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<b>KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI BEFORE THE WAITANGI TRIBUNAL</b>	<b>WAI 2700 WAI 2925</b>
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**IN THE MATTER OF** The Treaty of Waitangi Act 1975

**AND**  
**IN THE MATTER OF** The Mana Wāhine Kaupapa Inquiry (Wai 2700)

**AND**  
**IN THE MATTER OF** a claim filed by Kaa Kereama, Anne Kendall and  
George Ngatai on behalf of the New Zealand  
Māori Council (Wai 2925)

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**AMENDED STATEMENT OF CLAIM**

27 February 2026

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<b>RECEIVED</b> Waitangi Tribunal
<b>27 Feb 26</b>
Ministry of Justice WELLINGTON

**WOODWARD LAW OFFICE**

**Counsel Acting:**  
Donna Hall  
Darshini Dorn  
Hilary Royds

PO Box 30411  
Lower Hutt 5010  
+64 (04) 560 3680  
[info@mokoia.co.nz](mailto:info@mokoia.co.nz)

## **E TE KAIWHAKAWĀ, TĒNĀ KOE**

### **MAY IT PLEASE THE TRIBUNAL**

1. This Amended Statement of Claim (ASOC) is filed on behalf of Kaa Kereama, Anne Kendall and George Ngatai on behalf of the New Zealand Māori Council (“the Claimants”).
2. This ASOC is filed to replace the previously filed Statement of Claim in this Inquiry to the extent that it amends, updates, adds and particularises issues specific to the Whānau and Whakapapa Pou.

### **Allegation**

3. The Crown has failed to take active steps to remedy the current distortion of Māori culture that has arisen from years of misinterpretation about the role of wāhine Māori.
4. The Crown has breached Te Tiriti o Waitangi/the Treaty of Waitangi and its principles by:
  - 4.1 imposing patriarchal norms, through colonisation, leading to distortion of te ao Māori worldview, disruption of Māori societal structures and displacement of wāhine Māori from their traditional roles;
  - 4.2 by undermining the traditional whānau structure through promotion and prioritisation of the nuclear family model; and by placing value only on paid labour, the Crown has failed to recognise mahi aroha, including child raising responsibilities, diminishing the status of wāhine Māori causing cultural and social harm.
  - 4.3 failing to rectify the distorted perceptions of mana wāhine created through colonisation. This failure has allowed deficit-based narratives about wāhine Māori to persist and become internalised,

contributing to intergenerational impacts including welfare dependency, over-representation in the criminal justice system, and disproportionate mental-health statistics.

4.4 using education as an assimilation tool to impose patriarchal values and distort Māori culture by denigrating the customary roles and status of wāhine Māori. This is an ongoing breach. The Crown has failed to implement policies that specifically address the disparities created through colonisation, resulting in continued disadvantage for wāhine Māori across education, training, and employment.

4.5 By failing to ensure wāhine Māori representation in the curriculum the Crown further reinforced a distorted cultural identity for wāhine Māori, contributing to ongoing disparities in educational achievement and employment outcomes.

5. The Claimants allege that, through the acts and omissions described above, the Crown has breached the principles of Te Tiriti/the Treaty. In particular:

5.1 tino rangatiratanga;

5.2 active protection;

5.3 equity;

5.4 redress; and

5.5 mutual recognition and respect.

### **Treaty Principles**

#### *Tino Rangatiratanga*

6. The guarantee of tino rangatiratanga to hapū under Article 2 of Te Tiriti o Waitangi/the Treaty of Waitangi engages the obligation of the Crown to respect those that exercise it.

7. The failure of the Crown to recognise the inherent mana of wāhine Māori and their authority to exercise rangatiratanga on behalf of their people breaches the principle of tino rangatiratanga.
8. The Claimants consider this principle, under Article 2, extends to the right for Māori to develop their own culture. However, the capacity to do this has been adversely and significantly undermined by the Crown. This has been undermined to the extent that Māori are unable to develop their authentic culture due to the Crown's interference and injection of colonial ideologies.

