para 336.

¹⁰ Wai 2200, #P8(a) at p 11.

¹¹ Wai 2200, #P8(a) at pp 11; 16-18.

¹² *Ibid.*

19. Crown environmental and planning frameworks have excluded wāhine Māori perspectives grounded in tikanga, mātauranga Māori, and Atua Wāhine from defining environmental harm, restoration, and wellbeing. Western scientific indicators were privileged, while Kererū Wāhine understandings of mauri, waiora, and relational accountability to future generations were marginalised. As a result, Kererū Wāhine were prevented from exercising tikanga based relationships with whenua and wai, including customary harvesting, monitoring, and restoration practices.

Suppression of Wāhine Mātauranga and Kaitiakitanga

20. Kererū Wāhine held central roles as experts in mahinga kai, weaving, and resource management, particularly in relation to rivers, streams, wetlands, and coastal environments. At Kōpūtoroa Stream and surrounding wetlands, wāhine mātauranga encompassed the seasonal harvesting of tuna through established patuna (eel weirs), the gathering of inanga, kōkopu and smelt, and the customary taking of manu using techniques such as mutu and waka-kererū. Their authority extended to the cultivation and maintenance of harakeke varieties such as Wharanui on wetland margins, and the harvesting of raupō and kakaho for the construction of tukutuku and whareniui interiors. These practices were not isolated skills, but formed part of an integrated system of mātauranga that connected species, landforms, waterways, architecture, and whakapapa relationships.¹³
21. The Crown has failed to actively protect this mātauranga Māori, which is inherently dependent upon the health and integrity of the taiao. Through the degradation and modification of wetlands and waterways in the Kōpūtoroa area, the Crown has materially impaired both the transmission and the lived practice of Kererū Wāhine mātauranga, undermining their role as kaitiaki and diminishing the exercise of tino rangatiratanga.

¹³ Wai 2200, #A238, Allen et al, *Ngāti Raukawa and the Manawatū River – Volume 1: Rangatiratanga*, 5 May 2023 at p 32; 174.

Native Land Court Processes and the Displacement of Wāhine Authority

22. The Native Land Court operated upon individualised and male centred concepts of title that failed to recognise hapū organised through tūpuna wāhine such as Hinematā. Although the whakapapa record affirms Ngāti Hinematā as descending from Whakarauika, daughter of Ngārongo, the Court records do not clearly preserve the independent origins or authority of that hapū. Instead, Ngāti Hinematā became subsumed within broader Ngāti Ngārongo and Ngāti Takihiku narratives. Through succession determinations and title investigations, the collective authority embodied in wāhine led whakapapa lines was diminished.¹⁴
23. The Court's processes prioritised individualised title over collective hapū identity and failed to preserve descent lines organised through tūpuna wāhine such as Hinematā. Although rangatira including Ārona Te Hana, Īhakara Tukumarū, and Kereopa Tukumarū acknowledged their Ngāti Hinematā whakapapa during hearings into the Īhakara (Manawatū–Kukutauaki No. 3) and Takapu blocks at Kōpūtōroa, the Court did not recognise Ngāti Hinematā as a distinct hapū entity. Instead, those wāhine descent lines were subsumed within broader Ngāti Ngārongo and Ngāti Takihiku narratives, diminishing the visibility and authority of a hapū grounded in a tūpuna wāhine.¹⁵
24. Even where wāhine led collectives demonstrated the capacity to manage land, the Crown excluded them from land development schemes and Māori land boards, preferring male dominated leadership structures.

Āputa Ihakara

25. Āputa Ihakara (Āputa ki Wairau), the only daughter of Īhakara Tukumarū of Ngāti Ngārongo and Ngāti Hinematā, was a wāhine rangatira and tohunga whose mana and whakapapa sit firmly within, and are inseparable from, Ngā Hapū o Kererū. As uri of Īhakara, Āputa held not only personal interests, but carried intergenerational hapū responsibilities as a kaitiaki and landholder

¹⁴ Wai 2200, #A226, Pātete A, *Tū Te Manawaroa Oral and Traditional Historical Report*, February 2021, at pp 697–700.

