

I TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI

WAI 2700  
WAI 3003

KEI RARO I TE MANA O

te ture o te Tiriti o Waitangi 1975

I TE TAKE O

te pakirehua Wai 2700 mō ngā kerēme  
e pā ana ki te Mana o te Wahine

Ā

TE TAKE O

tētahi kerēme nā Nora Rameka rātou ko  
Rukuwai Allen, ko Heeni Brown (Wai  
3003)

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**Further Amended Statement of Claim (English Version)**I tēnei rā, i te 4 o Māehe 2026

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**RECEIVED**

Waitangi Tribunal

**5 Mar 26**Ministry of Justice  
WELLINGTON

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PO Box 133102  
Auckland 1146  
kauparelaw.co.nz  
[aroha@kauparelaw.co.nz](mailto:aroha@kauparelaw.co.nz)  
[amber@kauparelaw.co.nz](mailto:amber@kauparelaw.co.nz)  
A Herewini / A Evans

*Me aro koe ki te hā o Hineahuone*

**STATEMENT OF CLAIM**

**PART A: THE CLAIMANTS**

1. This claim is filed by Nora Rameka, Rukuwai Allen and Heeni Brown on behalf of wāhine Māori of their respective generations. Additionally, they file this claim to represent the interests of those wāhine Māori from differing iwi throughout Aotearoa.
2. The claimants are Māori and therefore satisfy the requirements as set out in s 2 of the Treaty of Waitangi Act 1975 regarding claims that are filed with the Tribunal.
3. The claimants are descendants of a number of iwi and hapū from throughout Aotearoa. They will, individually, elaborate further on those whakapapa connections when they provide evidence to the Tribunal.
4. The claimants all speak te reo Māori and are recognised in their respective fields for the initiatives they implement to promote and recognise te reo Māori within Aotearoa. Without a doubt, it is only from hearing and speaking te reo Māori that we gain a true appreciation and a total understanding of the Māori world view. When we use the English language, it is at that point where we will lose the essence of what is being said and the true nature of the kōrero. It is on that basis, that te reo Māori will be the foundation from which the claimants will bring this claim to the Tribunal, from the documents filed to when they provide evidence at the hearings.
5. It is because of the positions that they have held and their experiences within their respective fields that the claimants bring this claim regarding the mana of wāhine Māori to this Tribunal. It is also because of the injustices and oppression, as a result of Crown actions and inactions, that they have seen and experienced that continue to affect

wāhine Māori, that they file this claim.

6. The claimants say that wāhine Māori continue to wait for the Crown to meaningfully engage with wāhine Māori to understand and recognise these issues that negatively affect their people and will continue to affect future generations if they are not resolved now.
7. The claimants say that the main grievance of this claim is the ill treatment towards wāhine Māori that they have seen within society and within the differing branches of the public sector. It cannot be overlooked that some of this mistreatment was experienced by their tūpuna in their time which eventually passed down to their descendants and is still felt today. What is clear is that the mistreatment of wāhine Māori is still a real issue in today's world and for the claimants' generation(s). This type of ill treatment ultimately disregards the rangatiratanga, wairua and mauri of wāhine Māori.

## **PART B – THE CLAIM**

### **Te Tiriti o Waitangi**

8. The claimants say that, under Te Tiriti o Waitangi, the Crown has obligations to recognise and provide for the exercise of rangatiratanga, mana and for the protection of mātauranga ake o te wāhine Māori in order for the successful survival of the whānau, hapū and iwi. The Crown also has duties to strengthen, revitalise and protect the culture, identity and knowledge associated with the mana of wāhine Māori.
9. Despite these obligations and the guarantees of the Crown that arose from the signing of Te Tiriti o Waitangi, the claimants say the Crown has pursued laws, policies and processes that have disregarded the mana of wāhine Māori.
10. The claimants say that the Crown has denied the inherent mana of wāhine Māori and the role they play in the practice of tikanga as

individuals and as iwi, hapū and whānau members.