#### *Active Protection*

9. The Crown has a duty to actively protect Māori tino rangatiratanga, to actively protect Māori as Te Tiriti/the Treaty partners, and to actively protect genuine Māori development. This requires both the provision of resources and opportunities, and the removal of barriers – practical, ideological or otherwise. In terms of mana wāhine, it also requires specific provision for wāhine Māori. In the face of disadvantage and alarming statistics regarding Māori women, active protection requires a direct, targeted and immediate response, and commitment to effective change.
10. The corresponding duty to actively protect is not passive, the Crown must take positive action to rectify their marginalisation of wāhine Māori. Both children and whakapapa are considered taonga in tikanga Māori. It was held in *Broadcasting Assets* that where a taonga is in a vulnerable state, the Crown may be required to take especially vigorous action, particularly where the vulnerable state can be attributed to past breaches of its treaty obligations.<sup>1</sup>

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<sup>1</sup> *New Zealand Māori Council v Attorney-General* [1994] 1 NZLR 513, [1994] 2 WLR 254 (PC) [*Broadcasting Assets*] at 514.

11. The Crown has breached its Treaty obligations to actively provide and promote opportunities for education that positively reinforce the identity of wāhine Māori, in particular for kōtiro Māori.

#### *Equity*

12. Equity is grounded in Article 3 and the preamble of the Treaty. It is not just a Treaty principle but is found in other human rights instruments such as s 19(2) of the New Zealand Bill of Rights Act which allows for positive measures to address disparities. The Claimants allege that the Crown has breached the principle of equity by failing to address disparities of wāhine Māori when compared either to tāne Māori or non-Māori females. The Crown must recognise the intersectional disadvantages that wāhine Māori face presently, in the broader context of colonial disruptions to their society and their historical role.

#### *Redress*

13. The Crown has a duty to rectify the breaches of the past wrongs whereby patriarchal norms contaminated Māori culture through distortion of wāhine original roles and status leading to intergenerational prejudice and harm.

14. The Crown has a duty to address and remedy the disparities and socio-economic disadvantages experienced by wāhine Māori that were created through assimilation driven education policies, and a longstanding failure to appropriately represent wāhine Māori roles and histories in the curriculum.

15. The Crown has a positive duty to take steps to remove barriers and prejudice including actively working to dismantle stigma and negative perceptions that impact on wāhine Māori.

### *Mutual Respect and Recognition*

16. The Crown has failed to show mutual respect to wāhine through imposing a hierarchy between tāne and wāhine. Their failure to recognise the mana and accomplishments of wāhine toa has diminished their status and undermined whānau ability to inherit their knowledge and korero. This principle requires the Crown to engage with the Claimants in co-design of the curriculum to effect equitable measures to promote wāhine Māori in the curriculum.

**Cause of Action: Through colonisation, the Crown imposed patriarchal norms, distorted Māori societal structures and displaced wāhine Māori from traditional roles**

### *Breach*

17. Historically, the Crown imposed patriarchal norms and they currently uphold a patriarchal worldview. This has distorted the te ao Māori worldview of traditional wāhine-held roles.

18. The Crown has failed to address or remedy this disruption of cultural balance between tāne and wāhine. As a result, the mana, authority and standing of wāhine Māori have been diminished and the breach continues today.

### *Particulars*

19. Under tikanga, all aspects of life are interconnected with the underlying principle being one of balance. This includes the balance between both tāne and wāhine - both essential elements within the collective whole.<sup>2</sup>

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<sup>2</sup> Ani Mikaere, 'Colonization and the destruction of gender balance in Aotearoa' (Native Studies Review, Vol 12(1), 1999) at 2; Ani Mikaere *The Balance Destroyed* (2017, Te Wānanga o Raukawa) at 54; 70.

20. The roles of tāne and wāhine were complementary with neither subordinate to the other. Through whakapapa, wāhine maintained intergenerational continuity.<sup>3</sup>
21. Wāhine Māori were central to the nurturing, organisation, and functioning of whānau and hapū. However, they were not confined to domestic roles, exercising broad range of functions within the community.<sup>4</sup>
22. Colonisation fundamentally altered wāhine Māori roles by imposing Western nuclear-family models and gendered divisions of labour.
23. Western norms prioritised male wage-earning and defined child-rearing as the exclusive domain of the mother, creating a public/private dichotomy that disrupted the balance inherent in tikanga model.
24. English common law positioned women and children as subordinate within the household. In practice, this treated women and children as subject to the authority of the male householder, effectively as property or chattels.<sup>5</sup>
25. Crown-imposed patriarchal structures restricted Māori women to domestic roles, reducing their autonomy, status, and participation in community governance and decision-making.
26. Over time, these imported ideas became internalised, creating expectations that Māori women remain with husbands regardless of mistreatment, assume primary responsibility for domestic labour, and accept the nuclear family as the default structure. This shift not only

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<sup>3</sup> Ani Mikaere, 'Colonization and the destruction of gender balance in Aotearoa' at 2.

