OFFICIAL

Wai 682, #1.1(am)
Wai 2700, #1.1.13(b)

I TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI

WAI 2700
WAI 682

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

Ā

I TE TAKE O te pakirehua, Mana o te Wāhine (Wai 2700)

Ā

I TE TAKE O he kerēme nā Rewiti Paraone, Erima Henare, Pita Tipene rātou ko Waihoroi Shortland mo Te Rūnanga o Ngāti Hine me ngā uri o Torongare raua ko Hauhaua (Wai 682)

THIRD AMENDED STATEMENT OF CLAIM

I tēnei rā, i te 27 o Pēpuere 2026

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There is a lot of korero in our history which validates and reinforces for me that our wāhine had a much higher status in te ao Maori, and that their mana was protected and revered in more meaningful ways than we see today. Not only does this korero exist in our own Ngati Hine history, but it is engrained in our whole system of cultural beliefs and ways of being. It comes from the knowledge that the survival of hapu and whanau depended on the health and wellbeing of women. In fact, the womb was referred to as 'te whare tangata' (house of humanity), which really illustrates the significant role that women played within society. Papatuanuku is our whaea and part of our whakapapa.

In my view, the British came here with the notion that women were chattels of men, which was actually based on Christian beliefs that were widely entrenched in English society. That notion, combined with the fact that they thought their culture was completely superior to ours, meant that our women were completely disempowered through the colonisation process.

The Western-derived idea that women were subservient to men was a foreign concept to our people, and through its dominance, the status of women shifted from having the responsibility of keeping the hapu alive and well, to maintaining the status of the men.

For us, everything was about balance and there was a male and female component to every aspect of life.

Colonisation created an imbalance, which has had devastating impacts on our people, both wāhine and tane. For women, this imbalance has meant that we went from a position of being revered and on equal footing with men, to one where we are considered inferior.[1]

(Moe Milne, Wai 682, 2016)

[1] Wai 1040, #AA83, *Brief of Evidence of Moe Milne* [28 October 2016], at [19]-[23].

TĒNĀ, E TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI:

1.0 THE CLAIM

1.1 This Second Amended Statement of Claim is filed on behalf of Te Rūnanga o Ngāti Hine (Wai 682) ("the claimants"/ "Ngāti Hine").

1.2 This claim concerns the Crown's laws, policies, practices and omissions which have prejudicially impacted the rights, interests and well-being of Ngāti Hine wāhine and their whānau since 1840.

1.3 Ngāti Hine say that since the signing of te Tiriti o Waitangi ("te Tiriti"),[2] the Crown has failed to recognise, respect and give effect to te Tiriti in its laws and policies relating to and impacting wāhine Māori. As a result, the Crown has undermined the rangatiratanga, mana, and tikanga of Ngāti Hine wāhine, and wāhine Māori more broadly.

1.4 The foundation to this claim lies in the original Wai 381 Mana Wāhine claim filed in 1993,[3] of which Ngāti Hine kuia, Lady Rose Henare, Katerina Hoterene, Tepara Mabel Waititi and Kare Cooper-Tate, were original named claimants.

1.5 In December 2017, Ngāti Hine passed a resolution to progress their mana wāhine claims under this Wai 682 claim.

2.0 THE CLAIMANTS

2.1 Ngāti Hine are Māori and are entitled to the protections of Te Tiriti o Waitangi.

2.2 Ngāti Hine are a tribe in the southern Bay of Islands in Te Tai Tokerau with an extensive colonial history and a long record of unaddressed Tiriti o Waitangi claims.

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[2] In this Statement of Claim, the use of 'te Tiriti o Waitangi' or 'te Tiriti' refers to the text in te reo Māori. The use of 'the Treaty of Waitangi' or 'the Treaty' refers to the text in English. When referring to both texts together, or to the event as a whole without specifying either text, 'the treaty' is used. See: Waitangi Tribunal, He Whakaputanga me te Tiriti (Wai 1040, 14 October 2014), at 2.

[3] See: Wai 381, #1.1, *Statement of Claim* [27 July 1993], at [1].

2.3 Ngāti Hine have not yet negotiated settlements for their historical grievances and instead had their claims heard by the Wai 1040 Te Paparahi o te Raki Waitangi Tribunal District Inquiry.

2.4 Ngāti Hine continue to participate in a number of Waitangi Tribunal inquiries and have a number of Waitangi Tribunal claims,[4] however, the Wai 682 claim is the only comprehensive Ngāti Hine claim that represents all te Tiriti o Waitangi claims and interests within te rohe o Ngāti Hine.

3.0 NGĀTI HINE AND HINE-Ā-MARU

3.1 Ngāti Hine are descendants of Hine-ā-maru, the eponymous ancestress of Ngāti Hine and direct descendant of Rahiri, Ariki of Ngāpuhi:[5]

Rāhiri = Ahuaiti

Uenukukuare = Karearikí

Hauhaua = Torongare

Hine-ā-maru

3.2 Hine-ā-maru was the first child of Hauhaua and Torongare and was born in Waimamaku, a pā just south of Waipoua in the Hokianga in around the 1600s.[6]

3.3 After a falling out between Hine-ā-maru's father, Torongare, and his wife's people, Hine-ā-maru and her whānau set out on a journey south to find a new home.[7] During that journey, which is said to have spanned around 12 years, Hine-ā-maru's parents became unwell, and Hine-ā-maru became the leader and primary carer for her family.[8]

[4] Including Wai 49, Wai 2579, Wai 2429.
[5] Wai 2700, #A62, *Brief of Evidence of Moe Milne* (30 June 2021), at [47].
[6] Wai 2700, #A62, *Brief of Evidence of Moe Milne* (30 June 2021), at [44].
[7] Wai 2700, #A62, *Brief of Evidence of Moe Milne* (30 June 2021), at [44]; Wai 1040, #M27(e), *Ngāti Hine evidence for Crown breaches of te Tiriti o Waitangi: Te Wahanga Tuawha – Tangata* [12 September 2014], at 78.
[8] Wai 2700, #A62, *Brief of Evidence of Moe Milne* (30 June 2021), at [50].

3.4 When her ope arrived at Waiōmio, Hine-ā-maru made a clearing, in the area now known as Paparāta, and planted kumara to test the fertility of the whenua and its ability to sustain her people.[9] When she returned a year later, the kūmara was lush and abundant, so she made the decision to settle her people in the Waiōmio valley.[10]

3.5 There is no record of anyone challenging the rohe of Hine-ā-maru during her time. Hine-ā-maru's journey to leadership is described as a "natural" one, affirmed through her actions in leading her people through the hills of Waipoua to Waiōmio and her ability to empower her people to do what needed to be done.[11]

3.6 Hine-ā-maru's rangatiratanga is personified in the pepeha "He kaitukau nō te maara o Hine-ā-maru – I am the cultivator from the garden of Hineamaru". This pepeha speaks about the special variety of kūmara, the tūkau, derived from the garden of Hine-ā-maru. It is also used to describe a person of excellent quality or in other contexts to describe the multitudes of Ngāti Hine descendants.[12]

3.7 The mana and rangatiratanga of Hine-ā-maru has continued to be honoured in Ngāti Hine for generations.[13]

3.8 Ngāti Hine tikanga accords wāhine a significant role within society, where balance is held between wāhine and tāne, and roles are assigned based on the greater good of the hapū as opposed to being gender-specific.[14] For instance, in contrast to other iwi, having women mihi in their whare tūpuna is a custom that has been handed down in Ngāti Hine because of the leadership that Hine-ā-maru displayed.[15]

3.9 The characteristics of Hine-ā-maru are seen to have descended to the wāhine of Ngāti Hine, where all descendants are imbued with her wairua.[16] Ngāti Hine wāhine are described as being "strategic

[9] Wai 2700, #A62, *Brief of Evidence of Moe Milne* (30 June 2021), at [52].
[10] Wai 2700, #A62, *Brief of Evidence of Moe Milne* (30 June 2021), at [29].
[11] Wai 2700, #A62, *Brief of Evidence of Moe Milne* (30 June 2021), at [60]-[61].
[12] Wai 2700, #A62, *Brief of Evidence of Moe Milne* (30 June 2021), at [54]-[55].
[13] Wai 2700, #A62, *Brief of Evidence of Moe Milne* (30 June 2021), at [68].
[14] Wai 2700, #A62, *Brief of Evidence of Moe Milne* (30 June 2021), at [65].
[15] Wai 1040, #AA81, *Brief of Evidence of Waihoroi Shortland* [28 October 2016], at [11].
[16] Wai 2700, #A62, *Brief of Evidence of Moe Milne* (30 June 2021), at [126].

thinkers"[17], "sharp, direct and decisive". Even when these characteristics are seen to be abrupt, they are honoured as being traits of Hine-ā-maru, as captured in the pepeha "te motumotu o te riri o Hine-ā-Maru" "Hine-ā-Maru's firebrand of anger".[18]

3.10 Ngāti Hine whakapapa and the legacy of Hine-ā-maru means that mana wāhine is, and has always been, an integral part of the people's lives in Ngāti Hine. It is part of Te Tū o Ngāti Hine:[19]

> "Te Tū o Ngāti Hine is taonga tuku iho. It is about determining what tikanga is for us, kia tū tonu te tū o Ngāti Hine."

