IN THE WAITANGI TRIBUNAL

WAI 2700
WAI 1781

IN THE MATTER OF	the Treaty of Waitangi Act 1975
AND	claims in the Mana Wāhine Kaupapa Inquiry (WAI 2700)
AND	a claim by Tracy Francis Hillier for and on behalf of themselves and the hapū of Ngāi Tamahaua (WAI 1781)

OPENING SUBMISSIONS

ON BEHALF OF NGAI TAMAHAUA HAPŪ (WAI 1781)

Dated this 9TH day of March 2026

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MAY IT PLEASE THE COURT

1. These opening submissions are filed on behalf of named claimant Tracy Hillier on behalf of herself and for the benefit of Ngai Tamahaua hapū (Wai 1781) ('the **Claimants**"). This is the only hapū-wide claim for Ngai Tamahaua registered and before the Tribunal.

2. The original named claimant for Wai 1781 was the late pou tikanga Matenga Biddle who lodged the claim in 2008. In 2016, Ms Hillier and Rita Wordsworth were mandated at a hui-a-hapū on Ōpape marae to become the named claimants for Wai 1781. They have carried the claim through their tireless work through to the present day across multiple Tribunal inquiries. Rita Wordsworth passed away in 2025.

Introduction – Ngai Tamahaua hapū

3. Ngai Tamahaua is one of the six principal hapū of Te Whakatōhea, located in the North-Eastern Bay of Plenty.

4. Ngai Tamahaua trace their descent through the renowned wāhine Tapairu, Muriwai. The Ngai Tama wharenui at Ōpape is named Muriwai and the wharekai Te Tapairu, reflecting Muriwai's tapairu status and mana within the hapū.[1] The Statement of Claim records the whakapapa lines from Muriwai and sets out the hapū's acknowledgement of the mana and tapu associated with their tīpuna wāhine.[2] This is corroborated by the Tūāpapa evidence detailing Muriwai's training in the whare wānanga, her leadership as a Tapairu, and the binding of Whakatōhea lines through her descendants.[3]

5. Ngai Tamahaua whānau have suffered intergenerational trauma and hardship as a result of the Crowns unjustified invasion, occupation and subsequent raupatu of Ngai Tamahaua lands.

[1] Wai 2700, Second Particularised Amended Statement of Claim for Wai 1781, dated 27 February 2026 at paras 6–10; #A92, Evidence of Tracy F. Hillier (Tūāpapa), 31 May 2022. paras 33–39; Wai 2700 #A93 Evidence of Raiha Ruwhiu (Tūāpapa), 31 May 2022. paras 24–37.
[2] Wai 1781 ASOC, above n 1, at paras 6–10.
[3] Wai 2700 #A92, Evidence of Tracy F. Hillier (Tūāpapa), 31 May 2022. paras 33–39; #A93, Evidence of Raiha Ruwhiu (Tūāpapa), 31 May 2022. paras 24–37

6. The Crown's undermining of hapū rangatiratanga is a central tenant of the Ngai Tamahaua claims.[4] Consistent across the pleadings and evidence is the assertion that hapū are the treaty partner, and that decision-making over matters affecting the rohe and uri must come from Ngai Tamahaua, through a *kanohi ki te kanohi* process in accordance with tikanga. Ngai Tamahaua's signed Te Tiriti in Ōpōtiki in 1840 and the hapū has held continuous ahi kā and kaitiakitanga within their rohe.[5]

Ngai Tamahaua concepts of Mana Wāhine

7. We submit that the Tūāpapa phase evidence provides the underpinnings for this inquiry. It sets out the baseline, what has been lost and what is sought to be restored through the process of this inquiry.

8. In the Tūāpapa phase, Ngai Tamahaua presented a number of briefs of evidence:

   (a) Evidence of Raiha Ruwhiu, dated 31 May 2022 (#A93);

   (b) Evidence of Genevieve Ruwhiu, dated 7 June 2022 (#A102);

   (c) Evidence of Kayreen Riana Tapuke, dated 31 May 2022 (#A94);

   (d) Evidence of Tracy Francis Hillier, dated 31 May 2022 (#A92).

