OFFICIAL

Wai 745, #1.1(z)
Wai 1308, #1.1(n)
Wai 2700, #1.1.15(a)

IN THE WAITANGI TRIBUNAL
KEI MUA I TE ROOPU WHAKAMANA I TE TIRITI O WAITANGI

WAI 745/1308
WAI 2700

IN THE MATTER	the Treaty of Waitangi Act 1975
AND	
IN THE MATTER OF	The Mana Wāhine Kaupapa Inquiry
AND	
IN THE MATTER OF	A claim filed by Luana Pirihi and the late Paki Pirihi on behalf of Patuharakeke (Wai 745) and a claim filed by Ngawaka Pirihi and others on behalf of the owners of Pukekauri 1B1, 1B2, 1B3, 1B4 and 1B5, and Takahiwai 4C, 4D1, 4E, 7A, 7B2 and 7C (Wai 1308)

AMENDED STATEMENT OF CLAIM

Dated this 4th day of March 2026

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TĒNĀ E TE TARAIPIUNARA

The Claim

1. This Amended Statement of Claim is filed by Luana Pirihi and the late Paki Pirihi on behalf of the Patuharakeke Te Iwi Trust Board and Patuharakeke hapū (Wai 745) and Ngawaka Pirihi on behalf of the owners of Pukekauri and Takahiwai land blocks (Wai 1308) ("**Patuharakeke/the Claimants**").

2. This claim is filed pursuant to Section 6 of the Treaty of Waitangi Act 1975. The Claimants are Māori and meet the definition for bringing a claim before the Waitangi Tribunal under Section 6(1) of the Treaty of Waitangi Act.

3. This claim was originally filed in 1998 by Joanne Midwood. In particular, the claim sought the reaffirmation of the Claimants' tino rangatiratanga over all taonga within the Patuharakeke rohe.

4. The claim was amended on 31 August 2018, [1] which outlined the mana of Patuharakeke wāhine and the prejudice caused to Patuharakeke wāhine due to Crown acts, omissions, legislation, policy and ordinances that have resulted in breach of its obligations under te Tiriti o Waitangi.

5. This Amended Statement of Claim amends and further particularises that claim.

The Claimants - Patuharakeke

6. Patuharakeke are the descendants of and whakapapa to the tūpuna Te Toru (Urekuri) and Te Taotahi. Their rohe to which they are mana whenua and mana moana includes the area of Takahiwai, the coastal area of Te Ākau, and inland south to Piroa (Brynderwyn range), and west to the Waiotira River.

7. Patuharakeke trace their ancient whakapapa lines back to their tūpuna who derive from hapu associated with what is today known as the iwi Ngāti Wai, Ngāti Whātua, and Ngāpuhi.

[1] Wai 2700, #1.1.015 at [88] – [90].

8. Patuharakeke maintain their mana motuhake and distinct rangatiratanga since the signing of He Whakaputanga o te Rangatiratanga o Nu Tireni in 1835 and te Tiriti o Waitangi in 1840.

Te Tiriti o Waitangi

9. The Tribunal found in the Wai 1040 Stage 2 Report that sovereignty was not ceded to the Crown through the signing of te Tiriti o Waitangi in 1840. They found that:

> "*the rangatira did not cede their sovereignty in February 1840; that is, they did not cede their authority to make and enforce law over their people and within their territories. Rather, they agreed to share power and authority with the Governor. They and Hobson were to be equal, although of course they had different roles and different spheres of influence. The detail of how this relationship would work in practice, especially where the Māori and European populations intermingled, remained to be negotiated over time on a case-by-case basis.* ***But the rangatira did not surrender to the British the sole right to make and enforce law over Māori****."*[2] (emphasis added)

10. In terms of assessing Crown conduct against the principles of te Tiriti, the Tribunal in the Stage 2 Wai 1040 Report placed particular importance on the following principles which the claimant says is applicable here:

    10.1. **Te mātāpono o te tino rangatiratanga:** Māori, their hapū, and their iwi are guaranteed their tino rangatiratanga in te Tiriti. 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.[3] The Crown has the power and capacity to recognise, respect, and give effect to the treaty guarantee of tino rangatiratanga.[4]

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[2] *He Whakaputanga me Te Tiriti: The Declaration and the Treaty – The Report on Stage 1 of the Te Paparahi o Te Raki Inquiry* (Waitangi Tribunal, 2014) at pp 526-527.
[3] Wai 1040 Stage 2 Report at p 69.
[4] Wai 1040 Stage 2 Report at p 71.