<sup>4</sup> Ani Mikaere *The Balance Destroyed*, at 57.

<sup>5</sup> Ani Mikaere *The Balance Destroyed*, at 120; Ani Mikaere, 'Colonization and the destruction of gender balance in Aotearoa' at 6.

diminished the mana of wāhine Māori but fractured the balance that had once underpinned the whanau system in Māori society.<sup>6</sup>

27. Crown-imposed patriarchal structures restricted Māori women to domestic roles, reducing their autonomy, status, and participation in community governance.

28. By enforcing a Christian, male-dominant worldview, the Crown normalised gender hierarchy, embedding hegemonic masculinity and displacing traditional Māori cultural practices and gender relations.

29. This breach continues to contaminate traditional Māori culture, practice and worldview today.

#### **Cause of Action: Failure to recognise contribution of mahi aroha**

##### *Breach*

30. The Crown, in implementing patriarchal norms as superior, undermined the traditional whānau structure through promotion and prioritisation of the nuclear family model.

31. By placing value only on paid labour, the Crown has failed to recognise mahi aroha, including child raising responsibilities, diminishing the status of wāhine Māori. This has caused cultural and social harm.

##### *Particulars*

32. Children are a taonga, and the Crown's disruption of traditional whānau structures has weakened extended family support systems that ordinarily assist in raising children, placing additional and disproportionate burdens on wāhine.

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<sup>6</sup> Ani Mikaere, 'Colonization and the destruction of gender balance in Aotearoa', at 7-8; Ani Mikaere *The Balance Destroyed*, at 57-59; 120; 126.

33. Mahi aroha is a central part of wāhine eco-system and crucial for the wellbeing of wāhine Māori, their whānau and communities.<sup>7</sup> Mahi aroha includes unpaid labour including household cooking, cleaning, caregiving of children and children and community service work to fulfil cultural obligations such as looking after marae.<sup>8</sup>
34. Mahi aroha undertaken by wāhine Māori contributed to an estimated \$6.6 billion to the national economy in 2022 yet the Crown has failed to recognise or appropriately value this contribution.<sup>9</sup>
35. According to BERL report commissioned by Manatū Wāhine, Ministry for Women for (2022), wāhine Māori aged over 12 years provide approximately 1.4 million hours per day of unpaid work.<sup>10</sup> If this work — including household labour, caregiving, and volunteer work — were to be replaced by paid workers, the equivalent of 168,000 paid workers would be required.<sup>11</sup> The Crown has not provided adequate policy settings or support reflecting the scale and value of this work.
36. Wāhine Māori play a key role in the retention and transmission of Māori culture and values, owing to their inherent responsibilities toward the wellbeing, education, and development of tamariki. However, this cultural labour is largely carried out on a voluntary basis, and the Crown has failed to ensure a sufficient economic foundation to enable wāhine Māori to sustain this essential role.

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<sup>7</sup> Laurie Porima, Tania Wolfgramm, and Pam Oliver, 'Mahi Aroha, Māori Perspectives on Volunteering and Cultural Obligations', Report commissioned by the Office for the Community and Voluntary Sector, 2007, NZ Government; at 39 in Wai 2700, #B7 Dr Tania Haerekiterā Wolfgramm, *He Wāhine, he Ōhanga, he Wāhine* dated 30 Aug 2024, at 84; 90.

<sup>8</sup>At 84

<sup>9</sup> Wai 2700, #B7 Dr Tania Haerekiterā Wolfgramm, *He Wāhine, he Ōhanga, he Wāhine* dated 30 Aug 2024, at 90.

<sup>10</sup> Hillmarè Schulze, Amanda Reid, Hugh Dixon, Connor McIndoe, and Urvashi Yadav, *Te Ōhanga Wāhine Māori, The Māori Women's Economy (2024)* at 59 in Wai 2700, #B7 Dr Tania Haerekiterā Wolfgramm, *He Wāhine, he Ōhanga, he Wāhine* at 92.

<sup>11</sup> Wai 2700, #B7 Dr Tania Haerekiterā Wolfgramm, *He Wāhine, he Ōhanga, he Wāhine* at 92.