9. While it is difficult to summarise for the purposes of legal submissions, the true essence of the kōrero shared by these witnesses, we broadly group the key aspects of this evidence under four headings which, we submit, encapsulate mana wāhine from the Ngai Tamahaua perspective:

   (a) **Mana wāhine is inherent and foundational to Māori society.**[6] It is anchored in whakapapa and cosmology. Māori cosmologies contain numerous atua wāhine whose characteristics establish a foundational framework for the authority and dignity of wāhine. Mana wāhine is

[4] Wai 1781 ASOC at paras 13–21; Wai 1781, #C57(a), Wai 2700 #C57, Second Brief of Evidence of Tracy F. Hillier, 13 Feb 2026 at paras 18–21.
[5] Wai 1781 ASOC, at para 8.
[6] Wai 2700 #A94, Evidence of Kayreen Riana Tapuke, 31 May 2022 at paras 41–49; Wai 2700 #A102, Evidence of Genevieve Ruwhiu, paras 16–21, 25–28; Raiha paras 1–5.

embedded in whakapapa. It is intergenerational, with ancestors actively guiding the living.[7] Muriwai provides an example of enduring authority and leadership of the hapū by wāhine.[8] The influence of female atua and the mātauranga ā wāhine was suppressed under colonisation.[9]

(b) **Wāhine hold critical cultural and spiritual leadership roles within the hapū.** The evidence highlights essential wāhine roles such as kaikaranga and kaikarakia, such roles providing a spiritual mediation between Te Pō and Te Ao Mārama.[10] Today wāhine hold key leadership roles in the Hāhi Ringatū faith, which is foundational to the spiritual wellbeing of Ngai Tamahaua.[11] Wāhine act as repositories, interpreters, transmitters and protectors of knowledge.[12] Wāhine have long occupied essential roles in sustaining Ngai Tamahaua political life, cultural practices, and community wellbeing.[13]

(c) Mana wāhine is synonymous with balance, and upholding it is essential for the long-term wellbeing of the hapū. Mana wāhine is founded on the centrality of relational balance (poutiriao) and the complementary exercise of authority between wāhine and tāne within traditional Māori society - he mana tō te tāne, he mana anō tō te wāhine", also reflected in tapu and noa concepts. Prosperity, survival and wellbeing of the hapū depended on the proper maintenance of this balance across all spheres of life—ritual, social, and environmental.[14]

(d) **Mana wāhine is strong and endures through adversity** – The evidence recounts the gendered violence experienced by Ngai Tamahaua wāhine under Crown invasion and describes the courage and ingenuity of wāhine who acted to protect and preserve whakapapa during these assaults.[15] Such events caused deep and enduring trauma, but did not extinguish

[7] Wai 2700 #A102 at paras 16–21, 25–28; Wai 2700 #A93, at paras 1-6.
[8] Raiha, paras 1–5.
[9] Wai 2700 #A94, at paras 41–49.
[10] Wai 2700 #A94, at paras 24–34.
[11] Wai 2700 #A94, at para 40.
[12] Wai 2700 #A93, at paras 9 – 17, 45-54.
[13] Wai 2700 #A92, at paras 13-22.
[14] Wai 2700 #A94, at paras 16-20.
[15] Wai 2700 #A102, at paras 39–51.

Ngai Tamahaua mana wāhine. The evidence is replete with examples of how mana wāhine continues to be exercised by wāhine within the hapū today, despite the undermining that has occurred through numerous and varied Crown actions since 1840.

(e) **Muriwai** - The eponymous ancestor Muriwai remains symbolic of mana wāhine - a Tapairu with spiritual and political authority. Her mana is institutionalised in Ngai Tamahaua through the naming of the whare tīpuna and wharekai, and the carrying of the mauri of Muriwai by selected wāhine. Muriwai remains an enduring symbol and template for Ngai Tamahaua mana wāhine.

Ngai Tamahaua Statement of Claim

10. The Ngai Tamahaua second amended statement of claim was filed on 27 February 2026, setting out Ngai Tamahaua's claim in relation to all four of the pou for this inquiry.

Rangatiratanga Pou – *failure to recognise and ensure tino rangatiratanga of wāhine Māori.*

11. The essence of this claim is that wāhine exercise their authority through the hapū. The Crown's persistent failure to recognise hapū rangatiratanga is a failure to recognise mana wāhine. The Crowns resistance to engaging with hapū and to funding and supporting hapū-led initiatives is a denial of hapū rangatiratanga, and correspondingly, wāhine rangatiratanga.