10.2. **te mātāpono o te kāwanatanga:** the Crown has responsibilities to Māori, to ensure that its Treaty duties are not abrogated. The duty of the Crown was (and is) to foster tino rangatiratanga, not to undermine it; and to adequately give effect to treaty rights and guarantees.[5] The Crown must ensure there is engagement with Māori on proposed changes, and that the authority of Māori leaders is recognised and empowered.[6] The Crown must balance their treaty obligations to Māori, against the interests of any other group with caution and ensure that the authority of iwi and hapū are not diminished.[7]

10.3. **te mātāpono o te houruatanga / the principle of partnership:** the treaty partnership requires the cooperation of both parties to agree on their respective areas of authority and influence, and both parties are required to act honourably and in good faith. The Crown cannot unilaterally decide what Māori interests are or what the sphere of tino rangatiratanga encompasses: that is for Māori to negotiate with the Crown.[8] Shared spheres of authority must also be agreed.[9]

10.4. **te mātāpono o whakaaronui tētahi ki tētahi / the principle of mutual recognition and respect:** the Crown are obligated to recognise and respect the authority that hapū have over their whenua, moana, taonga (including awa, maunga, and ngahere), values, rights, and spheres of authority. This should be evident in the importance the Crown places on the treaty guarantee of tino rangatiratanga.[10] The Crown must respect tikanga, mana, whanaungatanga, mātauranga, and kaitiakitanga.

10.5. **te mātāpono o te matapopore moroki / the principle of active protection:** active protection is an obligation by the Crown to help restore balance to the relationship between the Crown and

[5] Wai 1040 Stage 2 Report at p 69.
[6] Wai 1040 Stage 2 Report at p 80.
[7] Wai 1040 Stage 2 Report at p 80.
[8] Wai 1040 Stage 2 Report at p 76.
[9] Wai 1040 Stage 2 Report at p 76.
[10] Wai 1040 Stage 2 Report at p 79.

Māori.[11] This duty is heightened if an imbalance between the relationship remains. The Crown guaranteed through te Tiriti that it would not undermine or usurp Māori autonomous control over their people, land, and taonga. Since the Crown and Māori have separate, equivalent spheres of authority, it is not a duty arising from the Crown's sovereign authority.[12]

10.6. **Te mātāpono o te whai hua kotahi me te matatika mana whakahaere / the principle of mutual benefit and the right to development:** Māori have 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 wish to do so.[13]

10.7. **te mātāpono o te mana taurite / the principle of equity:** the duty of equity requires that the Crown must actively address inequities experienced by Māori, and this obligation is heightened if inequities are especially stark. At its heart, the principle of equity requires fair, not just equal or the same treatment.[14]

10.8. **te mātāpono o te whakatika / the principle of redress:** where the Crown has breached te Tiriti through its legislation, policy, actions or omissions, it is obliged to provide timely and adequate redress to Māori. Substantive redress is important in "re-establishing the mutual recognition and respect embodied in the treaty relationship, for restoring the honour of the Crown, and for providing a renewed opportunity for giving effect to the treaty's guarantee of tino rangatiratanga and, ultimately, te mātāpono o te houruatanga".[15]

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[11] Wai 1040 Stage 2 Report at p 66. The Tribunal says further "*In the interests of pursuing this ideal partnership, we consider that the treaty standards embodied in the principle of active protection as articulated in previous Tribunal reports are still useful for assessing Crown actions and omissions, and for reminding the Crown of its obligations where such actions and omissions, particularly in respect of land loss, have caused prejudice to Māori. We use it in this report accordingly.*"
[12] Wai 1040 Stage 2 Report at p 66.
[13] Wai 1040 Stage 2 Report at p 83.
[14] Wai 1040 Stage 2 Report at p 82.
[15] Wai 1040 Stage 2 Report at p 69.

