

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

**WAI 2959**

**WAI 3300**

**IN THE MATTER OF**

the Treaty of Waitangi Act 1975

**AND**

**IN THE MATTER OF**

the Tomokia Ngā Tatau o  
Matangireia: the Constitutional  
Kaupapa Inquiry (Wai 3300)

**AND**

**IN THE MATTER OF**

Dr Hope Tupara on behalf of Te  
Ropu Wahine Maori Toko I te  
Ora/the Maori Women's Welfare  
League Incorporated, its members  
and all wāhine Māori of Aotearoa

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**MEMORANDUM OF COUNSEL RE DRAFT WĀNANGA-Ā-ROHE REPORT  
AND POU TIKANGA QUESTIONS**

*Dated this 23<sup>rd</sup> day of March 2026*

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**This document is filed by:-**



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Waitangi Tribunal

**23 Mar 26**

Ministry of Justice  
WELLINGTON

## **MAY IT PLEASE THE TRIBUNAL**

1. This Memorandum of Counsel is filed on behalf of the Te Ropu Wahine Maori Toko I te Ora/Maori Women's Welfare League Incorporated, its members and all wāhine Māori of Aotearoa (Wai 2959) ("**the Claimants**").
2. This Memorandum of Counsel provides the Claimants' submissions on two issues of relevance before the Wai 3300 panel:-
  - a. Ngā Pou Tikanga – Expert Panel Wānanga
  - b. Feedback on the Wānanga-ā-Rohe Report

### **Ngā Pou Tikanga – Expert Panel Wānanga**

3. In Memorandum-Directions dated 13 February 2026, Her Honour Chief Judge Fox CJ indicated that a panel of Pou Tikanga ("**Ngā Pou Tikanga**") will consider the draft Wānanga-ā-Rohe Report and relevant tikanga principles discussed in its contents.<sup>1</sup>
4. Ngā Pou Tikanga will be asked various pātai by the Wai 3300 panel; the resulting kōrero will be included as the final section of the Wānanga-ā-Rohe Report.<sup>2</sup> Her Honour invited claimants to provide written submissions on these pātai by Tuesday 24 March 2026.<sup>3</sup>
5. The Claimants wish to provide feedback on the facilitation of the kōrero with Ngā Pou Tikanga. They have identified two matters regarding the Pou Tikanga kōrero:-
  - a. the necessity of balanced perspectives; and
  - b. the primacy of te reo Māori.

#### *Balanced Perspectives*

6. The findings of this inquiry will be critical for all Māori, and the Claimants wish to see a tika process followed throughout this inquiry to give legitimacy to its outcome.

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<sup>1</sup> Wai 3300, #2.6.083.

<sup>2</sup> At [22] – [25] and #2.6.083(c).

<sup>3</sup> At [26].

7. The Wānanga-ā-Rohe stage was particularly important to give a voice to Māori in communities that may not otherwise be able to provide their whakaaro.
8. Diversity in whakaaro is a priority of the Claimants. Regardless of the take, a balanced perspective ensures that all voices, from wāhine to rangatahi, are heard and considered.
9. The Claimants request that Ngā Pou Tikanga considers varying perspectives during their kōrero.

*Te Reo Māori*

10. The Claimants submit that the outcomes of kōrero of the Pou Tikanga to be included as the final section of the Wānanga-ā-Rohe Report should be in te reo Māori.
11. Key principles of tikanga Māori are most appropriately discussed in te reo Māori.
12. The Claimants say that the kōrero should then be translated into English to ensure accessibility for the Crown and others with little or no reo capability.

**Feedback on Wānanga-ā-Rohe Report**

13. The Claimants wish to provide feedback on the draft wānanga-ā-rohe report. Her Honour Chief Judge Fox indicated by way of Memorandum-Directions, dated 24 January 2026, that Claimants should provide written feedback by Tuesday 24 March 2026.<sup>4</sup>
14. The Claimants say that the description of Dr Hope Tupara's kōrero at Te Wānanga Tuaono is not reflective of her whakaaro.
15. This description is provided for at Page 43 of the draft report.
16. The Claimants submit the passage be amended as follows:

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<sup>4</sup> Wai 3300, #2.6.082 at [18].

<i>Current</i>	<p>“Dr Tupara expressed support for the Te Paparahi o Te Raki Tribunal’s finding on sovereignty, arguing that te Tiriti obliged the Crown to share power and authority with Māori. She referred to Parliament’s supremacy as ‘illegitimate’, describing the system as a ‘power and conquer model of democracy’ at odds with the guarantees of te Tiriti. The imposition of this constitutional system upon Māori, without their consent has caused disproportionate harm.”</p>
<i>Amendment</i>	<p>“Dr Tupara expressed support for the Te Paparahi o Te Raki Tribunal’s finding on sovereignty, arguing that te Tiriti obliged the Crown to share power and authority with Māori. <b>She referred to the principle of parliamentary sovereignty being illegitimate, which is responsible for a system of Parliamentary supremacy as a 'power and conquer model of democracy' at odds with the guarantees of te Tiriti.</b> The imposition of this constitutional system upon Māori, without their consent has caused disproportionate harm.”</p>

**DATED** at Auckland this 23<sup>rd</sup> day of March 2026



Signature: \_\_\_\_\_

**Kelly Dixon / Grace Taylor / Taamorangi Hartley**