3.11 Ngāti Hine describe te mana o te wāhine as being an inner strength and ability that Ngāti Hine wāhine have inherited, where they can walk as if they own their world because they know who they are and where they come from. They say that mana is their birth right.[20]

4.0 HE WHAKAPUTANGA ME TE TIRITI O WAITANGI

4.1 On 28 October 1835, Ngāti Hine tupuna, Kawiti, signed He Whakaputanga o Te Rangatiratanga o Nu Tireni.[21]

4.2 Te Kuhanga Maihi Kawiti signed te Tiriti o Waitangi on 6 February 1840. Kawiti was also a signatory to te Tiriti on 13 May 1840.[22]

4.3 Ngāti Hine participated in the Stage 1 Wai 1040 Te Paparahi o te Raki Inquiry and support the findings *of He Whakaputanga me Te Tiriti* on the nature of the agreements reached under he Whakaputanga me te Tiriti o Waitangi in 1840.[23]

4.4 He Whakaputanga was a declaration by rangatira in which they:[24]

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[17] Wai 2700, #A62, *Brief of Evidence of Moe Milne* (30 June 2021), at [79].
[18] Wai 2700, #A62, *Brief of Evidence of Moe Milne* (30 June 2021), at [78].
[19] Wai 2700, #A62, *Brief of Evidence of Moe Milne* (30 June 2021), at [129].
[20] Wai 2700, #A62, *Brief of Evidence of Moe Milne* (30 June 2021), at [31]-[32].
[21] Wai 1040, #M24(b), *Ngāti Hine evidence for Crown breaches of Te Tiriti o Waitangi: Te Wahanga Tuatahi – Rangatiratanga* [12 September 2014], at 9.
[22] Wai 1040, #M24(b), *Ngāti Hine evidence for Crown breaches of Te Tiriti o Waitangi: Te Wahanga Tuatahi – Rangatiratanga* [12 September 2014], at 9.
[23] Waitangi Tribunal *He Whakaputanga me te Tiriti / The Declaration and the Treaty* (Wai 1040, 2014).
[24] At 502.

(a) Emphatically declared the reality that rangatiratanga, kīngitanga, and mana in relation to their territories rested only with them on behalf of their hapū;

(b) Declared that no one else could come into their territories and make laws, and nor could anyone exercise any function of government unless appointed by them and acting under their authority;

(c) Agreed to meet annually at Waitangi and make their own decisions about matters such as justice, peace, good order and trade involving Europeans and Māori-European relationships in their territories;

(d) Acknowledged their friendship with Britain and the trading benefits it brought; and

(e) Renewed their request for British protection against threats to their authority, in return for their protection of British people and interests in their territories.

4.5 Under the Tiriti o Waitangi agreement:[25]

(a) The rangatira who signed te Tiriti o Waitangi in February 1840 did not cede their sovereignty to Britain. That is, they did not cede authority to make and enforce law over their people or their territories;

(b) Rangatira agreed to share power and authority with Britain. They agreed to the Governor having authority to control British subjects in New Zealand, and thereby keep the peace and protect Māori interests;

(c) The rangatira consented to the treaty on the basis that they and the Governor were to be equals, though they were to have different roles and different spheres of influence. The detail of how this relationship would work in practice, especially where

[25] At 529.

the Māori and European populations intermingled, remained to be negotiated over time on a case-by-case basis;

(d) The rangatira agreed to enter land transactions with the Crown, and the Crown promised to investigate pre-treaty land transactions and to return any land that had not been properly acquired from Māori; and

(e) The rangatira appear to have agreed that the Crown would protect them from foreign threats and represent them in international affairs, where that was necessary.

4.6 With reference to the claimant position at paragraphs 4.7 – 4.9 (below), and further submissions to be made throughout the inquiry, the claimants recognise the evolution of the following treaty principles expressed in *Te Tino Rangatiratanga me te Kawanatanga*:[26]

(a) ***Te mātāpono o te tino rangatiratanga:*** In te Tiriti, Te Raki Māori, their hapū, and iwi are guaranteed their tino rangatiratanga. Te Tiriti had its own mana, affirming and sustaining the authority of rangatira alongside that of the Kāwana. Te Raki rangatira expected that, in accordance with te Tiriti, their authority would continue to be recognised and respected, and they would continue to exercise their rights and responsibilities to their hapū in accordance with tikanga;

(b) ***Te mātāpono o te kāwanatanga/the principle of kāwanatanga:*** In accordance with the treaty agreement entered into between Te Raki Māori and the Crown's representative in February 1840, the Crown would, through the new Kāwana, have the right to exercise authority over British subjects, and thereby would keep the peace and protect Māori interests. Te Raki Māori expected that their authority in their sphere would be equal to that of the Crown in its sphere; and

[26] Waitangi Tribunal *Tino Rangatiratanga me te Kāwanatanga: The Report on Stage 2 of the Te Paparahi o Te Raki Inquiry – Pre-publication Version* (Wai 1040, 2022) at 84-87. Some deletions have been made to truncate the length of the extracts.

that questions of relative authority would be negotiated as they arose through discussion and agreement between the parties. The duty of the Crown was (and is) to foster tino rangatiratanga (Māori autonomy), not to undermine it, and to ensure its laws and policies were just, fair, and equitable, and would adequately give effect to treaty rights and guarantees, notably those affecting hapū autonomy and tikanga, and hapū retention and management of their lands and resources. In accordance with the principle of kāwanatanga, the Crown had a further duty to ensure that its treaty duties are not abrogated, as when it granted the colony a constitution and representative institutions in 1852, and self-government in 1856; it was important that the colonial Government exercise its functions in accordance with Crown treaty obligations;

(c) ***Te mātāpono o te houruatanga/the principle of partnership:*** Because there was no cession of sovereignty by Te Raki rangatira, kāwanatanga, the authority granted to the Crown was not a superior authority, an overarching power, albeit 'qualified' by the right of Māori to exercise tino rangatiratanga. Rather, the Crown's authority was expressly limited in Te Raki to its own sphere. Alongside and equal to it, was that of te tino rangatiratanga. To that extent we depart from the framing of the principle of partnership by the Tribunal in earlier reports for some other inquiry districts. Negotiating and managing their respective spheres of authority, as well as shared spheres as the two populations intermingled, was the key issue for the treaty partners in the years after te Tiriti was signed. The Crown could not unilaterally decide what Māori interests were or what the sphere of tino rangatiratanga encompassed; that was for Te Raki Māori to negotiate with the Crown. The Crown's duty was and is to engage actively with Te Raki Māori on how it should recognise Te Raki tino rangatiratanga and, where agreed, give effect to it in New Zealand law. Partnership was and is the framework for

governance in New Zealand; both parties must act honourably and in good faith;

(d) ***Te mātāpono o te whakaaronui tētahi ki tētahi/the principle of mutual recognition and respect:*** Before 1840, the relationship between Te Raki Māori and the Crown was broadly based on mutual recognition and respect. These are vital qualities in the treaty relationship; each party must recognise and respect the values, laws, and institutions of the other. The Crown for its part must respect tikanga, which is at the heart of Te Raki Māori values, law, and the Māori way of life, as are mana, whanaungatanga, mātauranga, and kaitiakitanga. The Crown's recognition and respect of hapū communities and their authority over their lands and waters, and taonga, should be evident in the importance it places on the treaty guarantee of tino rangatiratanga;