11. The claimants further say that the denial of mana wāhine and the undermining of the inherent mana and role of wāhine Māori within society and in respect of whakapapa, whenua, hapū, whānau and whai rawa has resulted in systemic discrimination, deprivation and inequities towards wāhine Māori that continue to impact the overall wellbeing of wāhine Māori and Māori generally today. It also ignores wāhine as rangatira, as kaitiaki of their whenua and taonga, keepers of knowledge and key contributors to their people, further disregarding the rangatiratanga, wairua and mauri of wāhine in respect of matters of importance to Māori.
12. It is on that basis that the claimants say the Crown has not adhered to its duties and obligations owed to wāhine Māori pursuant to Te Tiriti o Waitangi, therefore, breaching Te Tiriti o Waitangi and its principles.
13. The claimants say the following principles of Te Tiriti o Waitangi listed below are engaged in the context of wāhine Māori;
  - (a) The Principle of Tino Rangatiratanga;
  - (b) The Principle of Kāwanatanga;
  - (c) The Principle of Active Protection;
  - (d) The Principle of Partnership;
  - (e) The Principle of Reciprocity;
  - (f) The Principle of Equity;
  - (g) The Principle of Options;
  - (h) The Principle of the Right to Development;
  - (i) The Principle of Autonomy;

- (j) The Principle of Consultation; and
  - (k) The Principle of Redress.
14. The claimants say that the following duties are relevant to this claim:
- (a) The Duty to Act in Good Faith;
  - (b) The Duty to Act Reasonably;
  - (c) The Duty to Act Honestly; and
  - (d) The Duty to make Informed Decisions.
15. The relevant actions and omissions of the Crown that the claimants allege breach Te Tiriti o Waitangi and its principles are further particularised in the causes of action which follow.

#### **PART C – CROWN BREACHES OF TE TIRITI O WAITANGI**

##### **First Cause of Action - Failure to recognise and protect the mana, rangatiratanga, traditional knowledge, role and status of wāhine Māori**

16. The claimants say that the Crown has breached the principles of te Tiriti by enacting legislation and policy that failed to recognise, protect or give effect to Te Tiriti, the mana and rangatiratanga of wāhine Māori, and the role they play in the practice of tikanga within their whānau, hapū and iwi, including in preserving whakapapa, whenua, hapū, whānau and whai rawa.
17. The claimants say that colonisation and various Crown actions, acts, policies and omissions have undermined traditional Māori practices, values and beliefs regarding the role and significance of wāhine Māori, thereby denying wāhine Māori the option and autonomy to continue their tikanga and way of life. In doing so, the Crown has failed to uphold its obligations and duties under Te Tiriti o Waitangi to recognise and protect the mana and rangatiratanga of wāhine Māori, thereby causing

ongoing and systemic prejudice to wāhine Māori.

### *Particulars*

18. The position of wāhine Māori was central to the political, economic and social structure of te ao Māori where both tāne and wāhine held and exercised mana and rangatiratanga in respect of their whānau, hapū and iwi.
19. The claimants say that the process of colonisation and the implementation of Crown legislation and policies eroded traditional Māori practices, values and beliefs regarding the role and significance of wāhine Māori.
20. The Crown's denial and undermining of wāhine Māori and te mana o te wāhine was evident in its agent's refusal to permit wāhine Māori to sign te Tiriti o Waitangi<sup>1</sup> and then perpetuated through subsequent Crown laws, actions, omissions and policies after the signing of te Tiriti that introduced patriarchal norms, and stripped wāhine Māori of traditional rights to land, leadership, and social status,<sup>2</sup> thereby denying wāhine Māori their political and legal agency, and their mana. Examples of such legislation include, but are not limited to;
  - (a) the **New Zealand Constitution Act 1852**, which denied women the right to vote in the parliamentary process;
  - (b) the **Māori Representation Act 1867**, which denied Māori women the right to stand for election in Parliament until 1919.
  - (c) The **Native Schools Act 1867**, which excluded wāhine Māori from decision-making processes in education and reinforced the already existing power imbalances and further limited their

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<sup>1</sup> Wai 2700, #B1 *Wāhine Rangatira me te Kāwanatanga*, at 31.

<sup>2</sup> Wai 2700, #B9 *Mana Wāhine Māori i Ngā Wā ō Mua*, at 212.

opportunities for empowerment and self-determination.<sup>3</sup>

21. Furthermore, the Crown implemented legislation and policies that failed to ensure that tikanga relevant to wāhine Māori was adequately recognised, provided for and protected, and in doing so, the Crown further denied;
  - (a) the mana and role of wāhine Māori;
  - (b) the cultural identity of wāhine Māori;
  - (c) the specific reo of wāhine Māori; and
  - (d) the specific traditional knowledge and practices associated with wāhine Māori.
  