Background

Te Ao Māori & Mana Wāhine

11. Prior to colonisation, mātauranga and tikanga guided Māori in everyday practices and way of life. Mātauranga informed how Māori navigate between the realms of te Kore, te Pō and te Ao Marama during our lifetime.

12. Fundamental to this navigation for tangata whenua was (and remains) balancing between states of tapū and noa. Some practices enter people into a state of tapū, and it is necessary to transition back to a state of noa.

13. Wāhine are essential in te Ao Māori to sustain the Māori way of life. They are the whare tangata through which life is given and through which uri enter te Ao Marama. They continue to ensure the safety of ngā uri by ensuring the return to noa from tapū.

14. As bearers of te whare tangata, wāhine connect and maintain whakapapa lines. Wāhine are said to have been given the power to create life from Papatūānuku, which reinforces the connection between ngā uri and the whenua. The integral role of wāhine to the foundation of te Ao Māori is reflected in kupu Māori, particularly for placenta (whenua) and pregnancy (hapū).

15. Once pepī enter te Ao Marama, the work of wāhine does not stop. Wāhine allow the balance between states of tapū and noa. Many practices are tapū, including entering and speaking in the wharenui, which is considered to be the realm of Tūmatauenga.

16. It is generally tāne that conduct these practices and enter a state of tapū, such as through whaikōrero and mihi. It is imperative that tāne return to noa to ensure they are safe and able to carry on everyday activities. Through processes such as haranga, waiata, karakia, wai and kai, generally led by wāhine, whakanoa can be achieved.

17. Wāhine were an equal partner to tāne in customary Māori structures. Whilst each had different roles, each were as necessary as the other.

18. This balance between wāhine and tāne is evident in the actions of Patuharakeke tūpuna, the rangatira Tauhou Auriro and her tāne, Wiki Te

Pirihi. The land that Rangiora Marae (the ahi kaa of Patuharakeke, located in Takahiwai) currently sits on was gifted to the hapū by Tauhou and Wiki. This served as a symbol of their joint rangatiratanga and manaakitanga.

19. Tauhou and Wiki assisted nearby Nova Scotians in the early 1800s during a time of famine by sending kai and other resources. Pūrākau related to these acts of manaakitanga are indicative of decision-making made by both chief and chieftainess in equal measure.

Colonisation & Pākehā Ideologies

20. The introduction of Christianity and Pākehā ideologies through colonisation drastically changed accepted norms regarding gender roles. Pākehā ideologies are patriarchal and are rooted in the idea that women are inferior.

21. At that time, Pākehā believed that women existed merely to care for men and their children. Women were considered a chattel of their fathers, then of their husbands. As such, they were unable to use their voice, or exercise autonomy outside of their husbands' wishes.

22. The more that colonisation impacted Māori, the further entrenched the patriarchal ideologies became in whānau and hapū. Wāhine Māori were expected to take on the same role as a western woman. Their integral role in te Ao was disregarded and minimised.

23. Wāhine Māori were relegated to the home and pigeon-holed into the housewife stereotype. Their equal standing with tāne Māori was invisiblised. Social attitudes became misogynistic and institutions were founded on the exclusion of women.

24. Significant progress has been made in recent decades to shift societal expectations for women and recognise their equal contribution to that of men. However, systemic issues remain which negatively impact wāhine Māori.

Ngā Kawenga Taumaha

25. The Claimants say that wāhine Māori face two significant barriers to achieving equitable outcomes and reaching rangatiratanga to the fullest extent:

    a. They experience racism as tangata whenua; and

    b. They experience sexism as wāhine (together referred to as "**ngā kawenga taumaha"**).