12. The early colonial government failed to acknowledge the leadership roles played by wāhine within hapū structures. Successive Crown enactments implemented a Western worldview on Māori, marginalising traditional culture and practices.

13. Crown policies and actions have led to significant underrepresentation of wāhine Māori in government, local government and governance roles means the voice of wāhine Māori is marginalised, in turn perpetuating the lack of Māori representation.

Whānau and Whakapapa pou – *Crown failure to protect the intergenerational wellbeing of wāhine and their whakapapa.*

14. The claim alleges that Crown actions including raupatu, imposed social systems, state welfare interventions, education policies, and restrictions on mātauranga Māori, have damaged the wellbeing of Ngai Tamahaua wāhine, their children, and wider whānau structures.

15. This is a particularly important head of claim for Ngai Tamahaua because the legacy of Crown invasion and raupatu has led to intergenerational harm and trauma which continue to effect Ngai Tamahaua wāhine and their whānau today.

16. This claim covers Crown actions and policies sought to erase Ngai Tamahaua mātauranga and customary practices carried out by wāhine, such as rongoā and tohunga practices, that are vital to the well-being of wāhine and their whanau. The Crown's failure to protect mātauranga Māori, including birthing practices, rongoā, and spiritual roles, has interrupted intergenerational transmission of tikanga and harmed the ability of wāhine to protect whakapapa and keep themselves and their whānau well.

17. Systemic failures in health, welfare, justice, and education have created persistent inequities for Ngai Tamahaua wāhine and their whānau.

Whai rawa pou – *Crown actions and omissions have undermined and diminished the place of wāhine Māori in the economy.*

18. Prior to colonisation, wāhine Māori were central economic actors within hapū and iwi economies. Crown economic policies including education, labour, welfare, assimilation and urbanisation policies, have diminished the economic position of Ngai Tamahaua wāhine. Wāhine have become disproportionately concentrated in low-paid, insecure work sectors, locked out of leadership, and denied equitable economic opportunity.

Whenua Pou – *the Crown has failed to protect wāhine Māori from discrimination in relation to whenua.*

19. Crown land legislation, confiscations, Native Land Court processes, and land purchasing policies led to the large-scale dispossession of Ngai Tamahaua lands, stripping wāhine of their roles as kaitiaki and undermining their relationship with the whenua.

20. The Crown failed to ensure that Ngai Tamahaua retained sufficient land, resources, or economic base for present and future needs, leaving wāhine Māori with marginal land interests compared to tāne Māori and Pākeha land owners.

21. Crowns actions have systemically undermined wāhine authority and relationships with whenua including by disconnection them from their customary lands and imposing a western system of land tenure, thus failing to uphold role of wāhine Māori as kaitiaki and preservers of the whenua and taiao.

22. Crown actions to disconnect wāhine Māori from their whenua have disrupted and dysregulated ahi kā, kaitiakitanga, and intergenerational stewardship of lands. Urbanisation has led to fragmentation of whānau and hapū structures in turn leading to deprivation. Home ownership rates, a significant factor for positive social and economic outcomes for wāhine, have declined at a greater rate for Māori people compared to the population as whole, contributing to the existing wealth disparity for wāhine Māori.

Participation in this inquiry – the place of the hapū voice

23. We submit that the voice of hapū is essential in this inquiry. While hapū witnesses may not have the same academic qualifications, accolades and recognition of some other witnesses in this inquiry, their voices are nevertheless critical. These humble wāhine have grown up, lived and served at the coalface of their hapū communities and hold valuable evidence to complement the academic, NGO and/or pan-tribal perspectives of other witnesses and claimants. They and their hapū are directly and potently experiencing the impacts of Crown breaches of Te Tiriti in the present day.

(a) Te Tiriti assured the preservation of tino rangatiratanga. In 1840 tino rangatiratanga was located at hapū level. Hapū were therefore assured the

preservation of their tino rangatiratanga. Restoration of tino rangatiratanga therefore needs to occur at a hapū level.

(b) Tikanga in relation to mana wāhine, as captured in the kōrero of the Tūāpapa phase and Te Kete Pūputu is, it is submitted, generated primarily from within the hapū.

(c) The Tribunal has cautioned against Crown processes that override hapū rangatiratanga in the context of mandate and settlement processes. This arguably provides a caution to the Tribunal not to adopt an analogous process that privileges the voices of prominent individuals, pan-tribal groups, NGAs and experts over the voice of hapū.