22. The exclusion of wāhine Māori from participating in decisions that directly affect them, their whānau, hapū and iwi prevented wāhine Māori from exercising their tino rangatiratanga and affected mana wāhine within iwi and hapū decision-making, including, for example, imposing colonial gender norms and beliefs on Māori that continue to diminish the role of wāhine Māori and distort the operation and practice of tikanga in Māori society.
  
23. Furthermore, the claimants say that critically, colonisation caused significant land and language loss, and ultimately, the destruction of the Māori way of life which had the effect of diminishing the status of wāhine and their role in contributing to and preserving customary practices and traditions, whakapapa, whānau, hapū and taonga. The conflict between western imposed values and beliefs in relation to wāhine and a te ao Māori perspective are evident in:
  - (a) The role of wāhine Māori as leaders as opposed to the colonial view that women are subordinate to men;

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<sup>3</sup> At 476.

- (b) The role of wāhine Māori as land holders against the contrasting western concept of individual land ownership, including men as sole property owners; and
  - (c) The role of wāhine Māori as nurturers and organisers valued within their iwi, hapū and whānau against the colonial concept of the nuclear family.
24. Through colonisation, and subsequent Crown legislation, practices and policies, wāhine Māori experienced marginalisation in relation to, among other things, leadership, property, marriage, adoption, access to justice, education, and health, and have, historically, been invisible from governance and leadership roles.<sup>4</sup> This includes, but is not limited to, the enactment of:
- (a) **Lands Claim Ordinance 1841 and Old Lands Claim Commission 1844.**
  - (b) The various **Native Land Acts [1862, 1865 and 1873], the Native Lands Rating Act 1882** and the **Native Land Court**: These laws and systems alienated wāhine Māori from their land and authority, with title and ownership shifted to individual (often male) names.<sup>5</sup>
  - (c) **Resident Magistrates Ordinance 1847**.<sup>6</sup> Legal disputes involving wāhine Māori during this time were heard by a resident magistrate and assisted by two native assessors. Wāhine Māori were excluded from these roles.
  - (d) **New Zealand Constitution Act 1852**: which denied Māori wāhine the right to vote in the parliamentary process.
  - (e) **New Zealand Settlements Act 1863**: There was very little

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<sup>4</sup> At 285.

<sup>5</sup> At 260.

<sup>6</sup> Resident Magistrates Ordinance 1847, s 22.

evidence of recognition for wāhine Māori in this legislation.<sup>7</sup>

- (f) **Public Works Act 1864:** For wāhine Māori, the Government could justify the seizure of their land for public works, facilitating the dispossession of wāhine Māori but also perpetuating colonial power dynamics by undermining Māori and wāhine Māori sovereignty and rights in favour of settler interests.
- (g) **The Marriage Ordinance 1847 and marriage legislations:** intended to organise the record-keeping processes around births, deaths and marriages with its assimilatory nature of contemporary legislation ensuring that Māori and mana wāhine would come under the influence of colonial law.<sup>8</sup>
- (h) **The Native Succession Act 1881** and succession law.

- 25. Land confiscations, including from the land wars of the mid-1800s, had profound effects on wāhine Māori, undermining the role of wāhine Māori in preserving whakapapa, whenua, hapū, whānau and whai rawa and as kaitiaki of their whenua who upheld key responsibilities of mana whenua. The Crown's policies of urbanisation and assimilation, which caused mass migration of Maori to urban areas, also resulted in cultural and land alienation and resource deprivation for Māori, and stripped wāhine Māori of authority and values held in relation to whenua and whānau, thereby diminishing the status of wāhine Māori.
- 26. Furthermore, land alienation caused intergenerational trauma to generations of wāhine Māori whom have struggled to maintain aspects of their identity as wāhine Māori. To be alienated from whenua, ngahere, wai, awa, maunga, puna, and moana is to be disconnected from tūpuna and atua, and as a result, has negative physical, mental, social and spiritual effects.<sup>9</sup> Every day, the claimants see the effects of

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<sup>7</sup> Above n 2, at 307.