26. The foundation of ngā kawenga taumaha is intersectionality. Intersectionality acknowledges that some groups in society will not face any kind of systemic discrimination. People who ascribe to multiple identity groups which are discriminated against will face more harm than others. This is the experience of wāhine Māori. The double burden of ngā kawenga taumaha experienced by wāhine Māori creates complexities and enforces additional levels of discrimination that other groups do not experience. Their starting point is less privileged than others.

27. The Claimants say that the Crown's systems have been designed without consideration for ngā kawenga taumaha that wāhine Māori experience yet in most cases, wāhine Māori will be systemically prejudiced because of it.

FIRST CAUSE OF ACTION: Crown systems do not recognise the mana of wāhine Māori and inhibit ability of wāhine Māori to practice their culture and pass on mātauranga

28. The Crown has failed to recognise the mana of wāhine Māori and has established systems, frameworks and tools that do not make provision for their mana. As a result, wāhine Māori are inhibited in their ability to practice their culture and pass on mātauranga Māori.

29. The role of wāhine Māori is integral in te Ao Māori. It is a role of inherent mana due to being te whare tangata and the bearers of life. Wāhine Māori pass on mātauranga to tamariki and mokopuna. Customarily, wāhine Māori hold a role that is considered equal to tāne Māori.

30. The Crown has failed to recognise the integrity of the role of wāhine Māori in te Ao Māori, and in particular, as equal to that of tāne Māori. The Crown, in the establishment of its colonial systems, policies, and ordinances in which women were considered inferior, diminished the mana of wāhine Māori.

31. In failing to recognise and make provision for the mana of wāhine Māori, the Crown has breached the principle of active protection pursuant to te Tiriti o Waitangi. The Crown has further breached its guarantee made under Article II to ensure tino rangatiratanga over all taonga, including the ability to pass on mātauranga which has been severed through the diminishment of mana wāhine.

Particulars:

32. Wāhine Māori are innately connected to concepts of whakapapa me whānau. Through their role as te whare tangata, wāhine Māori not only nurture pēpi, but are recognised as essential to the collective survival and continuity of the hapū. Wāhine are not just individuals but the link between tūpuna and uri. The mana of wāhine therefore comes from their role of sustaining life at the individual and communal level.

33. Traditionally, the importance of their role was not underestimated. The wellbeing of wāhine Māori is connected to the wellbeing of the hapū. If wāhine Māori thrive, the hapū thrives. In contrast, individual pain is a collective concern.

34. As māmā, aunties and kuia, wāhine Māori carry a responsibility to transmit mātauranga to the next generations. This was a shared responsibility of all wāhine due to the collective nature of customary living in te Ao Māori.

35. The Claimants say that the mana of wāhine Māori has been diminished through the imposition of colonial ideologies and Crown systems which fail to recognise the essential role of wāhine Māori.

36. The Crown imposed western standards of societal structures, including the nuclear family framework. This had the effect of displacing the collectivism and shared responsibility lifestyle that whānau relied on. The assimilation

of whānau Māori into nuclear family structures isolated wāhine Māori from the hapū and their support structures.

37. Māori māmā are inhibited in their ability to pass on mātauranga if their mana is diminished and their mauri is suffering. This has intergenerational consequences. The Claimants say that the isolation of wāhine Māori from their traditional role, in which they held significant mana, had exacerbating impacts:

    a. **Mātauranga** – the shared responsibility of transmitting mātauranga to tamariki and mokopuna, an essential role of wāhine Māori, is unable to be carried out due to alienation from traditional hapū structures. This began a severing of mātauranga between generations and the disconnection of ngā uri from te Ao Māori;

    b. **Wellbeing** – isolation from hapū structures and assimilation to western standards meant wāhine Māori found themselves in an alien environment. Expectations to meet norms of Pākehā women negatively impacted the mauri of wāhine Māori, without support structures in community or Crown systems to help resulted in their wellbeing suffering;

    c. **Tamariki** – with struggling mauri, foreign societal standards, and disconnection from traditional ways of life, the ability of wāhine Māori to care for tamariki was weakened.

