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KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA I WAI 2700  
TE TIRITI O WAITANGI WAI 2928  
BEFORE THE WAITANGI TRIBUNAL

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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 June Grant for the descendants  
of Mākereti Papakura o Ngāti Wāhiao (Wai  
2928)

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**AMENDED STATEMENT OF CLAIM**

27 February 2026

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

**WOODWARD LAW OFFICE**

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## **E TE KAIWHAKAWĀ, TĒNĀ KOE**

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

1. This Amended Statement of Claim (ASOC) is filed on behalf of June Grant (“the Claimant”) for the descendants of Mākereti Papakura o Ngāti Wāhiao.
2. This ASOC is 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. This failure is contrary to the Treaty and is prejudicial to the Claimant, Ngāti Wāhiao and Te Arawa. The Crown has breached Te Tiriti o Waitangi/the Treaty of Waitangi and its principles by:
  - 3.1. 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;
  - 3.2. through imposition of patriarchal narratives and norms, rendering invisible the history and achievements of Mākereti Papakura, diminishing her role and failing to respect or protect her mana through distortion of history of Ngāti Wāhiao; and
  - 3.3. failing to ensure wāhine Māori representation in the curriculum – particularly the histories of wāhine toa of Ngāti Wāhiao – the Crown further reinforced a distorted cultural identity for wāhine

Māori, contributing to ongoing disparities in educational achievement and employment outcomes.

4. The Claimant alleges that, through the acts and omissions described above, the Crown has breached the principles of Te Tiriti/the Treaty. In particular:

4.1. tino rangatiratanga;

4.2. active protection;

4.3. equity;

4.4. redress; and

4.5. mutual recognition and respect.

### **Treaty Principles**

#### *Tino Rangatiratanga*

5. 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.

6. Specifically, the Crown has breached tino rangatiratanga through silencing and failing to recognise the stories and achievements of Mākereti Papakura, diminishing her status and mana and creating barriers in passing down her legacy of tino rangatiratanga through whakapapa.

7. The Claimant considers 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*

8. 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.
9. 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>
10. 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*

11. Equity is grounded in Article 3 and the preamble of Te Tiriti/ the Treaty. It is not just a Treaty principle but is also found in other human rights instruments, such as the New Zealand Bill of Rights Act which allows for

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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.

positive measures to address disparities.<sup>2</sup> The Claimant alleges that the Crown has breached the principle of equity by failing to address disparities of wāhine Māori, when compared to either tāne Māori or non-Māori females. The Crown must recognise the present intersectional disadvantages that wāhine Māori face, within the broader context of colonial disruptions to their society and their historical role.

### *Redress*

12. 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.
13. 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.
14. 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*

15. The Crown has failed to show mutual respect to wāhine through imposition of a hierarchal structure on tāne and wāhine. Its failure to recognise the mana and accomplishments of wāhine toa has diminished and rendered invisible their status. It has also undermined whānau ability to inherit knowledge and korero. This principle requires the Crown

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<sup>2</sup> New Zealand Bill of Rights Act, s 19(2).

to engage with the Claimant in co-design of the curriculum to effect equitable measures to promote wāhine Māori in the curriculum.

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

*Breach*

16. 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.

17. 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*

18. Under tikanga, all aspects of life are interconnected with the underlying principle being one of balance. This includes the balance between both tāne and wahine - both essential elements within the collective whole.<sup>3</sup>

19. Wāhine Māori were central to the nurturing, organisation and functioning of whānau and hapū. However, wāhine were not confined to domestic roles. They exercised a broad range of functions within the community and were encouraged to learn new skills.<sup>4</sup>

20. Through whakapapa, wāhine held a central function in maintaining continuity across generations, linking past, present and future.<sup>5</sup>

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<sup>3</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.

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

<sup>5</sup> Ani Mikaere, 'Colonization and the destruction of gender balance in Aotearoa' at 2.

21. Wāhine Māori had a special role in gathering, guarding and transmitting iwi knowledge. Often this was done through waiata which served as a key repository of iwi history, identity and law.<sup>6</sup>

22. Colonisation has fundamentally altered the place of wāhine Māori within their community structure. The Crown, through colonisation, introduced and normalised a hierarchy between tāne and wāhine that did not exist within tikanga Māori.

23. This breach is ongoing and continues to perpetuate a distorted version of Māori culture, practice and worldview. This has contaminated transmission of cultural identity for wāhine Māori.