<sup>8</sup> At 252.

<sup>9</sup> At 116.

the loss of land and knowledge to te iwi Māori, and in particular to wāhine Māori, who, for many, are ashamed to say they are Māori because they do not understand the importance of wāhine Māori or the mana they hold in society. In that regard, the identity of wāhine Māori has been eroded.

27. It is no wonder then, that today, these traditional practices, knowledge, roles, responsibilities, values and beliefs and the language associated with wāhine Māori are not widely known, understood, and practised. The impacts of persistent Crown failures are also reflected in the under representation of wāhine Māori in governance and decision-making positions, as well as the systemic discrimination, deprivation and inequities faced by wāhine Māori. It is the claimants' position that this type of trauma and prejudice needs to stop and must be remedied so that it is not passed down to further generations of wāhine Māori.
28. Additionally, the claimants say that the Crown has not acted in good faith towards wāhine Māori, in that it has not engaged in open, and honest dialogue with wāhine Māori to understand, include and provide for concepts of tikanga and traditional knowledge in the administration of their processes and procedures relating to wāhine Māori, and accordingly, the claimants say the Crown has not adhered to the guarantees agreed to in te Tiriti.

**Second Cause of Action - Failure to address the effects of colonisation on wāhine Māori including their inherent mana and role as wāhine Māori, resulting in significant prejudice**

29. The claimants say the Crown has failed, in breach of te Tiriti o Waitangi and its principles, to adequately address and remedy the effects of colonisation and Crown colonial acts, policies and practices that have continued to deny the mana and role of wāhine Māori, including the resulting systemic discrimination, deprivation and inequities. In particular, the Crown has failed to:

- (a) fully recognise and provide for the mana, the distinct attributes, the specific characteristics, the expertise and interests of wāhine Māori concerning the representation, participation and appointments of wāhine Māori to leadership positions within and across all sectors, including in respect of whakapapa, whenua, hapū, whānau and whai rawa; and
- (b) fully address all areas of wellbeing for wāhine Māori including recognising, providing for and protecting the distinct attributes, specific characteristics, expertise and interests of wāhine Māori within the education, health, criminal justice and social sectors.

***Particulars: representation, participation and appointments of wāhine Māori in leadership roles and positions***

- 30. The Crown has failed to develop and implement legislation, policies, practices and processes to ensure adequate representation and participation of wāhine Māori in the self-governance of their taonga and people, including in professional bodies and associations, and in Crown-established structures and roles that concern the management of Māori assets and affairs.
- 31. With regards to wāhine Māori representation in regional and local government, the Crown has failed to address prejudice to wāhine Māori when making decisions on representation and the process to appoint representatives to leadership positions, in breach of te Tiriti and its principles.
- 32. The claimants say that the Crown has failed to fully and adequately recognise the rangatiratanga, role, status and expertise of wāhine Māori in their pursuit of leadership opportunities and positions, therefore, failing to adequately address the inequities and discrimination faced by wāhine Māori within governance and decision-making roles. Furthermore, the claimants say that the Crown has not

created an environment that allow wāhine Māori the opportunity to provide their opinions and advice on issues that relate to wāhine Māori.

33. The claimants say that the Crown has erred by failing to provide adequate resource and support for wāhine Māori to attain positions of leadership that promote and encourage the development of wāhine Māori.
34. While the claimants say that wāhine Māori of their generation continue to suffer intergenerationally from discrimination experienced as a result of the numerous Crown breaches following the signing of Te Tiriti o Waitangi, they also say that there is discrimination that can be attributed to more contemporary actions, and these can be classed into three distinct areas:
  - (a) overt and express discrimination;
  - (b) economic discrimination; and
  - (c) indirect discrimination.
35. While access to all levels of the decision-making process is critical to the well-being of Māori whānau and communities, wāhine Māori are disproportionately under-represented in high-level decision-making positions, and continue to experience discrimination across all social, political, cultural and spiritual spheres, particularly within the high-level decision-making structures and positions considered to hold substantial decision-making power.
36. The Crown has failed to implement legislation and policies, and make provision for;
  - (a) Adequate representation of wāhine Māori in entities that manage Māori interest and Māori-owned assets for the benefit of Māori;