**Cause of Action: Failure by the Crown to remedy distorted perceptions of mana wāhine resulting in deficit-based narratives and outcomes**

*Breach*

37. The Crown created distorted perceptions of mana wāhine through displacing Māori traditional roles with its own patriarchal norms and values contaminating Māori culture.

38. The Crown, by failing to rectify their actions, have allowed deficit-based narratives about wāhine Māori to persist and become internalised, contributing to intergenerational impacts including welfare dependency, over-representation in the criminal justice system, and disproportionate mental-health statistics.

*Particulars*

39. The Crown continues to contribute to negative statistics by adhering to deficit-based discourse that frames wāhine Māori as the cause of their circumstances rather than recognising the structural and intergenerational impacts of colonisation.

40. The United Nations Permanent Forum on Indigenous Issues framed the issue as such:<sup>12</sup>

The result of colonial practices is a consistent group of physical, mental and spiritual traumas that have, in many cases, permeated through the population and been embodied as social stigmas, causing havoc in the soul and life of Indigenous Peoples and communities.

*Welfare*

41. The disconnection of Māori from their whenua and the forced relocation into urban centres removed Māori from their traditional support systems.

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<sup>12</sup> United Nations Permanent Forum on Indigenous Issues (UNPFII) *Indigenous Determinants of Health in the 2030 Agenda for Sustainable Development* (13 January, 2023) 4 U.N. Doc. E/C.19/2023/5.

Combined with Pākehā disparagement of Māori customary practices, knowledge, and identity, these impacts became internalised and contributed to Māori being pressured to live as “second-class” Pākehā.<sup>13</sup>

42. The invisibility of Māori women in the Social Security Act 2018 is detrimental to the welfare and mana of Māori women and their whānau. Its silence on distinct roles, needs, or circumstances of wāhine Māori diminishes the welfare and mana of wāhine Māori and negatively affects the wellbeing of their whānau.

43. The Crown administers social services through punitive and compliance-driven measures that fail to reflect the responsibilities of wāhine Māori within their whānau. Requirements such as compulsory appointment attendance, job-seeking criteria, and sanctions fail to account for childcare obligations, limited access to affordable housing, and workforce discrimination.<sup>14</sup> The oppressive requirements for jobseeker support (s 20) and sole parent support (ss 30, 33), the limited availability of alternative welfare support, and the restrictive application of this legislation by the Ministry of Social Development, fail to respect the nature, degree and significance of responsibilities of Māori women within the whānau context.

#### *Mental health*

44. Māori women have experienced a sustained increase in suicide rates, rising from 3.8 to 8.8 per 100,000 between 2000 and 2010, with updated

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<sup>13</sup> Hill, R. S. (2012). Māori Urban Migration And The Assertion Of Indigeneity In Aotearoa/New Zealand, 945-1975 *Interventions*, 14(2) 256-278, in Wai 2700, #B12 Naomi Simmonds, Erana Walker, Kahurangi Waititi, Peta-Maria Tunui, Sophia Wairoa-Harrison, *Ngā Uaua o Papatūānuku: The binding of wāhine ki te whenua me te ao tūroa* at 132

<sup>14</sup> Wai 2700, #B7 Dr Tania Haerekiterā Wolfgramm, *He Wāhine, he Ōhanga, he Wāhine* dated 30 Aug 2024, at 61

statistics showing a further rise to 14.3 per 100,000 in 2018/2019, compared to 6.2 for non-Māori women.<sup>15 16</sup>

45. The Ministry of Women's Affairs has reported to the Crown that key causal factors associated with mental-health admissions for wāhine Māori include loss of self-esteem and mana arising from unemployment, cultural denigration, and the breakdown of traditional support systems.<sup>17</sup>

#### *Prison population*

46. Wāhine Māori make up 61% of the female prison population. The significant rise in wāhine Māori imprisonment from 2004 onwards coincides with legislative changes including the Bail Act 2000, Sentencing Act 2000, Victims' Rights Act 2002, Parole Act 2002, Criminal Procedure (Mentally Impaired Persons) Act 2003, and Corrections Act 2004.<sup>18</sup>

47. The Sentencing Act 2002 provides a striking example of the Crown's disregard to specific circumstances for mana wāhine. This piece of legislation abolished suspended sentences, the recipients of which were predominantly Māori women with dependent children (and a low risk of reoffending). The elimination of this option is detrimental, not only for the Māori women who would otherwise have benefitted from it, but also for their children, who are nearly always displaced (at a rate of at least 95%) when their mothers are incarcerated.<sup>19</sup>

48. By failing to recognise the collective responsibility for these outcomes and responding instead by pathologizing wāhine Māori at an individual level, the Crown reinforces a colonial narrative that distorts Māori culture in the

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<sup>15</sup> Wai 2700, #B6, Professor Huia Tomlins-Jahnke, *Toitū te Mana Wāhine Contemporary Employment and Education Issues for Wāhine Māori: Equity and Disparities from 1990 to 202*, dated 2 August 2024, at 32.