¹⁵ Wai 2200, #A226, at pp 697–700.

within the Manawatū River rohe. Her inheritance included substantial whenua along the Manawatū River, including Opaekete Nos. 4 and 5, Rerengaohau, Himatangi, Papangaio, and Ōhinekakeao, lands that were central to Kererū identity.¹⁶

26. In 1912, Āputa sought financial assistance for medical expenses. Applications to Crown lending institutions, including the New Zealand Government Life Insurance Department and the State Guaranteed Advances Office, were declined. She subsequently mortgaged Opaekete Nos. 4 and 5 for £500 to a private lender, pursuant to section 230 of the Native Land Act 1909.¹⁷
27. By 1914, arrears of £45 had accumulated. Correspondence between the mortgagee's solicitors and the Native Department reveals that foreclosure was contemplated at a declared value of £1,000, despite a Government valuation of £2,280. The Under-Secretary observed that, at such a figure, the transaction would generate a substantial profit relative to the principal advanced. In 1920, Opaekete Nos. 4 and 5 were permanently alienated, extinguishing the tino rangatiratanga of Āputa to that whenua.¹⁸ This was not merely the loss of an individual landowner's estate, it was the alienation of hapū land. This alienation flowed directly from Crown failures, including:
 - a) the imposition of individualised tenure that undermined collective hapū rangatiratanga;
 - b) the refusal of Crown agencies to provide equitable financial support to Māori landowners;
 - c) inadequate protections in mortgage and foreclosure law; and
 - d) the Crown's disregard of wāhine petitions and advocacy for the protection of waterways and fisheries.

¹⁶ Wai 2200, #A238 at pp 218-224.

¹⁷ Wai 2200, #A238 at 220.

¹⁸ Wai 2200, #A238 at 221.

WHAKAPAPA AND WHĀNAU POU

Second Cause of Action: Crown Undermining of Whakapapa, Whānau, and Mana Wāhine

Crown Duties

28. Under Te Tiriti o Waitangi the Crown has a duty in relation to whakapapa and whānau to:
- a) work in partnership with wāhine Māori to co-design and deliver Tiriti compliant health and social services, particularly where inequities in outcomes persist;¹⁹
 - b) actively protect whakapapa as the foundation of Māori identity and continuity to the fullest extent possible;
 - c) uphold the tino rangatiratanga of wāhine Māori within whānau, hapū, and iwi structures;²⁰
 - d) achieve equitable social, health, and justice outcomes for wāhine Māori and their tamariki;²¹
 - e) ensure wāhine Māori have and continue to have equitable access to healthcare;²² and
 - f) protect mātauranga wāhine relating to reproduction, wellbeing, and cultural identity, including upholding the right to choose their own social and cultural pathways.²³

Crown Breaches

¹⁹ Waitangi Tribunal, *Hauora : Report on Stage One of the Health Services and Outcomes Kaupapa Inquiry* (Lower Hutt : Legislation Direct, 2019), pp 28–29.

²⁰ Waitangi Tribunal, *Te Mana Whatu Ahuru*, vol 1, p 211.

²¹ Waitangi Tribunal, *The Napier Hospital and Health Services Report*, p 63-64.

²² Waitangi Tribunal *Hauora: Report on Stage One of the Health Services and Outcomes Kaupapa Inquiry* at 68.

²³ Waitangi Tribunal, *Report of the Waitangi Tribunal on the Muriwhenua Fishing Claim, 3rd ed* (Wellington : GP Publications, 1996), p 195.