38. The Claimants say that wāhine Māori are overrepresented in issues relating to motherhood. In western standards, maternal distress is framed as an individual deficiency or unfitness rather than being understood as a holistic issue as it is in te Ao Māori.

39. Understanding postnatal depression as a result of the diminishment of the mana of wāhine Māori, it is evident to be a symptom of colonisation, cultural severance and enforced isolation.

40. Māori māmā experience perinatal mental distress at a rate of one in three, compared to Pākehā mothers for whom it is estimated at fifteen (15) per

cent.[16] It is estimated that Māori comprise sixty (60) percent of suicide-related deaths for women who are pregnant or within six weeks of giving birth.[17]

41. The Claimants say that the Crown fails to mitigate these issues. Māori māmā are at risk of harm in motherhood due to generations of cultural isolation and diminishment of their mana. The Crown's health and social service systems perpetuate poorer outcomes for Māori māmā.

42. The Claimants say that the Crown's failure to recognise and make provision for the mana of wāhine Māori has resulted in their systemic harm, a breach of the principle of active protection. Active protection invokes a requirement on the Crown to restore the Māori-Crown relationship where it has become unbalanced. The Crown's failure to mitigate the harms experienced by wāhine Māori, particularly in relation to motherhood, cannot constitute active protection.

43. The Crown, in signing te Tiriti o Waitangi, guaranteed to Te Raki Māori the ability to exercise tino rangatiratanga over all taonga. The Crown has failed to ensure that Māori are able to have complete autonomy over their taonga, including the ability for wāhine Māori to pass on Mātauranga. This breaches their obligation under Article II of te Tiriti o Waitangi.

SECOND CAUSE OF ACTION: Crown systems exclude wāhine Māori from decision-making and obstruct their right to exercise rangatiratanga

44. The Crown, through its legislation, policies, practices, actions and omissions, has prevented the participation of wāhine Māori in decision-making regarding issues that impact them, their whānau and their hapū.

45. The right to rangatiratanga entitles wāhine Māori to be consulted and actively participate in decision-making. The exclusion of wāhine Māori in decision-making is evident across the public and private sectors.

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[16] Koi Tū: The Centre for Informed Futures, *Perinatal Mental Distress: an under-recognised concern* (September 2022) at page 1.
[17] Office of the Health and Disability Commissioner, *Aotearoa New Zealand's mental health services and addiction services: The monitoring and advocacy report of the Mental Health Commissioner* (June 2020) at page 95.

46. The Claimants say that the Crown's failure to protect the right of wāhine Māori to participate in decision-making has prejudiced wāhine Māori and thus give rise to greater inequities.

Particulars:

Loss of whenua, loss of connection

47. The Tribunal has found that the Crown breached its obligations to Te Raki Māori in respect of its land purchasing policy and practices.[18] The Claimants say that the significant loss of whenua in their rohe is the catalyst event for the ongoing prejudice that Patuharakeke has suffered which is exacerbated for ngā whaea, ngā kuia me ngā rangatahi wāhine o Patuharakeke.

48. From the 1840's New Zealand's land records were managed under a paper system. The current land transfer registration system (known as the 'Torrens system') replaced the deeds system in 1870. For general title land, the Torrens system is compulsory - no legal interest in land may be created except by registration under the Land Transfer Act 2017.

49. Recognition of rights to land under the Torrens system competes with customary rights that Māori hold. Customary rights are based on whakapapa to the whenua and encapsulates the essence of the connection between wāhine Māori and the whenua.

50. The Claimants say that the creation of a separate system of land ownership excluded wāhine Māori from participating at all levels of decision-making as it related to whenua including Public Works takings, resource consent processes, district and regional planning, conservation estate management, land development schemes, title development and reconstruction.