(e) ***Te mātāpono o te matapopore moroki/the principle of active protection:*** This has been a widely understood and utilised principle, and has long been applied to the Crown's duty to protect Māori interests, including their land rights and their exercise of tino rangatiratanga. It reflects a British articulation of the duty of protection they believed should characterise the Crown's relations with Māori as it assumed sovereignty and embarked on the colonisation of New Zealand. In this inquiry, despite the claimants' recognition of its importance, we are mindful of their reservations about the principle as reflecting a power imbalance, a duty undertaken by the imperial power when it assumed a superior authority, establishing its Government in New Zealand. Had the Crown observed its obligations under both texts of the treaty from 1840, particularly its commitment to recognition of tino rangatiratanga, the duty of active protection might not have assumed such importance. We consider that active protection is not a Crown duty arising from its sovereign authority. Rather, it requires the Crown to help restore balance to a relationship with Te Raki Māori that

had become unbalanced as the Crown assumed an authority far beyond the bounds understood by Ngāpuhi when they signed te Tiriti in February 1840. We draw on the principle in this report because we consider that it is still useful for assessing Crown actions and omissions, and for reminding the Crown of its obligations where such actions and omissions have caused prejudice to Te Raki Māori. But we prefer to emphasise the principle of mutual recognition and respect as better reflecting the treaty-based partnership that Te Raki Māori entered into;

(f) ***Te mātāpono o te whai hua kotahi me te matatika mana whakahaere/the principle of mutual benefit and the right to development:*** Te Raki Māori expected to benefit from the presence of a British kāwana and new settlers through trade opportunities and new technologies. It was the Crown's duty to ensure that they retained the land they needed for their present and future economic well-being. Māori had the right to develop as a people and to develop the properties and resources guaranteed to them by the treaty, including the right to engage with the new economy if they wished to do so. Their development right further included the right to positive assistance from the Crown where appropriate (for instance, where they faced unfair barriers to development). Te Raki Māori were to contribute to and benefit from the economic development of the colony, alongside settlers;

(g) ***Te mātāpono o te mana taurite/the principle of equity:*** Through article 3 of the treaty, Te Raki Māori were guaranteed equitable treatment and citizenship rights and privileges. However, equal treatment for Māori and non-Māori population groups is unlikely to satisfy the principle of equity. It is the Crown's duty to provide to Māori fair, not just equal or the same treatment, as provided to other citizens. The guarantee of tino rangatiratanga and the undertaking that Te Raki Māori tikanga would be recognised and respected also requires the Crown to

focus attention and resources to address the social, cultural, and economic requirements and aspirations of Māori. The Crown cannot advance Pākehā interests at the expense of Māori. And it must address inequities experienced by Māori. This applied to Māori political and legal rights and to their property rights; to the assessment of their old land claims by Government commissions in accordance with legislation, and to the kinds of land titles provided to Māori by the Crown's Native Land regime; and

(h) ***Te mātāpono o te whakatika/the principle of redress:*** Where the Crown breached the treaty agreement through its legislation, policy, actions, or omissions, Te Raki Māori have the right to redress from their treaty partner, including financial or other compensation. From the outset, however, it was the Crown's duty to investigate fully claims of injustice or prejudice or both made in the many petitions or letters Te Raki Māori submitted, or in their direct approaches to Parliament, and to address those claims in light of the Crown's guarantees in both texts of the treaty.

Ngāti Hine's interpretation and understandings

4.7 As descendants of signatories to he Whakaputanga me te Tiriti, Ngāti Hine hold their own interpretation of these documents based on kōrero tuku iho. Their understanding of he Whakaputanga me te Tiriti underpins how they govern their tribal affairs, their relationship with the Crown, and their participation in this inquiry.

4.8 Central to the claimants' te Tiriti understanding is that they do not support any treaty interpretation which seeks to limit, balance, or qualify their rangatiratanga based on an incorrect view that sovereignty was ceded under te Tiriti. Further, the passage of time and the assumptions the Crown now holds in relation to the scope of its kāwanatanga today, do not change Ngāti Hine's position.

4.9 **Attached** as **Appendix A** is a Tiriti o Waitangi framework which outlines the claimants' understanding and interpretation of te Tiriti and the principles they consider relevant to their claim.

5.0 CAUSE OF ACTION – THE CROWN HAS UNDERMINED THE RANGATIRATANGA OF NGĀTI HINE WĀHINE AND FAILED TO ADDRESS THE PREJUDICIAL EFFECTS OF COLONISATION ON NGĀTI HINE WĀHINE

5.1 As outlined above, he Whakaputanga me te Tiriti guaranteed Ngāti Hine wāhine their tikanga and tino rangatiratanga.

5.2 In accordance with te Tiriti, Ngāti Hine wāhine expected that their authority would continue to be recognised and respected, and they would continue to exercise their rights and responsibilities to their hapū in accordance with tikanga and rangatiratanga.

5.3 Despite the promises and agreements made in te Tiriti, the Crown's colonisation strategy for Aotearoa was to gradually bring Māori under British law and institutions, while working toward the greater goal of assimilating Māori into settler culture.[27]

5.4 The Crown's colonisation brought with it Christian values and Western patriarchal systems which introduced social and gender norms that saw women as inferior and subservient to men.[28]

5.5 These colonial gender norms seeped into Māori communities where Māori men were "seduced by the Pākehā hierarchal way of leadership" to the extent that Māori knowledge, adherence and belief in tikanga o te ao Māori was diminished.[29]

5.6 Wāhine Māori were "thrust into the throes of a transforming society" where they were displaced from their positions as "rangatira across Māori society" and, instead, were taught to be good wives and

[27] Wai 2700, #B9, *Mana Wāhine Māori i Ngā Wā ō Mua: The impacts of Crown legislation, policy and practices on the rangatiratanga, status and roles of wāhine Māori c.1840-1950* (18 October 2024), at 212.
[28] Wai 2700, #B9, *Mana Wāhine Māori i Ngā Wā ō Mua: The impacts of Crown legislation, policy, and practices on the rangatiratanga, status and roles of wāhine Māori c.1840-1950* (18 October 2024), at 610
[29] Wai 2700, #A62, *Brief of Evidence of Moe Milne* (30 June 2021), at [108]-[109].

homemakers[30] at which point they would become "chattels of their husbands".[31]

5.7 These colonial gender norms, and the impacts of them, have been cast upon Ngāti Hine wāhine, and wāhine Māori more broadly, for generations.

5.8 The Crown has not addressed the influence of colonial gender norms on the wāhine of Ngāti Hine or the wider impacts of colonisation on them. As a result, Ngāti Hine wāhine, and wāhine Māori broadly, have suffered the impacts of compounding colonial ideals of racial and gender inferiority since 1840.[32]

Crown Breach

5.9 Ngāti Hine say the Crown has breached te Tiriti o Waitangi and its principles where it:

(a) has not recognised and provided for the mana, rangatiratanga and tikanga of Ngāti Hine wāhine, including in relation to governance and leadership, whakapapa, whānau, whenua, te ao turoa and whai rawa;

(b) has imposed legal systems, laws and policies on Ngāti Hine which undermine their mana, rangatiratanga and tikanga of Ngāti Hine wāhine;

(c) has not acted in partnership with Ngāti Hine wāhine in the design, implementation and monitoring of laws, policies, practices and data which impact them, their whānau and their whenua;

[30] Wai 2700, #B9, *Mana Wāhine Māori i Ngā Wā ō Mua: The impacts of Crown legislation, policy and practices on the rangatiratanga, status and roles of wāhine Māori c.1840-1950* (18 October 2024), at 494.
[31] Wai 2700, #B9, *Mana Wāhine Māori i Ngā Wā ō Mua: The impacts of Crown legislation, policy and practices on the rangatiratanga, status and roles of wāhine Māori c.1840-1950* (18 October 2024), at 753.
[32] Wai 2700, #B9, *Mana Wāhine Māori i Ngā Wā ō Mua: The impacts of Crown legislation, policy and practices on the rangatiratanga, status and roles of wāhine Māori c.1840-1950* (18 October 2024), at 154 and 533.

(d) has not provided for and/or actively protected Ngāti Hine wāhine and their whānau in terms of their:

(i) whakapapa connections and relationships to their whānau, hapū and iwi;

(ii) whakapapa connections and relationships to whenua me te ao tūroa, ngahere, moana, kaimoana, awa, taonga and property;

(iii) health and wellbeing, welfare and justice-related issues;

(iv) mātauranga Māori and Te Reo Māori;

(v) education; and

(vi) employment, pay equity, and enterprise.

(e) has not addressed the historic and ongoing impacts of colonisation on Ngāti Hine wāhine.