29. In breach of Te Tiriti o Waitangi and its principles, the claimants say that the Crown has failed to uphold its duties to whakapapa and whānau by:
- a) designing and maintaining health and social service systems without meaningful wāhine Māori authority, resulting in services that are culturally unsafe, structurally inequitable, and ineffective in addressing persistent disparities;
 - b) allowing legislative and institutional frameworks to disrupt intergenerational kinship structures, contributing to the fragmentation of whānau relationships and the diminishing of cultural identity grounded in whakapapa;
 - c) embedding colonial gender hierarchies within governance, legal, and social systems, thereby marginalising wāhine Māori leadership and diminishing their influence within whānau, hapū, and iwi decision making spaces;
 - d) failing to remedy entrenched inequities experienced by wāhine Māori and their tamariki across health, social wellbeing, and justice systems, despite longstanding knowledge of those disparities; and
 - e) regulating and constraining cultural knowledge and bodily autonomy associated with wāhine Māori wellbeing, including through medical, welfare, and social policy settings that limited the ability of wāhine Māori to determine their own futures in accordance with tikanga and cultural identity.

Particulars

30. Prior to sustained Crown intervention, mana wāhine within Ngā Hapū o Kererū was expressed through interconnected whakapapa relationships linking wāhine, whenua, and waterways. These relationships were embodied in traditions, knowledge systems, and ceremonial practices maintained and exercised by wāhine, including wāhine led engagement with wai for tohi rites, purification, birthing preparation, and baptism. Such practices were undertaken in wāhi wai

reserved for wāhine and governed by the tapu of the whare tangata and the sacred continuity of the toto ariki.²⁴

31. As mentioned above at [12], the spiritual authority of wāhine was further grounded in the whakapapa of Atua Wāhine associated with water and landforms, through whom environmental order and the relationships of all living species were understood, maintained, and transmitted across generations.
32. Whakapapa records affirm the presence and authority of tūpuna kuia who established and sustained mana wāhine within Ngā Hapū o Kererū, including within Ngāti Hinematā. Over time, however, post-1840 historical accounts and institutional records increasingly foregrounded male leadership, diminishing the visibility of wāhine within public narratives. While the hapū name Ngāti Hinematā preserves the identity of a wāhine ancestor, the broader contribution and authority of Kererū wāhine have been reduced, obscured, or contested in collective memory.
33. This narrative marginalisation was compounded by Crown imposed land tenure, legal, and governance systems that displaced tikanga based authority. Patriarchal legislative and institutional frameworks privileged male centred models of leadership and spiritual interpretation, sidelining mātauranga wāhine relating to waterways, childbirth, and environmental guardianship. As these systems took hold, wāhine were progressively excluded from recognised decision making roles, and knowledge once exercised collectively within hapū life became fragmented or confined to private whānau spaces.
34. Despite these pressures, Kererū Wāhine maintained enduring relationships with waterways and the protection of wāhi tapu associated with wāhine preparation and birthing. The persistence of tikanga based practices, including karakia, mirimiri, whakapapa transmission, and wāhine led caregiving, demonstrates the resilience and continuity of mana wāhine.
35. Notwithstanding this resilience, it was found that wāhine Māori experienced significantly higher maternal mortality than Pākehā during the early twentieth

²⁴ Wai 2200, #A238 at pp 31–32.

century, with rates in 1920 estimated at 22.9 deaths per 1,000 live births compared with 6.5 for Pākehā. Although mortality declined by the mid-1940s, improvements were largely driven by district nursing expansion and increased reliance on hospital childbirth rather than culturally appropriate support. Uneven access to maternity facilities across rohe and the absence of public maternity services in Foxton and Levin, together with the Crown's failure to address the structural causes of poor Māori maternal health, resulted in preventable harm to Kererū Wāhine and their whānau.²⁵

36. The claimants say that today, access to culturally appropriate maternity care within the Horowhenua district is constrained by the very limited number of Māori midwives available to serve the local population. Publicly available workforce information indicates that only a small number of Māori midwives practise in the area, significantly reducing the practical ability of Kererū Wāhine to choose maternity care grounded in tikanga and te reo Māori or delivered by culturally aligned providers.
37. The claimants further say that the shortage of Māori maternity practitioners contributes to ongoing inequities in access to culturally responsive maternity services and reflects insufficient Crown support for the development and retention of the Māori midwifery workforce in regions with established Māori communities.
38. These workforce and access inequities are further shaped by Crown systems and social policies that have diminished the status and transmission of knowledge relating to wāhine bodies, sexuality, and wellbeing, thereby constraining culturally grounded maternity care and weakening wāhine self-determination in matters of hauora and whānau.
39. Accordingly, while the continued exercise of tikanga demonstrates the endurance of mana wāhine, it simultaneously reveals the depth of cultural harm

