IN THE WAITANGI TRIBUNAL

KEI MUA I TE ROOPU WHAKAMANA I TE TIRITI O WAITANGI

WAI 2959

WAI 3565

UNDER	the Treaty of Waitangi Act 1975
IN THE MATTER OF	Te Tinihanga o Ngā Mātāpono o te Tiriti – the Treaty Principles Reform Urgent Inquiry (Wai 3565)
AND	
IN THE MATTER OF	a claim by 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 (Wai 2959)

BRIEF OF EVIDENCE OF DR HOPE TUPARA

I tēnei rā, i te rā 18 o Haratua 2026

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RECEIVED
Waitangi Tribunal
19 May 26
Ministry of Justice
WELLINGTON

MAY IT PLEASE THE TRIBUNAL

INTRODUCTION

1. My name is Dr Hope Nga Taare Tupara (nee Harawira).

2. I am an uri of Tāmanuhiri, Rongowhakaata, Te Rangihouiri, Tamapahore, Rāhiri and Te Rangitauwawaro.

3. I am the National President of Te Ropu Wahine Maori Toko i te Ora Maori Women's Welfare League Incorporated (**the League**), a position I have held for one three-year term. I was re-elected for a further three-year term in October 2025.

4. I am authorised to provide this evidence on behalf of the League that is participating as an interested party in support of the claimants in this inquiry.

5. Cabinet's decision on 23 February 2026 to approve the repeal or amendment to treaty principle enactments following the treaty clause review will prejudice the League's mahi and wāhine Māori generally.[1]

6. Repeal and amendment of treaty clauses across legislation will strip away the foundation on which the League and Crown meet as equal partners to engage on issues.

Te Ropu Wahine Maori Toko i te Ora

7. The League has a membership of approximately 3,000 voluntary members in around 140 branches (peka) across Te Waipounamu, Ikaroa, Aotea, Tainui, Tairāwhiti, Waiāriki, Tamaki Makaurau and Tai Tokerau, with one in Perth.

8. The strength of the League lies in our volunteer community base and the members of our peka. They are the primary connection between our organisation, wāhine, and whānau whānui. By whānau whānui we mean the hāpori where our peka live as members of their communities.

[1] Cabinet Minute "Review of References to the Principles of the Treaty of Waitangi in Legislation: Next Steps" (23 February 2025) CAB 26-MIN-0048.01.

9. The League has had an integral role in Māori development since its inception, much of which is yet to be comprehensively documented.

LEGISLATIVE CHANGES

10. My evidence is prepared based on the latest material filed by the Crown on 15 May 2026.

11. My evidence will focus on two legislative treaty provision amendments and what they will mean for the League specifically. These are the Pae Ora (Healthy Futures) Act 2022 (**Pae Ora Act**) and the Criminal Cases Review Commission Act 2019 (**Criminal Cases Act**).

Hauora as a Māori world view and the Pae Ora (Healthy Futures) Act 2022

12. Promoting hauora is important to the League.[2] Hauora reflects a holistic understanding that wellbeing encompasses physical, social, spiritual and cultural needs.

13. The Pae Ora Act is largely grounded in a conventional western medical model focused on illness and services delivery.

14. The Pae Ora Act entrenches the Crown's preferred medical approach, and while it refers to protecting, promoting and improving health, and to eliminating disparities for Māori,[3] it fails to achieve this.

15. Disparities between Māori and other populations groups are therefore problematic. The Crown's approach under the Pae Ora Act is deficit focused. It responds to disparity and ill health, and directs resources through primary, secondary and tertiary health services, rather than recognising and supporting hauora as a valid preventative framework.

16. What is missing is a clear commitment to hauora in a fuller Māori sense that is enabling of social, spiritual, cultural and whānau dimensions of wellbeing that collectively achieve hauora.

17. The League feels strongly that lifting wāhine Māori requires a focus on hauora that needs to be recognised in legislation. Elevating the importance

[2] Te Ropu Wahine Maori Toko i te Ora, Maori Women's Welfare League Inc *Constitution 2024*, (**Constitution**), object 2, p 2.
[3] Pae Ora (Healthy Futures) Act 2022, s 3.

of effective te Tiriti clauses in legislation should happen first. Second is, consulting with Māori on how best to achieve hauora through the legislation.

The League's Hauora Programme

18. The League's *Hauora Promotions* programme works alongside the Crown to help wāhine Māori access health services, albeit within the limitations of the system.

19. While the name *Hauora Promotions* may suggest that we are providing a unique service, in reality our role is often to connect whānau with public health programmes funded by Crown agencies. Our members are trusted in our communities and we help wāhine Māori navigate systems that can be confusing, unfamiliar and alienating.