Particulars

Undermining the mana, rangatiratanga and tikanga of Ngāti Hine wāhine

5.10 Ngāti Hine say the Crown has undermined the rangatiratanga of Ngāti Hine wāhine where it has denied and/or limited the ability of wāhine Māori to make decisions about matters that are important to them, including in relation to governance, whakapapa, whānau, whenua, te ao turoa and whai rawa.

5.11 Following the signing of te Tiriti, the Crown established the colonial Government and systematically imposed a series of constitutional and legislative frameworks that undermined the rangatiratanga, roles, and status of wāhine Māori.[33]

[33] Wai 2700, #B9, *Mana Wāhine Māori i Ngā Wā ō Mua: The impacts of Crown legislation, policy and practices on the rangatiratanga, status and roles of wāhine Māori c.1840-1950* (18 October 2024), at 271.

5.12 Early Crown ordinances and laws were used to assimilate wāhine Māori and cement colonial social and gender norms in Aotearoa.[34] These laws were often multifaceted allowing the Crown to relegate the status of wāhine Māori in land, marriage, property, succession, whāngai, adoption, the rights of 'half-caste' children, child legitimacy and illegitimacy, and divorce.[35]

5.13 By way of example, throughout the 1800s, the Crown's marriage laws worked together with land succession laws to facilitate the passing of Māori land to Crown and Pākehā settlers and out of the hands of wāhine Māori.[36] These included:

(a) The Marriage Validation Act 1842 which established the Government's authority over marriages, including those of wāhine Māori;

(b) The Half Caste Disabilities Removal Act 1860 which removed legal disabilities for children born of interracial relationships, provided that their parents were married, legitimising and enabling children of interracial marriages to inherit land;[37] and

(c) The Native Land Act 1873 which required husbands to be party to all deeds signed by married women.[38]

5.14 These laws, among others, undermined the rangatiratanga, status and autonomy of wāhine Māori at an early stage in Aotearoa's legislative history, severing them from their whenua and whakapapa, and framing

[34] Wai 2700, #B9, *Mana Wāhine Māori i Ngā Wā ō Mua: The impacts of Crown legislation, policy and practices on the rangatiratanga, status and roles of wāhine Māori c.1840-1950* (18 October 2024), at 212.
[35] Wai 2700, #B9, *Mana Wāhine Māori i Ngā Wā ō Mua: The impacts of Crown legislation, policy and practices on the rangatiratanga, status and roles of wāhine Māori c.1840-1950* (18 October 2024), at 754.
[36] Wai 2700, #B9, *Mana Wāhine Māori i Ngā Wā ō Mua: The impacts of Crown legislation, policy and practices on the rangatiratanga, status and roles of wāhine Māori c.1840-1950* (18 October 2024), at 251.
[37] Wai 2700, #B9, *Mana Wāhine Māori i Ngā Wā ō Mua: The impacts of Crown legislation, policy and practices on the rangatiratanga, status and roles of wāhine Māori c.1840-1950* (18 October 2024), at 254.
[38] Wai 2700, #B9, *Mana Wāhine Māori i Ngā Wā ō Mua: The impacts of Crown legislation, policy and practices on the rangatiratanga, status and roles of wāhine Māori c.1840-1950* (18 October 2024), at 261.

them as subordinate to their husbands in matters of legal and economic significance.[39]

5.15 The social balance that was traditionally held between wāhine and tāne Māori was systematically dismantled, a process which started in the negotiations of te Tiriti when the Crown sought only to speak with Māori men.[40]

5.16 Wāhine Māori were quickly displaced from the positions of mana that they held prior to the Crown's arrival in Aotearoa and instead, were funnelled into roles that were deemed appropriate for the colonial woman, such as nursing, teaching or homemaking.

5.17 In this regard, colonisation caused wāhine Māori to go from being "equal partners with Māori men to having no decision-making at all, to being belittled, abused and ignored".[41]

5.18 The changes to the way that wāhine Māori were treated and viewed in society devastated whānau, hapū and iwi units which traditionally saw and valued wāhine Māori as the whare tangata, political and spiritual leaders, and repositories and transmitters of knowledge in multiple spheres, from navigation, weaving, performance and waiata.[42]

5.19 Ngāti Hine tikanga was ostracized and supressed where the inherent tapu and noa of wāhine Māori was belittled and disrespected. Examples of the tikanga relating to wāhine Māori that have been impacted through colonisation includes the role and practice of wāhine Māori as rangatira, kaitiaki, and tohunga;[43] traditional birthing practices and Kaiwhakaora;[44] and tomo (arranged marriages) and remarrying.[45]

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[39] Wai 2700, #B9, *Mana Wāhine Māori i Ngā Wā ō Mua: The impacts of Crown legislation, policy and practices on the rangatiratanga, status and roles of wāhine Māori c.1840-1950* (18 October 2024), at 261.
[40] Wai 2700, #A62, *Brief of Evidence of Moe Milne* (30 June 2021), at [114].
[41] Wai 2700, #A62, *Brief of Evidence of Moe Milne* (30 June 2021), at [112].
[42] Wai 2700, #B9, *Mana Wāhine Māori i Ngā Wā ō Mua: The impacts of Crown legislation, policy and practices on the rangatiratanga, status and roles of wāhine Māori c.1840-1950* (18 October 2024), at 216.
[43] Wai 2700, #A62, *Brief of Evidence of Moe Milne (*30 June 2021), at [94].
[44] Wai 2700, #A62, *Brief of Evidence of Moe Milne (30* June 2021), at [89]-[90].
[45] Wai 2700, #A62, *Brief of Evidence of Moe Milne* (30 June 2021), at [91].

5.20 The Crown's urbanisation and assimilation policies of the 1900s exacerbated these issues by further disconnecting wāhine Māori from their tikanga, whenua, reo and mātauranga Māori.[46]

5.21 Ngāti Hine say the Crown's laws, policies, practices and omissions continue to undermine the rangatiratanga of wāhine Māori where wāhine are undermined, inhibited or denied in their ability to make decisions over issues that impact them, their whānau, whenua or taonga.

Governance and representation

5.22 Ngāti Hine say the Crown has undermined the rangatiratanga of wāhine Māori where it has impacted the ability of wāhine Māori to access, hold and advance in governance and leadership roles, including in central, local and regional government and Crown-established structures, entities, bodies, boards and committees, and Māori governance and management structures.

5.23 The lack of input from wāhine Māori in the constitutional structure of Aotearoa has meant that wāhine Māori have not been provided for in the Crown's laws and policies relating to governance and leadership. For example:

(a) The New Zealand Constitution Act 1852 denied wāhine Māori the right to participate in Government or vote;[47]

(b) The Electoral Act 1893 prevented women from being nominated or elected to the House of Representatives or to the Legislative Council;[48] and

[46] Wai 2700, #B9, *Mana Wāhine Māori i Ngā Wā ō Mua: The impacts of Crown legislation, policy and practices on the rangatiratanga, status and roles of wāhine Māori c.1840-1950* (18 October 2024), at 656.
[47] Wai 2700, #B9, *Mana Wāhine Māori i Ngā Wā ō Mua: The impacts of Crown legislation, policy and practices on the rangatiratanga, status and roles of wāhine Māori c.1840-1950* (18 October 2024), at 240.
[48] Wai 2700, #B1, *Wāhine Rangatira me te Kāwanatanga: Wāhine Māori Access to Decision-Making Roles in the Public Sector from 1990 to 2020* (20 October 2023), at 31.

(c) The Local Electoral Act 2001 allowed for "severe under representation of women and Māori as local councillors and eventually led to the establishment of Māori wards and constituencies.[49]

5.24 Accordingly, Ngāti Hine say the Crown's laws, policies, practices and omissions have successively denied or limited the participation and representation of wāhine Māori in law and policy making, including in international agreements and treaty negotiations and settlements.

5.25 The consequence of a lack of participation and representation of wāhine Māori in governance is that they have not been able to meaningfully participate in the development and implementation of the laws and policies that impact them, nor have they been able to reaffirm their roles as leaders and capable decision-makers in society.

5.26 In this respect, even where laws have enabled wāhine Māori to participate in the design and implementation of Crown laws and policies, the lingering impacts of colonial gender norms have prevented them from successfully accessing or holding these roles.[50] By way of example, most general electorates today have never had a wāhine Māori member of parliament, and where wāhine Māori have been elected, it has mostly through political party lists.[51]

5.27 Similarly, wāhine Māori continue to be underrepresented[52] and overlooked in positions and promotions within Crown-established structures, entities, bodies, boards and committees, including those relating to treaty settlement processes and the management of Māori assets and affairs.