<sup>16</sup> Te Whatu Ora, <https://tewhatauora.shinyapps.io/suicide-web-tool/>.

<sup>17</sup> Ministry of Women's Affairs, Laurence Malcolm, Rob Bowie, and Ichiro Kawachi, 'Economic and Organisational Factors in Achieving a Better Health Future for Maori Women' (1990) at 28.

<sup>18</sup> Wai 2700, B#8, Helena Rattray-Te Mana, *Ngā Wero a te Mana Wāhine: Wāhine Māori Justice and equity wellbeing 1990-2020* (2024), at 72; at 57.

<sup>19</sup> Elisabeth McDonald et al, *Feminist Judgments of Aotearoa New Zealand: Te Rino: A Two-Stranded Rope*, above n 8, at 516.

present day. This perpetuates barriers to restoring positive cultural identity and inhibits the reassertion of mana wāhine within their whānau and communities.

### **Cause of Action: Education as an assimilation tool**

#### *Breach*

49. The Crown utilised the education system as an instrument of assimilation to reshape Māori gender roles and subordinate wāhine Māori.<sup>20</sup>
50. The Crown has failed to implement policies that specifically address the disparities created through colonisation, resulting in continued disadvantage for wāhine Māori across education, training, and employment.

#### *Particulars*

51. Assimilation practices were implemented over successive generations from missionary schooling through to state-controlled policies, legislation, and curriculum design.
52. Through the assimilation agenda within the New Zealand education system, wāhine Māori were taught that men had the mana and patriarchal notions painted wāhine as inferior to men in a way that te ao Māori did not.<sup>21</sup>
53. Missionary schools initiated the domestication of wāhine Māori, displacing tikanga-based roles, diminishing wāhine status, and reshaping them to conform to Pākehā gender norms.<sup>22</sup>

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<sup>20</sup> Huia Tomlins-Jahnke 'Māori women and education: historical and contemporary. Perspectives' in *Te Whāiti, Pania, et al. Mai i Rangiatea* (1997, Auckland University Press, pp 96-112) in Wai 2700, #B12 Naomi Simmonds, Erana Walker, Kahurangi Waititi, Peta-Maria Tunui, Sophia Wairoa-Harrison, *Ngā Uaua o Papatūānuku: The binding of wāhine ki te whenua me te ao tūroa*, at 123

<sup>21</sup> Wai 2925, #A13, *Brief of Evidence of Tina Latimer* dated 20 January 2021, at [5].

<sup>22</sup> Wai 2700, #B12 Naomi Simmonds, Erana Walker, Kahurangi Waititi, Peta-Maria Tunui, Sophia Wairoa-Harrison, *Ngā Uaua o Papatūānuku: The binding of wāhine ki te whenua me te ao tūroa*, at 124

54. The Native Schools Code 1880 reinforced this agenda. Of its nine references to “girls,” four related exclusively to sewing and knitting instruction, and the remainder referred to Māori girls living and working in teachers’ households to perform domestic labour.<sup>23</sup>

55. Crown-endorsed beliefs held that excess education would interfere with girls’ roles as wives and mothers, resulting in curricula for Māori girls centred on sewing, cooking, cleaning, and “mothercraft.”<sup>24</sup> Māori girls were routinely placed in homecraft classes preparing them for domestic work or nursing, while Māori boys were channelled into low-paid manual or trade-based employment. By contrast, Pākehā students were directed into commercial and higher academic pathways.<sup>25</sup>

56. The Hunn Report (1960) and Currie Report (1962) attributed low Māori achievement to families rather than structural discrimination and failed to address the specific experiences of kōtiro Māori.<sup>26</sup>

**Cause of Action: By failing to ensure wāhine Māori representation in the curriculum the Crown further reinforced a distorted cultural identity for wāhine Māori, contributing to ongoing disparities in educational achievement and employment outcomes.**

#### *Breach*

57. The Crown has reinforced a distorted cultural identity by failing to ensure wāhine Māori representation in the curriculum. This has contributed to

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<sup>23</sup> Wai 2700, #B3, Sarsha-Leigh Douglas and Associate Professor Lara Greaves, *Mana Wāhine I Te Ao Hurihuri, Equity and Disparities in Wellbeing for Wāhine Māori from the 1950s to 2000*, dated 12 April 2024, at 88.