- (b) Adequate representation of wāhine Māori for treaty negotiation purposes; and
  - (c) Adequate representation of wāhine Māori throughout the decision-making bodies across all government sectors;
  - (d) Adequate support and resources for wāhine Māori involvement in key decision-making processes and access to decision-making positions, including within wāhine Māori organisations and initiatives.
37. For the claimants, the Crown's failure to ensure adequate representation of wāhine Māori throughout the decision-making bodies across all government sectors, including in local government, in Parliament, state sector boards and committees, and across the various sectors of government, has diminished the value and role of wāhine Māori within society, and in their whānau, hapū and iwi. This lack of value is perpetuated within society so that wāhine Māori are consistently disempowered and disassociated from leadership and governance roles.
38. Under article 3 of Te Tiriti o Waitangi, the Crown has an obligation to protect wāhine Māori from all forms of discrimination, and they also have an obligation to actively seek avenues that will assist wāhine Māori to overcome any suffering they endure. Under the principle of active protection, the Crown has a duty to ensure these types of ill-treatment and discrimination do not continue, and to put in place measures to prevent discrimination being endured by wāhine Māori, which the claimants assert the Crown has failed to do. As a result, the Crown has failed to protect wāhine Māori from discrimination, in breach of its duty of active protection and the principle of equity.
39. The claimants say that the Crown (including regional and district agencies) failed to meaningfully engage with wāhine Māori and

organisations in respect of matters that relate to wāhine Māori, in breach of the principle of good government to and associated duties to properly inform itself, and to act honestly and in good faith towards Māori and wāhine Māori. As a result of the Crown's lack of consultation on matters affecting wāhine Māori, wāhine Māori were, and continue to be, by and large, excluded from decision making processes and roles directly affecting wāhine Māori within their communities.

40. The claimants say that these acts and policies of the Crown were unjustified and in breach of Te Tiriti and its principles.

***Particulars - Failure to fully recognise, provide for and protect the distinct attributes, specific characteristics, expertise and interests of wāhine Māori within the education, health, criminal justice and social services sectors***

41. The Crown has failed to adequately and fully recognise, provide for, and protect the mana, distinct attributes, specific characteristics, expertise and interests of wāhine Māori within the education, health, criminal justice, and social services sectors including their spiritual, cultural, political, social, economic, health, education, justice and environmental wellbeing, thereby resulting in wāhine Māori experiencing continued discrimination, racial injustice, severe mistreatment and inequitable outcomes.

42. The claimants say that in breach of te Tiriti, the Crown has created a culture and systems within the health, education, criminal justice and social service sectors that promote systematic discrimination towards wāhine Māori and fail to afford wāhine Māori equal access, opportunities, resources and outcomes.

*Justice*

43. The Crown's actions and omissions in relation to wāhine Māori in the justice system have not provided for or protected wāhine Māori, their mana, their wairua, their tuakiritanga, as follows;

- (a) The overrepresentation of wāhine Māori in prisons;
- (b) Racism and biases in law enforcement;
- (c) Sexual and domestic violence laws;
- (d) Failing to properly address mental health and substance abuse issues;
- (e) Failing to adequately incorporate tikanga and te reo Māori me ōna tikanga within the justice system and across the related departments; and
- (f) A lack of education for wāhine Māori to address the contributing and socio-economic factors relating to wāhine Māori participating in the justice system.

*Hauora*

- 44. Crown legislation and policies relating to health, have failed to protect and safeguard wāhine Māori exercising their knowledge, status, rights, and participation in respect of health, including in relation to mātauranga Māori and te reo Māori, thereby failing to provide equitable quality of and access to health care.
- 45. Wāhine Māori experience systemic disparities in health outcomes, access to quality health care, and exposure to negative health determinants which the claimants say is unacceptable. The claimants have seen that, on average, cancer and suicide, to name a few illnesses, are claiming wāhine Māori lives earlier than Pākehā woman.
- 46. Additionally, the health system has not adequately provided for wāhine tohunga rongoā and Māori rongoā methods and practices. Traditional Māori health systems were practiced by both males and females, whom were recognised experts in their fields, often possessing special skills and gifts that western forms and systems of medicine did not

recognise.