²⁵ Wai 2200, #A219, Hearn T. J, *The Social and Economic experience of Porirua Māori: An Analysis and Appraisal*, 17 September 2019 at pp 468–469.

arising from the Crown's failure to recognise, protect, and support these traditions and the wellbeing of Kererū Wāhine.

Healthcare Inequities

40. The claimants further state that Ngā Hapū o Kererū, and Māori more broadly within the MidCentral District Health Board region, experience significant and systemic barriers to accessing primary and preventative health services. Evidence demonstrates that Māori access healthcare at lower rates than non-Māori, reflecting entrenched inequities associated with rural isolation, socio-economic disadvantage, and inadequate infrastructure.²⁶
41. Furthermore, Māori in this rohe are disproportionately likely to reside in rural areas and to lack access to private transport, reliable telecommunications, and primary care enrolment, all of which materially restrict timely access to medical services when compared with non-Māori.²⁷
42. These disparities reflect the ongoing failure of the Crown to ensure the provision of culturally safe and accessible health services that meet the needs and expectations of not only Māori but Wāhine Māori.

Wartime Burdens and Crown Imposed Hardship Affecting Kererū Wāhine

43. The twentieth century was marked by economic depression, global war, epidemic disease, and rapid social transformation. While settler society advanced ideals of security, equality, and the quarter-acre dream, Māori communities continued to navigate structural exclusion and ongoing pressures of assimilation. Although the early twentieth century was described as a period of Māori population recuperation, that recovery occurred despite, not because of, consistent Crown protection.²⁸ Kererū Wāhine bore much of the burden of sustaining whānau and hapū stability through these upheavals.

²⁶ Kāhui Tautoko Consulting Ltd, *Te Pae Oranga Ruahine Tararaua, Te Pae Maunga Mō Te Mana Ōrite: The Path to Health Equity*, March 2024, at pp 62–68.

²⁷ *Ibid.*

²⁸ Wai 2200, #A226 at pp 47–49.

44. During both World Wars, the Crown failed to provide adequate social or economic protection to Māori communities, leaving Kererū whānau, predominantly sustained by Kererū Wāhine, to provide for themselves in the Crown's absence. Kererū Wāhine assumed primary responsibility for whānau survival, food production, labour, caregiving, and the preparation of provisions for relatives serving in the 28th Māori Battalion, without recognition, protection, or equitable opportunity comparable to that afforded to Pākehā women.
45. In exercising manaakitanga as an expression of rangatiratanga, Kererū Wāhine sustained whānau wellbeing and contributed materially to the Māori war effort through gathering kaimoana, fishing, hunting, farming, preserving and sending food to enlisted soldiers, trading natural resources, and labouring on Pākehā farms as "land girls" to generate income. Despite this governance, economic, and community leadership roles, the Crown failed to acknowledge or support wāhine Māori contributions and instead maintained structural limitations on their opportunities relative to Pākehā women, who were afforded access to clerical roles, training, and broader vocational pathways.
46. The Crown's failure to recognise or equitably support the labour, leadership, and sacrifice of Kererū Wāhine during wartime intensified hardship, undermined whānau wellbeing and authority, diminished mana wāhine, and constituted further breaches of Te Tiriti o Waitangi, including failures of equitable treatment, active protection, and the safeguarding of wāhine rangatiratanga and wellbeing.