51. Over successive years, land legislation and policy has evolved in a way that has supported commercial and financial objectives over that of cultural values that uphold the role and important connection between wāhine Māori and the whenua. There are no references in any current policy or

[18] *Tino Rangatiratanga me te Kāwanatanga – The Report on Stage 2 of the Te Paparahi o Te Raki Inquiry Part 1* (Waitangi Tribunal, 2023), at p 961.

legislation that recognises the significant relationship between the whenua, te taiao and wāhine Māori.

Exclusion from Decision-Making

52. Wāhine Māori are systemically excluded from decision-making in all spheres. The initial foundation of the Crown's systems, frameworks and policy was an underlying ideology that women (and thus wāhine Māori) were inferior and lacking in competency to be included in governance. Specifically, their place was in the home.[19]

53. In the private sector, data on social determinants demonstrate that wāhine Māori are prevented from participating at a decision-making level. These social determinants include access to education (primary and tertiary), employment opportunity and security, housing and health issues. The reality for many wāhine Māori is that these issues are compounded, resulting in lower opportunity for wāhine Māori to successfully obtain leadership positions.

54. Of approximately 340,000 business owners throughout New Zealand in 2001,[20] wāhine Māori comprised 1.5 per cent (estimated at 5,490[21]). By 2018, wāhine Māori comprised seven (7) per cent of business owners, estimated at 10,600.[22]

55. The underrepresentation of wāhine Māori as business owners and entrepreneurs has been linked to a lack of access to startup capital and security for loans. Private equity and land ownership has traditionally been held by Pākehā men due to Crown systems which prioritise their interests.

56. In this manner, the Crown has contributed to the exclusion of wāhine Māori from leadership and the right to exercise their rangatiratanga. The Crown has failed to enable access for wāhine Māori in these commercial spaces.

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[19]Described in further detail at paragraphs [20] to [23].
[20] Statistics New Zealand, *2001 Census of Population and Dwellings: Regional Summary – Volume 1* (May 2002), Table 14 at page 647.
[21] Te Puni Kōkiri, *Māori Entrepreneurs in Te Moana a Toi and New Zealand* (February 2010), at page 10.
[22] Manatū Wāhine, *Te Ōhanga Wāhine Māori: The Māori Women's Economy* ("**Te Ōhanga Report"**) (February 2024) at page 29.

57. A similar exclusion has occurred in the public sector. The Crown has failed to ensure the participation of wāhine Māori in ministerial roles, local government and other public offices.

58. The first wāhine Māori to be elected as a Member of Parliament was Iriaka Rātana in 1949 - 81 years after the first tāne Māori in 1868, and 95 years after the first Parliament was formed in Aotearoa.

59. The first wāhine Māori to be elected as mayor occurred only in 2022, with the role being established in various districts in the 1850s and 1860s.

60. Following the 2022 local government elections, it was estimated that of the 1,600 representatives (including mayors, councillors, and board members), 21.6 per cent whakapapa Māori and of those, 57 per cent are wāhine.[23]

61. This represented a significant increase in Māori representation at the local government level. This can be attributed to the introduction of Māori wards and constituencies in 2001. These are democratically voted seats which ensure the representation of Māori at a local level.

62. Māori only may be elected to these seats. The wards and constituencies ensure Māori participation in decision-making, including wāhine Māori.

63. The Crown passed the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024, which required local governments to hold binding referendums to determine whether to keep or remove Māori wards/constituencies. This gave the public the power to determine whether Māori are entitled to local government representation. In effect, the Crown abandoned their obligations under te Tiriti o Waitangi to ensure that Māori are able to exercise rangatiratanga and make decisions by and for Māori.[24]

64. The removal of Māori wards and constituencies means that Māori must be elected to general seats. There is a risk that Māori will not be represented at all if they are required to compete with Pākehā and tauiwi for local government seats.