<sup>24</sup> Ruth Fry, *It's Different for Daughters: A History of the Curriculum for Girls in New Zealand Schools, 1900-1975. Educational Research Series No. 65*, ERIC, 1985, in Wai 2700, #B3 *Mana Wāhine I Te Ao Hurihuri, Equity and Disparities in Wellbeing for Wāhine Māori from the 1950s to 2000*, at 133.

<sup>25</sup> 89-93.

<sup>26</sup> Wai 2700, #B3 Sarsha-Leigh Douglas and Associate Professor Lara Greaves, *Mana Wāhine I Te Ao Hurihuri, Equity and Disparities in Wellbeing for Wāhine Māori from the 1950s to 2000*, at 90.

ongoing disparities in educational achievement and employment outcomes.

*Particulars*

58. Māori girls have historically been rendered invisible in education policy and legislation. The application of the (now repealed) Education Act 1989 has perpetuated “ongoing colonisation”, failing to promote or include any Māori women perspective in mainstream education.<sup>27</sup>
59. Although Māori-medium education pathways such as Kōhanga Reo and Kura Kaupapa Māori provide positive opportunities, mainstream education continues to neglect wāhine Māori history and role models, harming wāhine Māori identity.
60. There is no representation of wāhine Māori role models in the curriculum. Without the presence of role models, such as Mākereti, ākonga have to rely on knowledge holders, outside of their schooling, to learn about wāhine Māori excellence.
61. Contemporary research shows Māori students disengage from schooling at higher rates, and wāhine Māori rely heavily on whānau based female role models whose representation is largely absent from the education system.<sup>28</sup> This reflects a disconnection between role models valued by Māori and those represented within the education system.
62. In 2021, the Education Review Office found the education system continues to underserve Māori learners and their whānau.<sup>29</sup>

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<sup>27</sup> Tagan Wetekia Paul, *A Mana Wahine Critical Analysis of New Zealand Legislation Concerning Education: Implications for Addressing Māori Social Disadvantage* (Wellington, Victoria University, 2014) at 96.

<sup>28</sup> Wai 2700, #B6, Professor Huia Tomlins-Jahnke, *Toitū te Mana Wāhine Contemporary Employment and Education Issues for Wāhine Māori* at 83.

<sup>29</sup> At 111.

63. Despite increased tertiary enrolment, wāhine Māori remain disproportionately enrolled in lower-level certificates and diplomas rather than degree programmes.<sup>30</sup>
64. Māori girls continue to leave school with lower educational attainment compared to non-Māori girls, contributing to ongoing disparities in employment and earnings.<sup>31</sup>
65. While it refers to local tikanga and mātauranga Māori, the Education and Training Act 2020 fails to recognise the distinct disadvantages faced by wāhine Māori and fails to impose specific accountability mechanisms.
66. The proposed Education and Training Amendment Act, through removing Treaty obligations as a primary objective, will further undermine educational opportunities for wāhine Māori. The Amendment Act further fails to propose any specific provision for equitable outcomes for wāhine Māori.
67. There is a complete lack of visibility of wāhine toa in the curriculum. This lack of representation contributes to a distorted view of cultural identity and internalises beliefs regarding lack of worth or potential for kōtiro and wāhine Māori.

### **Prejudice**

68. Wāhine Māori have been prejudiced and continue to be prejudiced, as follows.
69. Internalisation of patriarchal norms and values, disconnected from Māori culture, has led to wāhine Māori assuming they should accept roles:

69.1. lesser than those they have traditionally held; or

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<sup>30</sup> At 37.

<sup>31</sup> At 34.

69.2. lesser than the roles they might have developed had the Crown not interfered with their right to develop their culture.

70. By failing to recognise the strong presence of wāhine Māori in the mahi aroha sphere, wāhine experience stigmatisation which contributes to prejudice.

71. The intergenerational legacy of restricted education pathways has resulted in wāhine Māori disproportionately obtaining lower-paid and lower-status employment, limiting economic mobility and perpetuating structural inequality.