**Cause of action: The Crown's imposition of patriarchal narratives and norms has rendered the history and achievements of Mākereti Papakura invisible, thereby diminishing her role and failing to respect or protect her mana, and distorting the history of Ngāti Wāhiao**

*Breach*

24. Due to the Crown's imposition of patriarchal narratives and norms, the history and achievements of Mākereti Papakura have been rendered invisible. This has resulted in a weakened intergenerational transmission of knowledge, integral to the role of wāhine Māori.

25. The Crown has distorted Mākereti's legacy which has diminished the mana of both herself and her descendants. This continues to disrupt her whakapapa legacy.

26. It has only been through the proactive efforts of Ngāti Wāhiao women, including the Claimant, that the history and life work of Mākereti

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<sup>6</sup> Ani Mikaere *The Balance Destroyed*, at 63.

Papakura achieve the status it has deserved. This effort has been completely self-determined and without Crown assistance.

*Particulars: Legacy of Mākereti Papakura*

27. From the late 19<sup>th</sup> century to the present day, Mākereti's name is synonymous with Rotorua tourism and New Zealand tourism generally.

28. Her surname, Papakura, was self-bestowed and assumed after a geyser, cementing the link to her whenua, "through Wāhiao whakapapa and into a global tourism narrative."<sup>7</sup>

29. As a guide, she was immensely popular. Alongside her experience in leading distinguished guests throughout Whakarewarewa Village, she was a leader in the Ngāti Wāhiao community, employing her business acumen and acting as a mentor to rangatahi.

30. Mākereti ran the operational aspect of Whakarewarewa Village business. She was proficient in her accounting and ensured that proper records were kept. By example, her payment systems included naming hāpu, making sure that that there were always comprehensive records.

31. Mākereti kept detailed diary entries which recorded the happenings in Whakarewarewa Village. These were instrumental in understanding life in Whakarewarewa Village before Crown interference.

32. Her diary also keeps records about visitors to the Village. These records illuminate not only the visits themselves but also the relationships Mākereti cultivated with the visitors.

33. In 1907, the Young Maori Party visited the Village, all of whom were later knighted by Queen Elizabeth II. The visitors were Apirana Ngata, Te Rangihiroa Peter Buck and Maui Pomare. As friends and contemporaries

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<sup>7</sup> [Brief of Evidence of Keri-Anne Wikitera, Nari Faiers, and Iris Kirimaoa for *Whakaue Hapū, Whakaue Pukeroa v Ngāti Wāhiao* (Arbitration, 13 January 2021) at [130].

of Mākereti, their relationship indicated she was a confidante and exemplifies her political involvement with other tribal leaders who sought out her opinion as an equal.

34. Beyond her distinct status as a guide of Whakarewarewa Village, she is remembered for putting Māori culture on the world stage, culminating in her studies at the University of Oxford.

35. Her thesis, 'The Old Time Māori' was completed as part of her written research for her B.Sc. degree in anthropology. The thesis provided an intimate glimpse of Tūhourangi/Ngāti Wāhiao people from within the hapū.

36. 'The Old Time Māori' provided an authoritative account which acted to preserve history for Tūhourangi/Ngāti Wāhiao and corrected various misrepresentations made by Pākehā ethnologists.

37. On 27 September 2025, Mākereti was posthumously awarded a Master of Philosophy degree in anthropology by the University of Oxford. This was an auspicious occasion with her whānau and descendants travelling to attend the ceremony at the Sheldonian Theatre at Oxford to accept the degree. The Claimant accepted the degree certificate on Mākereti's behalf, conferred by the University of Oxford's vice-chancellor.

38. As put by Professor Clare Harris, head of University of Oxford's School of Anthropology and Museum Ethnography, "Mākereti was a trailblazer, not only was she the first indigenous woman to study at Oxford but her work was also truly ground breaking."<sup>8</sup>

39. Mākereti's mana and authority, exercised in her lifetime and posthumously, is integral to Tūhourangi/Ngāti Wāhiao wāhine. The many

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<sup>8</sup> Laura Ancell "Posthumous Oxford degree awarded to Māori woman" (29 September 2025) BBC <<https://www.bbc.com/news/articles/cly14qw5g42o>>.

roles she held, within the community and beyond, is true evidence of her role as a wāhine toa.

40. Her history and life's work, especially her recorded accounts as provided through her diary and 'The Old Time Māori', has been instrumental in drawing a roadmap for wāhine o Ngāti Wāhiao self-determination and community leadership.