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[49] Wai 2700, #B1, *Wāhine Rangatira me te Kāwanatanga: Wāhine Māori Access to Decision-Making Roles in the Public Sector from 1990 to 2020* (20 October 2023), at 71.
[50] Wai 2700, #B1, *Wāhine Rangatira me te Kāwanatanga: Wāhine Māori Access to Decision-Making Roles in the Public Sector from 1990 to 2020* (20 October 2023), at 31.
[51] Wai 2700, #B1, *Wāhine Rangatira me te Kāwanatanga: Wāhine Māori Access to Decision-Making Roles in the Public Sector from 1990 to 2020* (20 October 2023), at 198.
[52] Wai 2700, #B1, *Wāhine Rangatira me te Kāwanatanga: Wāhine Māori Access to Decision-Making Roles in the Public Sector from 1990 to 2020* (20 October 2023), at 134.

5.28 Ngāti Hine say that the Crown's failure to recognise and provide for the rangatiratanga of wāhine Māori in its laws and policies relating to governance has led to widespread legal and social impacts for Ngāti Hine wāhine and their whānau, including intergenerational experiences of discrimination, bias and racism. Those impacts perpetuating the lack of opportunity, advancement and recognition of wāhine Māori in areas of governance and leadership in both Crown and Māori systems.

Whenua and Te Ao Turoa

5.29 Ngāti Hine say the Crown's laws, policies, actions and omissions in relation to whenua me te ao turoa have disrupted and diminished the connection between Ngāti Hine wāhine and their whenua, including in terms of their role as kaitiaki and their ability to preserve, retain and protect whenua in accordance with tikanga.

5.30 Whenua is the source of Ngāti Hine wāhine whakapapa.[53] It is the relationship between Ngāti Hine wāhine and Papatūānuku and the reason whenua is both ancestral land and the source of life for Ngāti Hine, as demonstrated through tikanga practices relating to childbirth, burial and ūkaipō.

5.31 Ngāti Hine whakapapa and kōrero tuku iho affirms that Ngāti Hine wāhine held roles as rangatira and kaitiaki over whenua; roles which provide Ngāti Hine wāhine with the mana, authority and responsibility to own,[54] protect, cultivate and safeguard whenua as a source of identity, belonging and security for future generations.[55]

5.32 The Crown's land and policy regimes, being influenced by patriarchal ideals, disrupted the relationship between wāhine Māori and their whenua by limiting the practical and legal ability of wāhine Māori to

[53] Wai 2700, #TBC, *He Kōrero Taunaki Tuarua a Moe Milne Moe* [23 Pēpuere 2026], at [80].
[54] Wai 1040, #AA83, *Brief of Evidence of Moe Milne* [28 October 2016], at [52]-[55].
[55] Wai 1040, #AA83, *Brief of Evidence of Moe Milne* [28 October 2016], at [8].

hold and exercise their roles as rangatira and kaitiaki in accordance with tikanga.[56]

5.33 Māori landholding systems were restructured to prioritise individualised ownership structures, patriarchal succession and marriage-based property rights, which marginalised the roles of wāhine Māori in land governance and ownership.[57]

5.34 Native Land Court processes and related legislative frameworks then reconstituted Māori landholding, recognising the Crown's landownership structures over tikanga-based authority, which further undermined and displaced wāhine Māori authority over whenua.[58]

5.35 Ngāti Hine repeat paragraphs [5.13] – [5.14] above and say that the mana and rangatiratanga of Ngāti Hine wāhine has been successively undermined through the enactment and administration of Crown laws, policies and practices relating to land tenure, acquisition, succession and resource governance,[59] including but not limited to:[60]

(a) The Land Claims Ordinance 1841 and Crown land investigation processes;

(b) Matrimonial Causes Act 1857;

(c) The Native Land Acts 1862, 1863, 1865 and 1873 and the establishment and operation of the Native Land Court;

(d) The New Zealand Settlements Act 1863 and associated confiscations;

[56] Wai 2700, #TBC, *He Kōrero Taunaki Tuarua a Moe Milne Moe* [23 Pēpuere 2026], at [80]-[83].
[57] Wai 2700, #B12, *Ngā Uaua o Papatūānuku: The binding of wāhine ki te whenua me te ao tūroa* (February 2025) at 33; at 97; at 103; and 106-107.
[58] Wai 2700, #TBC, *He Kōrero Taunaki Tuarua a Moe Milne Moe* [23 Pēpuere 2026], at [86].
[59] Wai 2700, #B12, *Ngā Uaua o Papatūānuku: The binding of wāhine ki te whenua me te ao tūroa* (February 2025) at 102; at 131; at 181; and 183.
[60] Wai 2700, #B12, *Ngā Uaua o Papatūānuku: The binding of wāhine ki te whenua me te ao tūroa* (February 2025) at 96-101.

(e) The Public Works Acts enabling the compulsory takings of Māori land;

(f) Native Rights Act 1863;

(g) Māori Representation Act 1867; and

(h) Native Succession Act 1881.

5.36 The Crown's environmental and resource management regimes further disconnected Ngāti Hine wāhine from their whenua and displaced the tikanga-based relationships through which wāhine Māori exercised responsibility for whenua and natural resources. For example, the Resource Management Act 1991 reconstituted authority over freshwater and natural resources within a Crown-designed planning framework, vesting decision-making powers in local authorities and requiring Māori participation through submission and consultation processes rather than through the exercise of mana whakahaere.[61]

5.37 This structural reallocation of power diminished the ability of wāhine Māori to uphold and carry out their tikanga-based obligations in relation to whenua and natural resources, including their kaitiaki obligations and responsibilities over wahi tapu, wai, the protection of taonga species and mahinga kai.

5.38 Ngāti Hine say that the compounding effect of these Crown actions and omissions has been to undermine the status and ability of wāhine Māori to actively participate in decision-making relating to whenua, natural resources, primary sector industries, and environmental governance within their own territories.

Whānau and whakapapa

5.39 Ngāti Hine say the Crown's laws, policies, practices, actions and omissions have impacted them across all areas of their lives where

[61] Wai 2700, #B12, *Ngā Uaua o Papatūānuku: The binding of wāhine ki te whenua me te ao tūroa* (February 2025) at 108-109.

they have not been able to exercise their rangatiratanga and tikanga in relation to their whānau, whakapapa, or wellbeing.

5.40 Ngāti Hine say their wāhine have experienced inequities where the Crown's laws, policies and practices have impacted upon their whānau structures and displaced their authority within whānau, hapū and whakapapa-based frameworks, and within society generally.

5.41 Traditionally, whānau governance was grounded in the collective responsibility, intergenerational continuity and tikanga-based recognition of mana.[62] Within that framework, Ngāti Hine wāhine were recognised as decision-makers, "change makers", caregivers, transmitters of whakapapa and holders of relational obligations across hapū networks.[63]

5.42 The Crown's laws and policies have dismantled traditional collective whānau and hapū structures by promoting individualism through the recognition of nuclear family units, including through:

(a) The Marriage Act 1880 and the application of the common law doctrine of matrimonial unity which recognised the husband as the head of the household and subordinated the legal status of wives;[64] and

(b) The Education Act 1877 and the Native Schools system which reinforced gendered domestic roles for Māori girls and reshaped expectations of wāhine within nuclear family structures.[65]

5.43 Together these laws and policies reframed the collective, whakapapa-based whānau arrangements that existed for whānau and hapū Māori

[62] Wai 2700, #TBC, *He Kōrero Taunaki a Tapeka Henare* (12 Pēpuere 2026) at [28]-[29]; Wai 1040, #AA83, *Brief of Evidence of Moe Milne* [28 October 2016], at [112].
[63] [63] Wai 2700, #TBC, *He Kōrero Taunaki a Tapeka Henare* (12 Pēpuere 2026) at [49].
[64] Wai 2700, #B11, *Mana Wahine – Whānau & Whakapapa, c.1840-2023* (1 May 2025), at 102.
[65] Wai 2700, #B6, *Toitū te Mana Wāhine Contemporary Employment and Education Issues for Wāhine Māori: Equity and Disparities from 1990 to 2020* (2 August 2024) at 55.

and tipped the balance that was traditionally held between te ira wahine and te ira tāne.