#### *Diminishment of Mana and Authority*

72. All Māori experience prejudice arising from cultural distortions of mana and authority. However, this experience is exacerbated for wāhine and kōtiro Māori. By importing a colonial structure that solely considers patriarchal systems as valid, wāhine Māori mana and authority has been completely diminished.

73. Reflected time and time again in statistics, wāhine Māori consistently rank lowly in all aspects of monitored life, such as education, employment and health. There is a direct and inextricable link between this continued representation at the bottom of every chart and loss of mana. This is incredibly damaging and disenfranchising for wāhine and kōtiro Māori resulting in significant prejudice.

#### *Identity*

74. The Crown continues to contribute to negative statistics and undermines its own efforts to provide support services because it continues to subscribe to 'deficit discourse'. This centres wāhine Māori as the problem and blames them for their own circumstances.

75. Where wāhine Māori were cast by the colonial narrative to be sexually deviant, they are now framed as 'violent, unwell, aggressive or non-

resilient'. This portrayal has deeply negative effects of wāhine Māori identity that bleeds through generations, right down to kōtiro.

76. This creates a destructive loop where wāhine Māori internalise these projections and lower their own expectations of potential, opportunities, and quality of life.

77. Wāhine Māori have so often been told and treated like they are not worthy, so much so that this has actively fed into shared thought systems and institutional structures. Perversely, the pre-colonial wāhine notion of knowledge transmission has been used against them. When wāhine Māori are treated, time and time again, like they have no agency and they are subservient to Pākehā and Māori men, this causes inextricable damage to identity – both in an individual and collective sense.

#### *Resilience*

78. The exceedingly low statistics for young wāhine Māori education and resulting disenfranchisement has arisen through the lack of representation of wāhine Māori stories of resilience within the curriculum.

79. Without exposure to tales of resilience, wāhine and kōtiro Māori are deprived of multi-dimensional depictions of wāhine toa. Without understanding of their full histories, themes of resilience are unable to transfer and inspire.

#### **Relief**

80. The Claimants seeks relief as follows:

80.1. a finding that the claim is well founded;

80.2. a finding that the Crown has breached the principles of Te Tiriti o Waitangi by acts and omissions as set out in this ASOC;

- 80.3. A specific recommendation recognising the contribution that the mahi aroha of wāhine Māori adds to New Zealand's GDP
- 80.4. A specific recommendation addressing the stigmatisation of wahine who are on social welfare and recognising the unpaid and voluntary work that wāhine carry out while on the benefit.
- 80.5. a specific recommendation by way of amendment to the education system and New Zealand curriculum as follows below.

*Amendment to the New Zealand Education System and Curriculum*

81. The New Zealand curriculum should be amended to reflect the histories and experiences of wāhine toa.
82. As it stands, the principles of the New Zealand curriculum are silent as to recognition of traditional status and roles of wāhine Māori. Instead, any student exposure is "reliant on the visibility and strength of a Māori voice/perspective, teacher knowledge and school relationship with whānau, hapū and iwi."<sup>32</sup>
83. The influences of older women as mentors and role models were found to impact the career decisions of young wāhine Māori.<sup>33</sup> Through incorporation of wāhine Māori in the New Zealand curriculum, this ensures that ākonga Māori have the requisite inspiration to pursue higher education or careers they historically have been dissuaded from.
84. The curriculum ought to be amended so ākonga Māori do not have to rely on the extramural effort of others in order to see representation.

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<sup>32</sup> Wai 2700, #B6, Professor Huia Tomlins-Jahnke, *Toitū te Mana Wāhine Contemporary Employment and Education Issues for Wāhine Māori* at 83

<sup>33</sup> At 90.

85. Education should not only center around the wāhine themselves but should also include a reformulation of values pushed by the curriculum.

86. The Western conception of what constitutes *employment* must be challenged and the roles wāhine held must be recognised with the same importance. This includes mahi aroha such as voluntary community work, child raising, household chores and other unpaid labour.

87. Although not aligned with the Western preoccupation with profit, this work is fundamental to the operation of whānau and wider community. The curriculum should be updated to reflect the importance of mahi aroha and place value on hidden labour.

88. The relief sought is subject to any submissions that may be made on the Claimants' behalf.

Dated at **Wellington** this Friday, 27 February 2026.



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Donna Hall  
**Woodward Law**



Darshini Dorn  
**Woodward Law**



Hilary Royds  
**Woodward Law**