WHAI RAWA POU

Third Cause of Action: Failure to Protect the Socio-Economic Foundations of Kererū Wāhine

Crown Duties

47. Under Article II of Te Tiriti o Waitangi, together with the principles of equity, active protection, and partnership, the Crown was required to ensure that wāhine Māori retained and were able to develop the material, social, and economic resources necessary to exercise rangatiratanga, sustain whānau

wellbeing, and participate equitably in Aotearoa society,²⁹ including the duties to:

- a) protect the economic base of Māori communities, including access to land, housing, employment, and education;
- b) eliminate structural discrimination producing socio-economic inequity for wāhine Māori;
- c) ensure public systems and labour markets operated in ways that upheld mana wāhine and enabled advancement rather than confinement to subordinate roles; and
- d) take positive and timely steps to remedy deprivation where historic Crown actions had undermined Māori socio-economic wellbeing.

Crown Breaches

- 48. In breach of Te Tiriti o Waitangi and its principles, the Crown failed to protect the socio-economic foundations necessary for Kererū Wāhine to exercise rangatiratanga and sustain whānau wellbeing.
- 49. Through laws, policies, and systemic omissions, the Crown:
 - a) created and maintained structural barriers to equitable employment, income, housing, and education;
 - b) directed wāhine Māori into limited domestic and servile roles while suppressing broader intellectual, cultural, and professional development;
 - c) failed to prevent or remedy severe deprivation experienced during periods of economic crisis;
 - d) tolerated exploitative labour, unsafe living conditions, and racialised gender control affecting wāhine Māori; and
 - e) allowed intergenerational socio-economic inequity to persist into the present without effective Treaty-compliant intervention.

²⁹ Waitangi Tribunal, *The Napier Hospital and Health Services Report*, p 63-64.

Particulars

50. Crown policy and institutional discrimination produced persistent inequities in employment, income, housing security, and educational advancement, resulting in entrenched intergenerational deprivation affecting Kererū Wāhine and their whānau.
51. The Crown education system functioned as a mechanism of cultural and economic limitation by directing Māori girls toward domestic service and constrained gender roles while suppressing intellectual, creative, and professional potential, generating long-term social and economic harm.

Te Reo Māori

52. For Kererū Wāhine and their whānau, Te Reo Māori is the vessel of whakapapa, tikanga, mātauranga, and collective memory. Where the language is weakened or denied space to flourish, the harm extends beyond words. Sustained structural denial manifests as trauma:

Te reo Māori trauma, or Māori language trauma refers to a person's emotional, psychological, spiritual distress, and/or physical injury caused by harmful events or by association to harmful events, which directly impacts their ability and/or willingness to learn and/or speak te reo Māori.³⁰

53. Since 1984, a kōhanga reo has operated at Kererū Marae. In 1988, Te Kōhanga Reo o Kererū was formally opened, founded through the initiative of Henrietta Maxwell, and remains one of only three surviving Raukawa kōhanga reo built on a marae reserve. Now housed in Te Kōpū-o-te-Toroa, it continues to serve as a vital bastion of Te Reo Māori for marae descendants. However, there is no corresponding full immersion Kura Kaupapa Māori or Wharekura operating nearby.
54. The absence of a local Māori-medium primary and secondary pathway creates a structural break in language transmission. Whānau must either enrol tamariki in English-medium education or travel beyond the rohe to access immersion

³⁰ Dr Raukura Roa and Professor Tom Roa, *Te Reo Māori Trauma: A Literature Review Prepared for Te Mātāwai*, December 2023 at p 7.

schooling. This gap undermines the sustainability of kōhanga-based language acquisition and perpetuates Māori language trauma.