5.44 By elevating male authority and redefining the role of wāhine, the Crown limited Ngāti Hine wāhine to roles of mediocrity[66] and eroded the shared and collective responsibilities that existed for whānau Māori around kāinga and tamariki.[67]

5.45 The Crown's policies in respect of housing and care of children contributed to the erosion of traditional whānau and hapū structures and the changing role of Ngāti Hine wāhine in Ngāti Hine. For example:

(a) The Crown's housing, social welfare and development policies, such as those operating under the Housing Act 1919, post-war state housing allocation practices, and urban "pepper potting" policies, fragmented hapū-based living arrangements by relocated whānau from ancestral kāinga.[68] This disrupted collective support networks and the practice of tikanga-based governance within whānau structures;

(b) The Crown's laws, policies and practices around the care and protection of children, including the Oranga Tamariki Act 1989 and its predecessors, asserted statutory authority over care, guardianship and placement decisions.[69] In doing so, these regimes undermined tikanga-based processes through which wāhine exercised responsibility for the protection and continuity of whakapapa;

[66] Wai 2700, #TBC, *He Kōrero Taunaki Tuarua a Moe Milne Moe* [23 Pēpuere 2026], at [48].
[67] Wai 2700, #TBC, *He Kōrero Taunaki Tuarua a Moe Milne Moe* [23 Pēpuere 2026], at [93].
[68] Wai 2700, #B3, *Mana Wāhine i Te Ao Hurihuri: Equity and Disparities in Wellbeing for Wāhine Māori from the 1950s to 2000* (12 April 2024), at 415-416.
[69] Wai 2700, #B11, *Mana Wahine – Whānau & Whakapapa, c.1840-2023* (1 May 2025), at 319-321.

(c) Crown adoption frameworks have not recognised or provided for tikanga practices such as whāngai.[70] By prioritising Western legal parentage constructs over whakapapa-based relational authority, the Crown undermined collective whānau decision-making and diminished the mana of wāhine within kinship arrangements;[71] and

(d) The Crown's laws and policies relating to marriage have not recognised customary practices such as tomo, which are intergenerational arrangements centred on the preservation of whenua and the wellbeing of whānau and hapū.[72] By confining legal recognition of marriage and parental authority to state-defined processes, the Crown transferred authority over marriage formation, legitimacy and dissolution from whānau and hapū to Crown-controlled systems.[73]

5.46 Accordingly, the Crown laws, policies and practices have progressively marginalised Ngāti Hine wāhine within state-recognised family structures, constrained their authority in guardianship and kinship decision-making, and destabilised the collective foundations of whakapapa-based whānau governance.

Hauora and Oranga

5.47 Ngāti Hine say the Crown has undermined the mana and rangatiratanga of Ngāti Hine wāhine in matters of hauora and oranga where it has assumed primary authority over the design, regulation and delivery of health systems in a manner inconsistent with its obligations under te Tiriti.

5.48 The introduction of Western medical systems and the subsequent regulation of medical practices, including the prohibition of tohunga

[70] Wai 2700, #B11, *Mana Wahine – Whānau & Whakapapa, c.1840-2023* (1 May 2025), at 198; and Adoption act 1955. Also see Wai 2700, #B11, *Mana Wahine – Whānau & Whakapapa, c.1840-2023* (1 May 2025), at 263.
[71] Wai 2700, #B11, *Mana Wahine – Whānau & Whakapapa, c.1840-2023* (1 May 2025), at 60; at 265-266; and at 268.
[72] Wai 1040, #AA83, *Brief of Evidence of Moe Milne* [28 October 2016], at [59].
[73] Wai 1040, #AA83, *Brief of Evidence of Moe Milne* [28 October 2016], at [67].

under the Tohunga Suppression Act 1907, marginalised tikanga-based models of care for Ngāti Hine wāhine.

5.49 Traditional practices relating to childbirth, maternal support and rongoā Māori were replaced with hospital-based, clinician-controlled care regimes where Western health practices were prioritised and the authority for wāhine Māori health matters was moved from whānau and hapū structures to Crown-led institutions.

5.50 The shift away from whānau and hapū based health care meant that wāhine Māori have not been able to participate in the development of health-related laws and policies, nor have they been able to ensure equitable access to culturally appropriate and effective care.

5.51 As a result, Ngāti Hine wāhine experience inequitable health outcomes compared to non-Māori women, including higher rates of adverse maternal outcomes, mental health challenges, chronic illness and reduced life expectancy.

5.52 Examples of the Crown's laws, policies and practices that have impacted the health and wellbeing of wāhine Māori include those relating to:

(a) Public health. The Municipal Corporations Act 1842 gave local councils the ability to manage public health matters but denied wāhine from voting. This prevented Ngāti Hine wāhine from participating in early public health decisions which has led to a lack of provision for wāhine Māori throughout the public health system.

(b) Birthing. Within around 15 years of signing te Tiriti, wāhine Māori went from traditional tikanga-based birthing practices, surrounded by whānau and tohunga kaiwhakaora, to birthing in hospital environments in accordance with Western medical protocols.[74] This was a significant change for Ngāti Hine

[74] Wai 2700, #TBC, *He Kōrero Taunaki Tuarua a Moe Milne Moe* [23 Pēpuere 2026], at [55] and [109].

wāhine which demonstrated their inability to exercise rangatiratanga over pregnancy, childbirth and reproductive decision-making in accordance with tikanga.[75]

(c) Abortion and reproductive regulation. Crown regulation of abortion situated reproductive decision-making within state-controlled legal and medical frameworks rather than tikanga-based processes grounded in whakapapa, constraining wāhine Māori rangatiratanga over pregnancy and reproductive care.

(d) Wāhine health narratives. Colonial public health narratives reframed wāhine bodies as requiring regulation, concealment and clinical management. Bodily processes that were considered tapu and natural, such as breastfeed, menstruation and menopause, were pathologised or rendered shameful.[76] This altered how wāhine Māori understood and exercised authority over their bodies in accordance with tikanga.[77]

(e) Colonial gender norms, including the privileging of male heirs within landholding frameworks, influenced perceptions of reproductive value and gender hierarchy.[78] These norms were inconsistent with tikanga understandings around the balance between te ira wahine and te ira tāne and constrained the ability of wāhine Māori, Takatāpui and whakawāhine to exercise rangatiratanga over their bodies, sexuality and reproductive health.

(f) Mental health. Crown mental health legislation, including the Mental Health (Compulsory Assessment and Treatment) Act 1992 and its predecessors, failed to ensure that recognition of Māori social structures translated into meaningful Māori

[75]Wai 2700, #A62, *Brief of Evidence of Moe Milne* (30 June 2021), at [88]-[89]. See Wai 2700, #TBC, *He Kōrero Taunaki Tuarua a Moe Milne Moe* [23 Pēpuere 2026], at [109].
[76] Wai 2700, #TBC, *He Kōrero Taunaki Tuarua a Moe Milne Moe* [23 Pēpuere 2026], at [111].
[77] Wai 2700, #B3, *Mana Wāhine i Te Ao Hurihuri: Equity and Disparities in Wellbeing for Wāhine Māori from the 1950s to 2000* (12 April 2024), at 473 and Whaea Moe at [111].
[78] Wai 2700, #TBC, *He Kōrero Taunaki Tuarua a Moe Milne Moe* [23 Pēpuere 2026], at [110].

authority, culturally grounded service delivery, or equitable outcomes in practice.[79] As a result, Ngāti Hine wāhine were subject to Crown-controlled clinical systems that did not adequately protect their rangatiratanga in matters of psychological and spiritual wellbeing.

(g) Alcohol, substance use and gambling harm. Crown regulatory frameworks governing alcohol and gambling, including national licensing and regulatory regimes under the Sale and Supply of Alcohol Act 2012[80] and the Gambling Act 2003, have not sufficiently provided for wāhine Māori or mitigated the disproportionate harm experienced by wāhine Māori and their whānau.[81]

(h) Family violence, intimate partner violence and incarceration-related harm. The Crown's laws and policies in relation to the prevention, investigation and response to family violence and sexual harm have not sufficiently provided for wāhine Māori or mitigated the disproportionate exposure of wāhine Māori to physical, psychological and intergenerational trauma.[82]

(i) Incarceration. The high rates of incarceration of Māori within Ngāti Hine whānau have caused ongoing health impacts for wāhine Māori, including stress, economic insecurity and the disruption of whānau stability.[83] Wāhine Māori experience these impacts in their capacity as partners, mothers, grandmothers and caregivers.