20. The League is often able to reach wāhine Māori who are not engaging with mainstream services, including because of distrust arising from successive government policies and the inaccessibility of mainstream services. Since our inception, we have had to step in where the Crown has failed in its Tiriti obligations and where colonisation has had a significant impact on wāhine Māori.

21. One example is our breast screening mahi with Breastscreen Aotearoa. Our aim is to reach unscreened and under-screened wāhine Māori through organisations and workplaces. This is more than just increasing screening rates for wāhine Māori. It is also about sitting down with our wāhine to educate them about research, the screening process, dispelling myths or fears they may have, assisting them to find transport to get to a screening appointment, supporting them with child care if necessary, supporting them at medical consults, providing comfort with grief around thoughts of dying and who will care for their children if they die, or even changes to their body image, diet, and so forth. This is what a hauora approach to wellbeing looks like. Whatu Ora recognises the League plays an important role in supporting wāhine Māori.

Treaty provision in Pae Ora

22. Any tutuing with Te Tiriti o Waitangi, or of Treaty-based provisions in the Pae Ora Act, will damage the already tenuous relationship between Māori and the Crown, and highlights the Crown is clearly unaware of its obligation to non-Māori.

23. If the Crown is intending to remove its obligations to te Tiriti, it risks further inequities in the health system and must therefore accept full responsibility for the disparities that will result.

24. In particular, the League opposes any reduction in the Crown's obligation under sections 5 and 6 of the Pae Ora Act to give effect to te Tiriti principles.

25. Further diminishing of te Tiriti enables the Crown to disregard the specific needs of Māori. This is a breach of te Tiriti that will affect the League's ability to support wāhine Māori to receive the support they need.

Criminal Cases Review Commission Act 2019 s15(3)

26. The Criminal Cases Act provides a pathway for people who believe they were wrongly convicted or sentenced to have their cases reviewed independently, outside the ordinary appeal system.

27. The League operates in the justice system through assisting with offender rehabilitation and victims of crime, which is one of ten objects in the League's constitution.[4] Amending the treaty provision in the Criminal Cases Act is problematic for the mahi the League does and will have real consequences for us.

28. The Criminal Cases Act established the Criminal Cases Review Commission (the Commission)[5] to investigate possible miscarriages of justice and refer back to the courts.

29. The Chief Executive of the Criminal Cases Review Commission, Parekawhia McLean, and a number of her staff, have presented on the work of the Commission at the national conference of the League. In the year to June

[4] Constitution, object 9, p 3.
[5] Criminal Cases Review Commission Act 2019, s 7.

2025, 71% of women sentenced to imprisonment in Aotearoa were Māori.[6] As long as the majority of women in prison are Māori, the League supports the important work of the Commission.

30. The League is aware of the important work of the Commission in ensuring the justice system is robust and injustice where identified, is rectified.

31. The Commission investigates individual cases to identify if there are grounds for a miscarriage of justice by reviewing convictions or sentences, and where warranted, refer to the Court of Appeal.

32. Currently, s 15(3) of the Criminal Cases Act requires the Commission's procedures to be consistent with the principles of te Tiriti. It is important that this remains the way forward given the strong majority of women in the justice system are Māori.

33. An effective Te Tiriti o Waitangi clause in the legislation ensures there is a statutory check on the Crown to uphold its commitment to a just system, not just for wāhine Maori, for all women.

34. The Commission is independent of the courts, police and government which provides women seeking a review, an opportunity to be seen and heard in a process and justice system that already requires fundamental systemic change. Article 3 secures wāhine Māori have equal legal protections and opportunities and engages the Crown to guarantee that.

35. A further scaling down or removal of Te Tiriti principles means leaving any consideration of Te Tiriti to chance, and the League believes the work of the Commission is too important to leave manifestation of Tiriti to goodwill.

ENGAGEMENT

36. The League was not engaged with or consulted about any of these changes. I have grave concerns that we will again be one of the last to know if the Crown determines that changes to other pieces of legislation, not on the current list, will also be amended.

[6] Ministry of Justice *Reducing the Disproportionality of Māori in the Criminal Justice System: Wāhine Māori* (February 2026), p 1.

37. I am aware the National Iwi Chairs Forum and the 15 Iwi Partnership Boards oppose the proposed changes to the Pae Ora Act and they were not consulted with on those either.

38. Māori have not been involved in any meaningful consultation process in relation to Cabinet's decision on the changes and the Crown must therefore take full responsibility for the impacts that this will have and for their gross breaching of te Tiriti.

I TĒNEI RĀ, i te rā 18 o Haratua 2026.

DR HOPE TUPARA