47. Māori recognised wāhine Māori as expert or tohunga in traditional holistic rongoā, who understood the relationship between the environment, social structure, individual state of mind, and physical wellbeing, acting as the healers of their tribes, adopting a holistic approach that integrated cultural and clinical elements in patient care and address the spiritual and physical aspects of health.<sup>10</sup> However, in failing to protect traditional rongoā practices and systems, and safeguard wāhine rights, status, role and knowledge, including by enacting laws, policies and processes such as the Tohunga Suppression Act 1907, the Crown has contributed significantly to the health disparities and inequities wāhine Māori continue to face today.
48. Wāhine Māori were also considered bearers of whakapapa and protectors of te whare tangata; their intrinsic tapu through menstrual blood was the embodiment of power, it was life-generating, a medium of direct contact with Atua with associated tikanga practices and a mode of protection of people. The Crown however, through legislative design and acts such as the English Laws Act 1858, the Education Ordinance 1847 and many more, advanced the intentional stripping of tūhura knowledge and portrayed menstruation as shameful and weakness.
49. The claimants say that the result of these Crown acts and actions has been the portrayal of wāhine Māori as inferior and subordinate, and the dismantling and reconstruction of constitutional power, in breach of its obligations to protect wāhine rangatiratanga and interests. The effects of this colonial and constitutional disempowerment has seen wāhine Māori face disproportionate rates of violence, incarceration, poverty, health inequity, and underrepresentation in governance.

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<sup>10</sup> At 386.

50. Other relevant legislation, policies and practices that negatively impacted on wāhine Māori health, include (but are not limited to) the following:
- (a) the westernisation of the childbirth process, undermining the role of wāhine Māori as the whare tangata who maintain and preserve whakapapa, whenua, hapū, whānau and whai rawa;
  - (b) the lack of recognition and support for Māori organisations and Kaupapa Māori health services;
  - (c) Municipal Corporations Act 1842 which prevented wāhine Māori from participating in decisions concerning the public health of their district;
  - (d) Alcohol and Drug Addiction Act 1966;
  - (e) Health Act 1956;
  - (f) Health and Disability Commissioner Act 1994;
  - (g) Health and Disability Services (Safety) Act 2001;
  - (h) Mental Health (Compulsory Assessment and Treatment) Act 1992;
  - (i) Health and Safety at Work Act 2015; and
  - (j) the disestablishment of Te Aka Whai Ora – the Māori Health Authority.
51. Additionally, the Crown has failed to adequately support and protect te reo Māori me ōna tikanga and its use as a vehicle and means to good health and wellbeing for wāhine Māori, thereby diminishing Māori cultural practices and tikanga, and the voice of Māori and wāhine Māori, within the health sector.

52. The Crown's actions and omissions in relation to wāhine Māori in the education system have failed to adopt best practises that protect and safeguard wāhine Māori, their mana, their wairua, their reo, and tūākiritanga.
53. The claimants say that te iwi Māori have the right to expect an education system that meets Māori needs, that aligns with a Māori worldview and enables wāhine Māori access to a quality education. Through the Crown's enforcement of an education system that aligns with a Pākehā paradigm and caters to the Pākehā population only, the claimants say that wāhine Māori continue to be devalued and the education system has failed to protect wāhine Māori interests and deliver equal opportunity and outcome to wāhine Māori, in breach of Te Tiriti o Waitangi.
54. The history of the education system began with a colonial school curriculum for Māori girls designed to align with Western gender roles, training them in cooking, cleaning, and needlework, all domestic roles which entrenched gender biases<sup>11</sup> and prejudiced wāhine Māori in areas such as leadership, property, water rights, and whānau matters but also limited their vocational paths, often relegating them to roles such as nursing and teaching.<sup>12</sup>
55. Furthermore, Crown acts and policies such as the Education Act 1847, the Native Schools Act of 1858 and 1867 and subsequent education policies aimed at assimilating Māori into European culture caused long-lasting detrimental effects on wāhine Māori including the generational loss of language. The Education Act 1847, for example, sought to provide teaching instructions in "religious education, industrial training and instructions in the English language" with Christianity playing a

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<sup>11</sup> At 534-535.