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[23] Local Government New Zealand (LGNZ) Elected Members' Census, November 2023.
[24] The Tribunal has already made findings of the Crown's breaches in respect of this legislation, which is provided for in the *Māori Wards and Constituencies Urgent Inquiry Report (Wai 3365)*.

65. This legislation creates a barrier to providing for participation of wāhine Māori in local government. Where fewer wāhine Māori are elected to local government, decision-making will reflect this underrepresentation. Our systems will remain inequitable and will continue to fail wāhine Māori.

66. The Claimants say that the Crown's failure to ensure the participation of wāhine Māori in decision-making, including legislation such as the Local Government Amendment Act 2024, is a breach of the principle of rangatiratanga.

Inequitable Systems

67. The exclusion of wāhine Māori in decision-making has contributed to inequity in Crown systems, and the denial of wāhine Māori to exercise rangatiratanga to the fullest extent.

68. The Claimants say that the Crown's failure to equitably provide for wāhine Māori and mitigate ngā kawenga taumaha is evident in economic policy. The wealth disparities reflect the Crown's failure to design economic, education and employment policies that provide for their socio-economic needs.

69. The Claimants further state wāhine Māori experience compounded socio-economic prejudice contributing to wealth inequity:

    a. As of June 2025, the unemployment rate for Te Taitokerau rose to 6 percent making it the highest in the country.[25]

    b. Wāhine Māori are less likely to achieve higher education qualifications, with 13.8 per cent achieving tertiary education qualification or higher compared to 26.1 per cent of non-Māori.

    c. Caregiving responsibilities restrict participation in the workforce and education for wāhine Māori. Only 43.5 per cent of younger wāhine (aged 25 to 35) participate in fulltime work compared to 58 per cent for non-Māori[26], and Māori māmā are more likely to

[25] Northland Regional Council *Economic Quarterly*, June 2025.
[26] Te Ōhanga Report, at page 5.

experience issues in accessing childcare for longer periods of time.[27]

d. Wāhine Māori also experience the "motherhood penalty" at a median age of 27, a younger age than non-Māori women, reinforcing ngā kawenga taumaha through early career and pay stagnation.[28]

e. Home ownership is a primary pathway for creating intergenerational wealth in Aotearoa. In Te Taitokerau, home ownership is estimated at 24.7 per cent, of which wāhine Māori comprise a significantly lower proportion.[29]

The Claimants say that these socio-economic inequities are maintained by the Crown's failure to implement targeted funding to mitigate ngā kawenga taumaha. Wāhine Māori will continue to experience wealth inequity without Crown systems which adequately recognise and make provision for ngā kawenga taumaha.

70. The Claimants say that the lack of participation of wāhine Māori in decision-making is cyclical. Wāhine Māori have not been included in the establishment of Crown systems; thus these systems fail to provide for wāhine Māori. Failing to provide for wāhine Māori and mitigate ngā kawenga taumaha results in poorer outcomes. Poorer outcomes prevent wāhine Māori from gaining the higher skills which are necessary to secure leadership roles is inhibited by the need to overcome systemic prejudices.

71. This cycle results in the continued exclusion of wāhine Māori from decision-making, thus impeding their ability to exercise the right to rangatiratanga.

72. The failure of the Crown to ensure the participation of wāhine Māori, and ensure its systems provide for their needs and mitigate the inequities they experience due to ngā kawenga taumaha, breaches the principle of rangatiratanga.

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[27] Te Ōhanga Report, at pages 26 – 27.
[28] Te Ōhanga Report, at page 26.
[29] Te Ōhanga Report, at page 5. This report recorded that home ownership rates for wāhine Māori is 47 per cent compared to households led by non-Māori women at 69 per cent.