55. By failing to establish and sustain a continuous local immersion pathway, the Crown undermines the tino rangatiratanga of Ngā Hapū o Kererū and, in particular, the authority of Kererū Wāhine as transmitters of Te Reo Māori. The disruption of intergenerational language transmission diminishes mana wāhine and weakens cultural continuity within the rohe

Employment Inequities

56. Contemporary socio-economic evidence within Ngā hapū o Kererū rohe confirms the continuation of historic inequities, including:³¹
 - a) consistently lower Māori employment rates and higher exposure to insecure work;
 - b) over-representation in welfare receipt and lower income bands;
 - c) substantially reduced median incomes; and
 - d) markedly lower home-ownership rates alongside higher rental dependence and household crowding.
57. These indicators demonstrate entrenched, intergenerational deprivation arising from historic land loss, constrained economic opportunity, and sustained Crown failure to achieve equitable outcomes for Māori, including Ngā Hapū o Kererū.
58. The consequences continue to affect Kererū Wāhine, including reduced educational expectations, discouragement from leadership and professional pathways, shame-based constraints on bodily autonomy and wellbeing, and diminished confidence, identity, and whānau stability.
59. During the economic depression of the early 1930s, Kererū Wāhine within their rohe experienced severe and disproportionate unemployment, with approximately 35 percent of wāhine Māori in the labour force unemployed and overall participation as low as 26 percent.³²

³¹ <https://www.stats.govt.nz>; Wai 2200, #A219 at pp 606–643.

³² Wai 2200, #A219 at pp 232–236.

60. Relief measures compounded this hardship. Land development assistance linked to national schemes had little local effect due to prior land alienation and lease encumbrances, leaving Māori communities reliant on inequitable relief systems that questioned eligibility, reduced allocations, and imposed discriminatory treatment.³³
61. Evidence from Horowhenua and Levin recorded unequal access to relief work, diminished payments, and assumptions that communal living or traditional food sources justified reduced support, producing widespread injustice and deprivation.³⁴
62. Despite national advocacy highlighting malnutrition, poverty, and intolerable living conditions affecting Māori whānau and tamariki, the Crown failed to recognise or remedy the acute hardship borne by Kererū Wāhine and their communities.³⁵

*Exploitation and Racialised Gender Control*³⁶

63. Within the early twentieth-century market gardening economy, wāhine Māori within the Porirua ki Manawatū rohe, were subjected to intersecting racialised discourse, gendered surveillance, and structural poverty that undermined mana, autonomy, and wellbeing.
64. Public campaigns disproportionately targeted the employment and personal relationships of wāhine Māori, framing them as moral or racial risks and seeking to regulate their mobility, labour, and social lives rather than protect their rights. These responses imposed gender specific scrutiny and control not applied equally to men and were inconsistent with the Crown's duty to actively protect mana wāhine and tino rangatiratanga.
65. Structural poverty forced many wāhine Māori into insecure and exploitative labour under unsafe working and living conditions, including inadequate wages, overcrowding, and environments harmful to health and whānau wellbeing.

³³ Wai 2200, #A219 at pp 238–246.

³⁴ Wai 2200, #A219 at pp 241–242.

³⁵ Wai 2200, #A219 at pp 244–246.

³⁶ Wai 2200, #A219 at 263–272.

66. Despite knowledge of these circumstances, the Crown failed to enforce labour, housing, and health protections, permitting exploitative conditions and perpetuating stigma that further diminished mana wāhine.

Housing Deprivation

67. From at least the mid-1930s, unsafe and overcrowded Māori housing conditions in Levin, Foxton, and surrounding rohe were well known to the Crown, yet urgent need was not met with timely or effective intervention.
68. Māori whānau lived in dilapidated and unsanitary dwellings and frequently lacked resources for repair or construction, while Crown housing assistance mechanisms excluded many low-income or landless Māori and allowed local resistance to impede development.³⁷ These failures entrenched long-term housing insecurity and materially undermined the health and wellbeing of Kererū Wāhine and their whānau.

Contemporary Deprivation and Inequity

69. Present day data confirms that the socio-economic inequities created through historic Crown action persist across the rohe, including lower employment, reduced incomes, greater rental reliance, household crowding, and concentration within the most deprived neighbourhoods.³⁸
70. Proposed housing developments within the Levin–Foxton locality do not clearly identify prioritisation, partnership, or measurable benefit for Māori, leaving uncertainty as to whether current Crown action will remedy longstanding deprivation experienced by Ngā Hapū o Kererū.³⁹
71. Taken together, historic and contemporary evidence demonstrates that Crown failures to protect the economic base, housing security, and social wellbeing of Kererū Wāhine continue to produce cumulative and intergenerational prejudice in breach of Te Tiriti o Waitangi.