(d) Further, the Tribunal's TSOI (#1.4.004) asks what the Crown's duties and obligations in relation to leadership and decision making are at a local level and within the wider community (Issues 2 and 3). It is submitted that this necessarily incorporates considering hapū level leadership and decision making.

Tracy Hillier's evidence for the Rangatiratanga Pou phase

24. Ms Hillier's evidence for the rangatiratanga pou phase, dated 13 February 2026, [16] addresses how Crown actions have systematically undermined the ability of Ngai Tamahaua wāhine to exercise their inherent rangatiratanga. This addresses the **first TSOI question** concerning the Crown's duties to uphold wāhine Māori authority, roles and tikanga. She recounts that Crown invasion, raupatu, and Crown inflicted gendered violence on Ngai Tamahaua wāhine, stripped Ngai Tama wāhine of autonomy and spiritual wellbeing, and embedded patterns of intergenerational trauma that continue to affect the capacity of wāhine to carry out leadership roles today. [17]

25. For Ngai Tamahaua, mana wāhine is grounded in hapū rangatiratanga, and conversely hapū sovereignty is grounded in mana wāhine.[18]

[16] Wai 2700, #C57, Second Brief of Evidence of Tracy F. Hillier, 13 Feb 2026.
[17] Wai 2700 #C57, at paras 6-7.
[18] Ibid, para 2.

26. Ms Hillier's evidence engages with the **TSOI's second question** regarding Crown duties to ensure wāhine Māori participation in decision-making at all levels. She shows that Ngai Tamahaua wāhine have always held significant leadership roles, as claimants, negotiators, educators, health leaders, social-service providers and cultural practitioners.[19]

27. However, Crown policies such as the Large Natural Grouping approach, and Crown practices that privilege iwi-level or Crown-created entities over hapū, have excluded wāhine from direct engagement with the Crown, forced hapū to compromise their own rangatiratanga simply to participate, and denied recognition of wāhine leadership chosen by the hapū itself.[20]

28. Her evidence also explains how wāhine encounter unsafe, hostile, and culturally alien decision-making spaces in local and central government, resulting in profound under-representation that cannot be explained by personal choice but instead reflects structural barriers created by the Crown.[21]

29. Finally, Ms Hillier's evidence speaks to the **TSOI's third question** concerning the Crown's duties to create conditions enabling wāhine Māori leadership in wider society. Through examples such as wāhine-led COVID-19 responses, homelessness advocacy, and community care she demonstrates that Ngai Tamahaua wāhine routinely fill gaps left by Crown systems, exercising manaakitanga, kaitiakitanga and strategic leadership without Crown support or resourcing.[22]

30. She concludes that meaningful transformation requires co-design led by wāhine Māori and grounded in hapū rangatiratanga, noting that wāhine are currently treated as "add-ons", side-lined and dismissed rather than recognised as Treaty partners whose leadership is essential to governance, community and cultural wellbeing.[23]

[19] Wai 2700 #C57, at paras 28–32.
[20] Ibid, at paras 33–37.
[21] At paras 48–56.
[22] At paras 38–43.
[23] At paras 57–59.

Prejudice and relief

31. The cumulative effect of these Crown breaches has been disproportionately borne by wāhine Māori of Ngai Tamahaua. The prejudice suffered has been intergenerational. It has resulted in the sustained erosion of wāhine hauora, mana wāhine, tino rangatiratanga, and hapū rangatiratanga.

32. The Crown's has failed to create the conditions for wāhine to continue to exercise the roles they once enjoyed, as leaders, creators and protectors of whakapapa, and leaders within their hapū. Crown polices, practices and have distorted the landscape in which Ngai Tamahaua wāhine must lead. The Tribunal's findings and recommendations need to be based around identifying what has been lost and how that can be restored in the present day.

33. Ngai Tamahaua seeks recommendations that not only address historical wrongs but re-establish the foundations for Ngai Tamahaua and its wāhine to exercise their full rights, roles, and rangatiratanga as guaranteed under Te Tiriti o Waitangi. Ngai Tamahaua seeks remedies that are directed toward restoring the authority and wellbeing of the hapū and its wāhine.

DATED at this 9th day of March 2026

R Clark/ B Walker
Counsel for the Claimants