**Cause of action: Through omission from the New Zealand curriculum, the Crown has failed to ensure representation of wāhine Māori for ākongā**

*Breach*

41. The Crown has reinforced a distorted cultural identity by failing to ensure wāhine Māori representation in the curriculum, in particular, the history of Mākereti and other Ngāti Wāhiao wāhine. This has contributed to ongoing disparities in educational achievement and employment outcomes.

*Particulars*

42. The Crown utilised the education system as an instrument of assimilation to reshape gender roles and subordinate wāhine Māori.
43. 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>9</sup>
44. Although Māori-medium education pathways such as Kōhanga Reo and Kura Kaupapa Māori provide positive opportunities, mainstream

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<sup>9</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.

education continues to neglect wāhine Māori history and role models, harming wāhine Māori identity.

45. There is no representation of Mākereti or 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.
46. 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>10</sup> This reflects a disconnection between role models valued by Māori and those represented within the education system.
47. In 2021, the Education Review Office found the education system continues to underserve Māori learners and their whānau.<sup>11</sup>
48. Despite increased tertiary enrolment, wāhine Māori remain disproportionately enrolled in lower-level certificates and diplomas rather than degree programmes.<sup>12</sup>
49. Māori girls continue to leave school with lower educational attainment compared to non-Māori girls, contributing to ongoing disparities in employment and earnings.<sup>13</sup>
50. 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.

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<sup>10</sup> Wai 2700, #B6, Professor Huia Tomlins-Jahnke, *Toitū te Mana Wāhine Contemporary Employment and Education Issues for Wāhine Māori* at 83.

<sup>11</sup> At 111.

<sup>12</sup> At 37.

<sup>13</sup> At 34.

51. 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.

52. 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.

**53. Prejudice**

54. Wāhine Māori have been prejudiced and continue to be prejudiced, as follows.

55. Internalisation of patriarchal norms and values, disconnected from Māori culture, has led to wāhine Māori assuming they should accept roles:

55.1. lesser than those they have traditionally held; or

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

*Diminishment of Mana and Authority*

56. 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.

57. 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 Maori resulting in significant prejudice.

58. The Claimant, descendants of Mākereti Papakura and Ngāti Wāhiao have been prejudiced by the diminished status of Mākereti Papakura.

#### *Identity*

59. The lack of portrayal of Mākereti in history of Ngāti Wāhiao, and Te Arawa in the curriculum has prejudiced wāhine Māori and kōtiro in preventing the formation of a strong and positive cultural identity.

60. This example of lack of representation of Mākereti as a wāhine toa in representing Māori culture and history has deeply negative effects on wāhine Māori identity that bleeds through generations, right down to kōtiro.

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

62. 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*

63. 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.

64. 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.

#### 65. Relief

66. The Claimant seeks relief as follows:

- 66.1. a finding that the claim is well founded;
- 66.2. a finding that the Crown has breached the principles of Te Tiriti o Waitangi by acts and omissions as set out in this ASOC;
- 66.3. a finding that the Crown breached Te Tiriti o Waitangi by failing to ensure that wāhine Māori contributions, in particular Mākereti Papakura, to Aotearoa New Zealand's global representation is properly recorded, remembered and celebrated throughout Aotearoa New Zealand; and
- 66.4. 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*

67. The New Zealand curriculum should be amended to reflect the histories and experiences of wāhine toa. This is especially pertinent at a local level, within the rohe of Ngāti Wāhiao wahine, but also at a national level.

68. 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>14</sup>

69. 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.

70. In particular, the history of Mākereti Papakura, and other Ngāti Wāhiao wāhine toa should be included in the curriculum. This should be at least applicable in the Te Arawa rohe.

71. The inclusion of mana wāhine into the curriculum benefits all learners, not only Māori or kōtiro. By showing wāhine Māori as leaders of their communities, representatives for New Zealand and knowledge holders, this broadens student understanding of wāhine Māori authority and provides a more accurate account of New Zealand history.

72. The influences of older women as mentors and role models were found to impact the career decisions of young wāhine Māori. <sup>15</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.

73. The relief sought is subject to any submissions that may be made on the Claimant's behalf.

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

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<sup>14</sup> Wai 2700, #B6, Professor Huia Tomlins-Jahnke, *Toitū te Mana Wāhine Contemporary Employment and Education Issues for Wāhine Māori* at 83

<sup>15</sup> At 90.



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