5.53 Ngāti Hine say these inequities that they have experienced in relation to their hauora and oranga arise from the Crown's failure to design and

[79] Wai 2700, #B3, *Mana Wāhine i Te Ao Hurihuri: Equity and Disparities in Wellbeing for Wāhine Māori from the 1950s to 2000* (12 April 2024), at 446.
[80] Sale and Supply of Alcohol Act 2012
[81] Gambling Act 2003.
[82] Wai 2700, #B11, *Mana Wahine – Whānau & Whakapapa, c.1840-2023* (1 May 2025), at 65-66.
[83] Wai 2700, #B11, *Mana Wahine – Whānau & Whakapapa, c.1840-2023* (1 May 2025), at 68.

resource health systems in a manner that recognises and gives effect to the mana and rangatiratanga of Ngāti Hine wāhine.

5.54 Ngāti Hine wāhine have experienced intergenerational and self-perpetuating inequities where the Crown has not addressed the historical impacts of its laws and policies on wāhine Māori. These experiences have resulted in a change of perception around the value of Ngāti Hine wāhine, and wāhine Māori more broadly, impacting the way that they are viewed and treated and the way that they view and treat themselves.

Justice

5.55 Ngāti Hine say the Crown's laws, policies and practices relating to justice system undermine the mana and rangatiratanga of Ngāti Hine wāhine where they do not protect and provide for the equitable treatment of wāhine Māori.

5.56 Wāhine Māori are significantly overrepresented in the justice system. In the year ending March 2021, wāhine Māori made up 73.2% of the female prison population, despite Māori making up only 17% of the general population in 2021.[84]

5.57 High incarceration rates for wāhine Māori have destabilised whānau structures by disrupting the roles of wāhine Māori as mothers, grandmothers and caregivers, causing intergenerational trauma for Ngāti Hine wāhine and their whānau.[85]

5.58 In relation to the justice system generally, Ngāti Hine wāhine and wāhine Māori more broadly experience:

(a) Institutional racism and discrimination within policing, prosecutorial and sentencing practices;

[84] Human Rights Commission, Maranga Mai! (November 2022), at 91.
[85] Wai 2700, #B3, *Mana Wāhine i Te Ao Hurihuri: Equity and Disparities in Wellbeing for Wāhine Māori from the 1950s to 2000* (12 April 2024), at 578.

(b) The prevention, investigation and prosecution of family violence, intimate partner violence and sexual harm, including incest;

(c) Adequate access to culturally appropriate rehabilitation and addiction services;

(d) Bail, remand and non-custodial sentencing practices that disproportionately impact wāhine Māori; and

(e) The criminalisation and surveillance of wāhine Māori within contexts of gang association and social marginalisation.

5.59 Ngāti Hine say these experiences are the result of a justice system which has not provided for or enabled tikanga-informed responses grounded in whānau and hapū authority, and are perpetuated by the Crown's failure to address the structural drivers that cause the overrepresentation of wāhine Māori in the justice system.

Mātauranga Māori and Arts

5.60 Ngāti Hine say the Crown's laws, policies, actions and omissions have undermined and disrupted the intergenerational use, representation and transmission of mātauranga Māori relating to Ngāti Hine wāhine, including in relation to tohunga and matakite practices, karanga, reo, moko, weaving, scientific methodologies and practices, rongoā Maori, literature, media, and mahi toi.

5.61 The Crown has enacted and administered laws and institutional frameworks, including those operating under the Native Schools system and subsequent state-controlled curriculum frameworks, that have marginalised, suppressed and devalued the mātauranga Māori and knowledge systems relating to wāhine Māori, atua wāhine and whakapapa-based authority.[86]

[86] Wai 2700, #B9, *Mana Wāhine Māori i Ngā Wā ō Mua: The impacts of Crown legislation, policy and practices on the rangatiratanga, status and roles of wāhine Māori c.1840-1950* (18 October 2024), at 56.

5.62 By way of example, the Tohunga Suppression Act 1907 criminalised and undermined the authority of Māori spiritual and healing practitioners, including wāhine knowledge holders.[87] More recently legislative proposals such as the Therapeutic Products Bill 2023 have sought to regulate or constrain the use of rongoā Māori within Crown-controlled health frameworks.[88]

5.63 The Crown's broadcasting and arts funding frameworks, including those established under the Broadcasting Act 1989 and related public funding regimes, have not been sufficient to support and promote the revitalisation of mātauranga Māori, mahi toi or Arts for wāhine Māori, nor has it ensured the accurate, balanced and tikanga-consistent representations of wāhine Māori in these areas.

5.64 Ngāti Hine say that the Crown's suppression and marginalisation of Ngāti Hine mātauranga have had enduring impacts for Ngāti Hine wāhine, where there has been a decline in knowledge systems, language and tikanga relating to wāhine Māori which they have struggled to reclaim and revitalise since colonisation.[89]

Te Reo Māori and Education

5.65 Ngāti Hine say the Crown's laws, policies, actions and omissions in relation to education and te reo Māori have undermined the transmission of language, tikanga and identity of Ngāti Hine wāhine, and impacted Ngāti Hine wāhine as the primary transmitters of knowledge and culture for Ngāti Hine.

5.66 For much of the nineteenth and twentieth centuries, the Crown implemented education policies that prioritised English-language instruction and marginalised te reo Māori within state schooling. The Education Ordinance 1847 restricted state funding to mission schools that taught in English, and subsequent legislation, including the Native Schools Act 1867 and the Native Schools Code 1880, entrenched

[87] Wai 2700, #B3, *Mana Wāhine i Te Ao Hurihuri: Equity and Disparities in Wellbeing for Wāhine Māori from the 1950s to 2000* (12 April 2024), at 234.
[88] Therapeutic Products Bill 2022.
[89] Wai 2700, #A62, *Brief of Evidence of Moe Milne* (30 June 2021), at [21]-[23].

assimilationist policies directed at the Europeanisation of Māori children.

5.67 The Crown-defined education system prioritised Western measures of literacy, numeracy and academic performance as markers of intelligence, marginalising Māori conceptions of education grounded in identity, whakapapa, whenua and relational knowledge. Education was redefined and tikanga-based models of intellectual development were displaced for Ngāti Hine wāhine.[90]

5.68 Those policies actively discouraged the use of te reo Māori in schools and contributed to intergenerational language loss within Ngāti Hine whānau.[91] The erosion of te reo Māori had a particular impact on wāhine Māori, who traditionally held primary responsibility for the transmission of language, tikanga and whakapapa within whānau structures.[92]

5.69 In addition to suppressing te reo Māori, the Crown's education system imposed Western curricular structures that redefined appropriate roles for Māori girls. Instruction emphasised domestic science, hygiene, vocational training and reading and writing consistent with colonial ideals of womanhood, rather than learning about whakapapa and whenua.[93]

5.70 Historical accounts and available data demonstrate that wāhine Māori were educated for and anticipated to fill unpaid domestic roles, factory work, or, in limited circumstances, professions such as nursing or teaching where conformity to Pākehā standards was required.[94] As a consequence, educational structures limited professional progression

[90] Wai 2700, #TBC, *He Kōrero Taunaki Tuarua a Moe Milne Moe* [23 Pēpuere 2026], at [125].
[91] Wai 2700, #TBC, *He Kōrero Taunaki Tuarua a Moe Milne Moe* [23 Pēpuere 2026], at [125]-[126].
[92] Wai 2700, #TBC, *He Kōrero Taunaki Tuarua a Moe Milne Moe* [23 Pēpuere 2026], at [126].
[93] Wai 2700, #TBC, *He Kōrero Taunaki Tuarua a Moe Milne Moe* [23 Pēpuere 2026], at [124]-[125].
[94] Wai 2700, #B3, *Mana Wāhine i Te Ao Hurihuri: Equity and Disparities in Wellbeing for Wāhine Māori from the 1950s to 2000* (12 April 2024), at 194.

and reinforced the economic marginalisation of wāhine Māori,[95] disproportionately positioning Ngāti Hine wāhine and wāhine Māori more broadly within lower-paid, insecure or unpaid domestic and industrial labour.

5.71 The Crown's suppression of te reo Māori, restructuring of wāhine roles within whānau and society, and the economic marginalisation of Ngāti Hine wāhine led to structural disparities in language retention, professional representation and income for Ngāti Hine wāhine.