Prejudice

73. The Claimants say that they have suffered the following prejudice as a result of the Crown's acts and omissions that continue to be inconsistent with Te Tiriti:

    a. the denial of the right to exercise their right to rangatiratanga, in particular regarding decisions that affects them, which has diminished the mana of Patuharakeke wāhine;

    b. the establishment of colonial systems, frameworks and ideologies which do not recognise nor provide for the mana of wāhine, nor have regard for the integral role of wāhine in te Ao Māori. In particular:

        i. constraining Patuharakeke wāhine to stereotypical standards of the Pākehā woman (largely of being inferior to men), which has diminished their position in society;

        ii. forcing the 'nuclear family' structure on whānau Māori, which has removed essential support networks from Patuharakeke wāhine and required wāhine to raise tamariki and rangatahi by conforming to colonial methods;

        iii. excluding Patuharakeke wāhine from decision-making spheres and shifting their role to primary carers of the home, which has removed their independence, confidence and power in society;

    c. the erosion of mātauranga, through legislation and policy, through creating systems which fail to recognise nor cater for the needs of Māori (such as health, justice, education, and social services), resulting in an ability for Patuharakeke wāhine to pass on mātauranga to tamariki and mokopuna, and consequently, whānau wellbeing suffering;

    d. the failure to distribute regional funding across all sectors in an equitable manner, resulting in the urbanisation of ngā uri o Patuharakeke and subsequent disconnection from whakapapa me Patuharakeketanga, of which Patuharakeke wāhine are

particularly prejudiced due to the alienation from their role as te whare tangata;

e. the continuation of legislation and policy that upholds a Eurocentric land tenure system which has made the inherent connection between wāhine Māori and the whenua invisible; the inadequate representation of wāhine Māori in decision-making bodies in relation to matters affecting Patuharakeke and whānau Māori;

f. the exclusion of wāhine Māori from decision-making in the public sector which has resulted in the establishment of systems that fail to recognise and make provision for the particular needs of wāhine Māori, thus increasing inequities for wāhine Māori;

g. following the Crown's identification of the increased inequities experienced by wāhine Māori:

   i. maintaining legislation, policies, frameworks and systems which cause systemic harm to Patuharakeke wāhine;

   ii. failing to make change or provide redress for this systemic harm, such as through the establishment of targeted funding mechanisms and resourcing to mitigate inequities.

Relief Sought

74. The Claimants seek the following findings and recommendations from this Tribunal:

    a. a finding that the claim is well founded;

    b. a finding that the Crown has breached Te Tiriti o Waitangi and its principles in respect of the status and treatment of wāhine Māori since 1840 to today;

    c. a finding that the Crown's imposed ideologies, systems and frameworks systemically prejudice women, and additionally prejudice wāhine Māori due to their experience of racism and ethnic discrimination which is also evident in these systems;

d. a finding that the erosion of the mana of wāhine Māori has resulted in wāhine being unable to practice their culture and pass on mātauranga, causing inter-generational trauma and the wider erosion of te Ao Māori;

e. a recommendation to introduce targeted initiatives to address land-based disparities for wāhine Māori at a localised level;

f. a recommendation to pass legislation which requires the reservation of seat(s) for wāhine Māori at local and central government to ensure their inclusion and participation in decision-making, as a fulfilment of the Crown's obligation to ensure to wāhine Māori their right to exercise rangatiratanga;

g. a recommendation to assess pay equity issues and undertake legislative reform to address the ethnic-gender pay gap experienced by wāhine Māori;

h. a recommendation to introduce targeted initiatives to improve enterprise and employment pathways for wāhine Māori and improve leadership development;

i. a recommendation to introduce a Te Puni Kōkiri fiscal programme which incentivises wāhine Māori business owners to participate in business and stimulate the economy through the provision of access to startup capital;

j. a recommendation that an all of Government approach is taken to review the current progressive tax system to enable greater incentivisation for wāhine Māori who carry multiple paid and unpaid roles;

k. any other recommendations the Tribunal sees fit to make.

75. The Claimants reserve the right to further amend this Amended Statement of Claim.

DATED at Auckland this 4th day of March 2026

Kelly Dixon / Taamorangi Hartley / Grace Taylor

Counsel for the Wai 745/1308 Claimants