³⁷ <https://engage.kaingaora.govt.nz/foxton>.

³⁸ <https://www.stats.govt.nz>.

³⁹ <https://engage.kaingaora.govt.nz/foxton>.

Prejudice Suffered

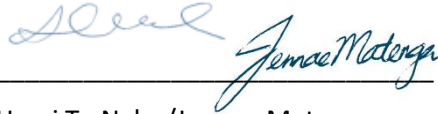
72. As a result of the Crown's acts and omissions discussed above, Kererū Wāhine and their descendants have suffered, and continue to suffer, prejudice including:
- a) persistent socio-economic disadvantage, including lower incomes, higher unemployment and insecure work, and entrenched intergenerational poverty;
 - b) housing insecurity, including reduced home ownership, reliance on rental housing, overcrowding, and associated impacts on health and whānau stability;
 - c) diminished educational and employment opportunities arising from Crown systems that constrained wāhine Māori advancement and leadership pathways;
 - d) harm to mana wāhine and tino rangatiratanga, including loss of authority and agency in relation to whenua, wai, tikanga, and decision-making that affects whānau wellbeing;
 - e) deterioration of hauora and wellbeing outcomes, including reduced access to culturally safe and responsive services (including maternity care), and preventable impacts on wāhine and tamariki;
 - f) loss, marginalisation, or fragmentation of mātauranga wāhine and intergenerational transmission of tikanga, whakapapa knowledge, and wāhine-centred practices; and
 - g) enduring whakamā, loss of confidence, and relational harm within whānau and communities, with compounding impacts across generations; and
 - h) the reduced practical ability of Kererū Wāhine to exercise tikanga-based relationships with the taiao, including customary practices of care, monitoring, harvesting, restoration, and wāhine-led rites associated with waterways and wāhi tapu.

Relief Sought:

73. The claimants seek findings that the Crown has acted inconsistently with Te Tiriti o Waitangi and its principles and accordingly seek the following recommendations for relief:
- a) a Tribunal finding that the Crown breached Te Tiriti and its principles by failing to recognise, protect, and uphold mana wāhine for Ngā Hapū o Kererū, including in relation to whenua, wai, tikanga, whakapapa, whānau wellbeing, and equitable socio-economic outcomes;
 - b) recommendations that the Crown, in genuine partnership with the claimants, develop and implement a mana wāhine framework for the Crown agencies operating in the rohe, including measurable equity outcomes and accountability mechanisms;
 - c) recommendations for targeted, adequately funded initiatives to address wāhine Māori inequities experienced by Ngā Hapū o Kererū, including in housing security, education and employment pathways, income adequacy, and whānau wellbeing;
 - d) recommendations to support cultural revitalisation and mātauranga wāhine transmission, including resourcing for hapū-led wānanga, intergenerational programmes, and tikanga-based wellbeing initiatives;
 - e) recommendations to address hauora inequities, including strengthening Māori maternity workforce development and retention in the Horowhenua district, and ensuring access to culturally safe maternity and primary care services;
 - f) recommendations that the Crown establish and adequately resource a continuous Māori-medium education pathway within or proximate to the rohe, to maintain and strengthen intergenerational transmission of Te Reo Māori from kōhanga through secondary schooling;
 - g) a formal acknowledgment and apology from the Crown to Ngā Hapū o Kererū Wāhine for the systemic discrimination, marginalisation, and failures of active protection pleaded in this claim; and

h) such further or other relief as the Tribunal considers just.

I TĒNEI RĀ, te rā i te 27 Pēpuere 2026

A handwritten signature in blue ink, appearing to read 'Jennae Matenga', is written over a horizontal line.

Hemi Te Nahu/Jennae Matenga
Claimant Counsel