<sup>12</sup> At 535.

pivotal role in the early stages of education in Aotearoa.<sup>13</sup> The Crown sought to impart and impose British values, culture and language onto rangatahi Māori, including kōtiro Māori, thereby devaluing wāhine and kōtiro Māori by denying them access to mātauranga Māori and taonga for wāhine Māori including mātauranga relating to moko, rongoā māori, karanga, weaving, as well as academic knowledge, te reo Māori, pūrakau and tikanga Māori which all seek to uphold the mana of wāhine Māori.

56. These Crown policies that sought to indoctrinate Māori into western culture and society, justified by the attempt to “civilise” the native population, contributed to socio-economic deprivation and limited their success in employment, education, and training. It caused Māori tamariki and kōtiro to be systemically distanced and disconnected from their culture and whakapapa, leading to a significant loss of traditional knowledge and identity, and disregarding Māori practices, traditions and people all together, including those relevant to wāhine Māori who were kaitiaki and transmitters of mātauranga Māori and tikanga within their whānau, hapū and iwi.<sup>14</sup>
57. Within the education sector and more broadly within all systems of society, the Crown’s actions and omissions in relation to mātauranga Māori and te reo Māori continues to destroy, limit or assimilate Māori knowledge with Western values and knowledge, resulting in negative effects on Māori, and particularly wāhine Māori.

#### *Media and Broadcasting*

58. The Crown, through its actions and omissions in relation to broadcasting, media and arts, has failed to protect the role and status of wāhine Māori in the way that they have been represented and portrayed in broadcasting, media and the arts, including by failing to

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<sup>13</sup> At 468.

<sup>14</sup> At 470.

ensure adequate representation and visibility of wāhine Māori within the industry and adequate support for wāhine Māori and a lack of representation of wāhine Māori including in decision-making bodies and roles within the industry.

59. As wāhine Māori with vast experience in the broadcasting and media industry, the claimants say that wāhine Māori continue to experience inequity and discrimination. The claimants say that it is within the rights of wāhine Māori to expect to participate safely in the broadcasting and media industry, where their culture and identity as wāhine Māori is embraced, enhanced and accurately represented. However, that is not always the case, as the Crown fail to adequately address the specific needs of wāhine Māori and promote the voice of wāhine Māori.

*Tamariki and whānau*

60. In te ao Māori, the role of wāhine Māori as the creator of life is fundamental, stemming from earth mother Papatūānuku and the connection of whenua to both land and placenta. Wāhine are the whare tangata who maintain and preserve the lineage of whakapapa, which is paramount to the sustainability of whānau, hapū and iwi.
61. For Māori, atua Māori and pūrakau of wāhine atua is the source of existence and mana. For example, Hinetītama, is known as the goddess of childbirth and fertility, the protector of women during pregnancy and labour and who symbolises the sacred bond between mothers and children and the life-giving aspects of femininity.<sup>15</sup> Māori understandings and belief systems illustrate that the rights and whakapapa of people to land derive from women.
62. However, the claimants say that history has shown various Crown's actions and omissions in relation to tamariki that have disconnected tamariki Māori from their whānau in order to assimilate Māori into the

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<sup>15</sup> At 104.

Pākehā way of life, including the Crown's urbanisation policies and housing strategies, thereby resulting in Māori disconnection from their tūrangawaewae and the fragmentation of traditional Māori whānau structures. As a result, the Crown has failed to protect the role of wāhine Māori as the preservers of whakapapa, whenua, hapū, whānau and whai rawa and their connection with land, people and whakapapa.

63. Successive care and protection systems, and Crown acts, legislation and policies relating to tamariki Māori such as the Adoption Act 1955 and the removal of s 7AA of the Oranga Tamariki Act 2017, continue to diminish the mana of wāhine, and their role in the preservation of whakapapa and the rearing and caring for tamariki Māori and tikanga associated with traditional child birth and rearing practices. The ongoing Crown failure in this respect has disconnected tamariki from their whaea, whānau and culture, and in doing so, caused significant intergenerational trauma and prejudice that wahine Māori and their whānau continue to experience today.