Whai Rawa

5.72 Ngāti Hine say the Crown has undermined the mana and rangatiratanga of Ngāti Hine wāhine where it has failed to actively protect, provide for and enable equitable economic participation of Ngāti Hine wāhine in employment, enterprise, income generation and wealth accumulation.

5.73 The alienation of Ngāti Hine whenua, combined with the restructuring of Māori social and economic systems through colonisation, excluded wāhine Māori from traditional land-based economies and disrupted collective economic structures within which wāhine exercised authority and productive roles.

5.74 The Crown's failure to address this inequity, alongside its labour, welfare and economic policy frameworks, contributed to the concentration of wāhine Māori in lower-paid, insecure and undervalued sectors of the workforce.

5.75 The Crown's 2025 amendments to New Zealand's pay equity law reinforced structural wage disparities affecting wāhine Māori. The Equal Pay Amendment Act 2025 raised the threshold for bringing pay equity claims and cancelled 33 existing claims that had already been lodged, requiring them to be refiled under the new criteria and substantially limiting access to remedies for historically undervalued

[95] Wai 2700, #B3, *Mana Wāhine i Te Ao Hurihuri: Equity and Disparities in Wellbeing for Wāhine Māori from the 1950s to 2000* (12 April 2024), at 623.

work largely performed by women.[96] These changes demonstrate the landscape within which Ngāti Hine wāhine work, as well as the lack of equitable economic participation and effective pathways available to address issues of structural pay inequity.

5.76 Other Crown laws, policies and practices which impact Ngāti Hine wāhine in terms of employment, economy and enterprise include those relating to:

(a) Remuneration and pay equity. Wāhine Māori continue to experience pay inequity and the systemic undervaluation of care and community-based labour, much of which has historically been performed by wāhine Māori without equitable remuneration or recognition;[97]

(b) Employment precarity and occupational segregation. Wāhine Māori are disproportionately represented in lower-paid, insecure and undervalued sectors of the workforce, reflecting structural occupational segregation and limited advancement opportunities within Crown-regulated labour markets;[98]

(c) Social development and welfare design. The Crown's social development and welfare regimes have disproportionately affected wāhine Māori, particularly sole mothers, through compliance-based systems that fail to recognise collective whānau caregiving responsibilities and tikanga-based economic arrangements.[99] These frameworks have entrenched income precarity and economic marginalisation for Ngāti Hine wāhine; and

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[96] RNZ, *Pay equity law changes 'flagrant and significant abuse of power', former MPs say* (24 February 2026).
[97] Wai 2700, #B7, *He Wāhine, he Ōhanga; he Ōhanga, he Wāhine: The Socio-economic Status and Wellbeing of Wāhine Māori from 1990 to 2020* (30 August 2024), at 32.
[98] Wai 2700, #B7, *He Wāhine, he Ōhanga; he Ōhanga, he Wāhine: The Socio-economic Status and Wellbeing of Wāhine Māori from 1990 to 2020* (30 August 2024), at 32; see also Wai 2700, #B6, *Toitū te Mana Wāhine Contemporary Employment and Education Issues for Wāhine Māori: Equity and Disparities from 1990 to 2020* (2 August 2024) at 52.
[99] Wai 2700, #B7, *He Wāhine, he Ōhanga; he Ōhanga, he Wāhine: The Socio-economic Status and Wellbeing of Wāhine Māori from 1990 to 2020* (30 August 2024), at 33.

(d) Funding and support. The Crown has failed to ensure adequate access to capital, funding, procurement opportunities and economic development support for wāhine Māori-led enterprises and initiatives, limiting opportunities for Ngāti Hine wāhine to generate intergenerational wealth and exercise rangatiratanga within economic domains.[100]

5.77 Taken together, these actions and omissions have caused enduring socio-economic inequities for Ngāti Hine wāhine, including lower median incomes, reduced asset ownership, economic precarity and diminished intergenerational wealth transmission, contrary to the Crown's obligations of active protection and equity under te Tiriti o Waitangi.

Data collection

5.78 Ngāti Hine say the Crown has breached te Tiriti where it has undermined the mana and rangatiratanga of wāhine Māori in the collection of adequate, timely and ongoing data in relation to Ngāti Hine wāhine and wāhine Māori more broadly.

5.79 Ngāti Hine say the lack of data available on issues relating to wāhine Māori has impacted Ngāti Hine wāhine in terms of their ability to understand the issues that impact them and monitor the trends in respect of the same.

5.80 Where data has been collected, it has not been shared with Ngāti Hine wāhine, nor have they been appropriately involved in decisions relating to the collection, application, storage, use and protection of that data.

6.0 PREJUDICE

6.1 Ngāti Hine say the Crown's undermining of the rangatiratanga of Ngāti Hine wāhine has caused significant and irreversible prejudice to them, including:

[100] Wai 2700, #B7, *He Wāhine, he Ōhanga; he Ōhanga, he Wāhine: The Socio-economic Status and Wellbeing of Wāhine Māori from 1990 to 2020* (30 August 2024), at 97-98.

(a) The undermining of their mana, rangatiratanga and tikanga;

(b) Inadequate participation and representation in governance and leadership roles, including in central, local and regional government and Crown-established structures, entities, bodies, boards and committees and Māori governance and management structures;

(c) The undermining of Ngāti Hine wāhine mana and rangatiratanga in relation to whenua, including the impacts to identity and tikanga that have resulted from the disconnection of Ngāti Hine wāhine to whenua;

(d) Disruptions to the whānau, whakapapa, health and wellbeing of wāhine Māori;

(e) The displacement of wāhine authority over their bodies, reproductive decision-making and tikanga-based health practices;

(f) Inadequate provision and support for their health and wellbeing;

(g) Inequitable outcomes in the physical, cultural, mental, spiritual and social wellbeing of Ngāti Hine wāhine and their whānau;

(h) The intergenerational erosion of te reo Māori, mātauranga Māori and tikanga-based knowledge systems relating to wāhine Māori;

(i) Experiences of discrimination, bias and racism based on gender and race;

(j) Disproportionate exposure to criminalisation, incarceration and state surveillance, resulting in intergenerational trauma and destabilisation of whānau structures; and

(k) Enduring socio-economic inequities including income disparity, occupational segregation, limited asset ownership, barriers to capital and diminished intergenerational wealth transmission.

6.2 The prejudice suffered relates to, among others:

(a) The exercise of rangatiratanga;

(b) Leadership aspirations and opportunities;

(c) Land ownership and authority over property;

(d) The role and status of wāhine within iwi, hapu and whānau;

(e) Health, education, access to justice and laws relating to marriage and adoption; and

(f) Economic participation, remuneration and wealth accumulation.

7.0 RELIEF

7.1 Ngāti Hine are still in the process of considering the relief they seek in respect of this inquiry. However, as a starting point, they seek an apology as well as the following findings:

(a) That this claim is well-founded;

(b) The acts, omissions, practices and policies of the Crown are inconsistent with te Tiriti o Waitangi and the principles of Te Tiriti; and

(c) Ngāti Hine have a right to exercise rangatiratanga, tikanga and mātauranga, both within and outside of kāwanatanga institutions of the Crown.

7.2 The claimants also seek the following recommendations:

(a) That the Crown engage with Ngāti Hine to address the political, social, cultural and economic inequality suffered as a result of colonisation;

(b) The development of a Tiriti compliant framework to address and restore the rangatiratanga of Ngāti Hine wāhine;

(c) Representation and decision-making roles and forums where outcomes will affect the role and status of Ngāti Hine wāhine; and

(d) Any other recommendations the Tribunal deems appropriate.

8.0 AMENDMENT

8.1 Leave is sought by the claimants to further amend this statement of claim following the determination of the scope of this inquiry, the production of research, and the filing of evidence, submissions or other material that may come to light during the presentation of this claim. This includes the filing of further causes of action, particulars or specific allegations that are not included in this statement of claim.

I TĒNEI RĀ, i Kirikiriroa, te rā 27 Pēpuere 2026

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Dr Season-Mary Downs/ Majka Cherrington/Jessica Hita
Counsel for the claimants

This **STATEMENT OF CLAIM** is filed by Dr Season-Mary Downs, Majka Cherrington and Jessica Hita of Tukau Law, counsel for the claimants.

Accordingly, the address for service for all documents for this claim is:

(a) 91 Hupara Road, R D 2, Kaikohe, Northland 0472; or
(b) By post to 91 Hupara Road, R D 2, Kaikohe, Northland 0472; or
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