### *Conclusion*

64. The claimants say that the Pākehā population have long been the focus of the Crown, its Acts and policies, to the detriment of the rights, interest and wellbeing of te iwi Māori and wāhine Māori.
65. The claimants say that, ultimately, the Crown has created a monocultural character within the health, education, criminal justice and social sectors. Because of this approach, and despite considerable Māori efforts to overcome colonial impacts, the Crown has failed to ensure meaningful wāhine Māori input and additionally have created considerable barriers to wāhine Māori succeeding in their chosen fields.
66. It is for those reasons the claimants say that the Crown has breached the principles of autonomy, partnership, equity and consultation,

including by failing to remedy systemic inequities experienced by wāhine Māori.

67. The claimants say that, in breach of te Tiriti and its principles, the Crown has failed to regularly review and examine their own processes and systems to ensure they are properly informed of the impact of colonisation and colonial values and systems on wāhine Māori and to ensure it is meeting its Te Tiriti duties and obligations.

#### **PART D: PREJUDICE**

68. The Claimants say that Te Tiriti o Waitangi laid down the foundations for Māori and the Crown to work together as partners. However, it is clear that this aspiration was never fulfilled. The Claimants say that in the years directly following the signing of Te Tiriti o Waitangi until the present day, we have seen many Crown policies and practices that have silenced the voice of wāhine Māori. The Claimants continue to lament the aspirations of their tūpuna that were never fulfilled and continue to be ignored today.

69. The claimants say that as a result of the acts and omissions of the Crown, wāhine Māori have suffered significant prejudice, as follows:

- (a) The claimants suffer from, and will continue to suffer from, the loss of the ability to exercise their mana and rangatiratanga. This has been undermined by the Crown;
- (b) The claimants suffer from, and will continue to suffer from, the undermining and eradication of their traditional practices, mātauranga and reo regarding wāhine Māori. This has been the result of Crown actions and omissions;
- (c) The claimants have been, and continue to be, denied the right to exercise their mana and rangatiratanga on governance bodies and in the governance decisions that affect wāhine Māori;

- (d) The claimants have lost confidence in the commitment of the Crown and their agencies to work in true partnership with wāhine Māori and to work in good faith with te iwi Māori under the principle of partnership;
- (e) The claimants have lost confidence in the good faith of the Crown to consult meaningfully with wāhine Māori;
- (f) Sadly, there is only a minority of wāhine Māori in leadership positions and positions of authority that are advocating for and expressing a wāhine Māori world view;
- (g) The claimants suffer from, and will continue to suffer from, the actions and inactions of the Crown that attempt to halt the aspirations of wāhine Māori leadership, that silence the voice of wāhine Māori and that do not allow for the exercise of a wāhine Māori worldview;
- (h) The claimants are prejudiced as their views have been and continue to be marginalised, and they have been denied the opportunity to have their views adequately considered; and
- (i) The claimants struggle daily to express their cultural identity, to promote their traditional practices and to truly be Māori in a Crown focussed and dominant governing system.

#### **PART E: RELIEF**

70. The claimants seek findings as follows:

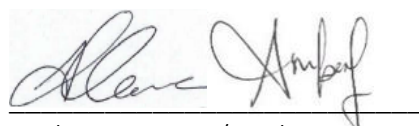
- (a) That the claim is well founded;
- (b) That the Crown has breached Te Tiriti o Waitangi and its principles through their actions regarding te mana o te wāhine Māori;
- (c) That the Crown, throughout its processes and procedures, has

not adequately considered the rangatiratanga and mana of wāhine Māori, as guaranteed in Te Tiriti o Waitangi;

- (d) That the Crown has denied the claimants the right, as a Te Tiriti partner, to actively engage in decisions that affect them and wāhine Māori;
- (e) That the Crown, throughout its processes and procedures, have failed to adequately consider tikanga and the traditional knowledge of wāhine Māori and furthermore, once it was clear this knowledge was becoming lost, the Crown did not make meaningful and adequate attempts to ensure wāhine Māori would hold on to these taonga;
- (f) Any other recommendations that the claimants may add during the progression of this inquiry; and
- (g) Any other recommendations that the Tribunal sees fit to make.

71. The claimants reserve the right to amend this statement of claim.

I TĒNEI RĀ, i Pōkeno, i te 4 o Māehe 2026



Aroha Herewini / Amber Evans  
Rōia mō ngā Kaikerēme