**Appendix C: Supplementary pātai to ngā pātai mō ngā pou tikanga**

(a) *What do you understand to be the source of Māori power and authority to govern and regulate their affairs, inter-actions, and resolve disputes?*

- Follow-up questions:
  - Is there more than one source of this power and authority?
  - Can new sources develop or emerge?
  - To what extent has that authority changed over time and been impacted by colonisation?
  - What has been the fate of the exercise of chiefly authority?
  - Has the way in which chiefly authority is exhibited changed? If so, in what ways?
  - Is it possible to "lose" this authority?
  - What of the power of age i.e. of elderly status? It remains intact but how has it been impacted by colonisation and by modernisation?

(b) *Is mātauranga Māori and kōrero tuku iho (e.g. cosmology, settlement history, whakataukī, whakatauākī, etc) important to identifying that source?*

- Follow-up question:
  - If so, is there particular mātauranga Māori and kōrero tuku iho that is the source of Māori power and authority?

(c) *Where is authority located – in atua, rangatira, tohunga, kaumatua, hapū, iwi, ahi kā, marae, individuals, or the collective (hāpori)?*

- Follow-up questions:
  - How is this authority determined and delineated?
  - Is this the same across the entirety of Aotearoa? Or does it differ?
  - Are there differing spheres of authority? If so, how are the spheres differentiated?
  - If there are differing spheres, is the differentiation / delineation the same across Aotearoa?
  - Is there potential for this to change, adapt and develop?
  - Is there a way to organise this in a systemic, practical, enforceable manner? Would doing so be tika? Should everyone be bound by this?

(d) *How important is knowledge of and ability to protect the spiritual realms, whakapapa, te reo Māori, Te Taiao, wāhi tapu, whenua, moana etc. to the determination of leadership?*

- Follow-up questions:
  - How important is the ability to adapt that knowledge? In order to pass it on intergenerationally and ensure continuity of power?
  - What about the manifestation of new knowledge? Does this attain the same level of importance?
  - Is it necessary for all leaders to hold all of this kind of knowledge?
  - Can it be the remit of particular tohunga / kuia / kaumatua, while other rangatira or members of the collective group hold their own knowledge?
  - Does the importance of this kind of knowledge differ across Aotearoa?
  - Is the ability to weave the people together in a common cause a determinant of leadership?

(e) *What do wairua, ihi, tapu, noa, and mauri add to identifying the source of Māori authority, power and leadership?*

- Follow-up question:
  - If they do add to identifying this source, do they still possess that power? Is this something that continues to evolve and develop? Or is it exclusively ancient / historic?

(f) *What is the importance of whenua, rivers, lakes, seas, and natural resources to the allocation of power and authority or leadership?*

- Follow-up questions:
  - Perhaps a better phrasing of the question would be: *What is the importance of whenua, rivers, lakes, seas, and natural resources to the allocation of that power and authority or leadership which is connected to and derived from the whenua and te taiao?*
  - Is it a source of power of Māori authority in line with question (a), given that the *Wai 1040* report has indicated that rangatira authority comes from the whenua, with rangatira belonging to the land and they do not view any 'territory or land as a possession'.[1]
  - Is the allocation of power and authority important solely to rangatira or to Māori society as a whole? What does the distribution of that power look like?

[1] Waitangi Tribunal, Te Paparahi o te Raki (Northland) Stage 1 Report (Wai 1040, 2014) at 172-73.

*(g) Are ritenga, kawa such as rāhui, muru, raupatu, and utu performance measures of leadership, power, and authority? Traditionally and contemporarily?*

- Follow-up questions:
  - Are any of these concepts more closely linked to certain spheres of authority than others? And if so, why are they more closely linked to those spheres of authority?
  - Do they indicate different remits?
  - Is abidance / acknowledgement by non-Māori relevant? Does non-abidance / acknowledgement ever disrupt or change how that leadership, power and authority is exercised and passed on to future generations?

*(h) Traditionally, who exercised power, authority and leadership, and who does so today?*

- Follow-up questions:
  - Were there *ever* any outside limits on the exercise of that power?
  - What about today - are there any outside limits on the exercise of that power (e.g. from international law and the Crown)?
  - Are there multiple spheres of power within Māori society, and if so, how are they organised to interact with non-Māori society (including the Crown)? How have those spheres of authority changed from pre-contact times through to today?

*(i) How is authority, power, and leadership demonstrated today?*

- Follow-up questions:
  - How does the exercise of political / legal power[2] by tangata whenua and rangatira have influence within te Ao Māori and beyond (e.g. on the Crown and New Zealand society)?
  - Is that exercise of authority one of equal sharing with the Crown or something different?[3]

[2] Noting that the courts have recognised tikanga as "first law" or a source of law, see for instance Ellis v R [2022] NZSC 114; Smith v Fonterra [2024] 1 NZLR 134; Hata v Attorney-General [2025] NZAR 241(so we are slowly moving to better recognising tikanga, but it still seems limited to something that influences the common law, or statutory interpretation, and therefore operates within the Western common law framework). See Judge Harvey's discussion of various case law and whether the NZ courts, particularly through Ellis v R, have created a revolution or evolution in their approach towards tikanga (D Harvey, Tikanga and the Law: Evolution or a Quiet Revolution? (Law News) dated 11 December 2025, accessed at <https://lawnews.nz/administrative-public/tikanga-and-the-law-evolution-or-a-quiet-revolution/>. The article responds to KC Emeritus Professor Peter Watts' claim that the Supreme Court decision of Ellis v R "marked a revolutionary break from New Zealand's constitutional foundations" (cited as Ellis v R: A Revolution in Aotearoa New Zealand, Welcome or Not).

[3] Some academics talk of different spheres of authority in the partnership between the Crown and rangatira (eg the Report of Matike Mai Aotearoa). However, claimants talk about delegation of power to the Crown and do not like the idea of overlapping spheres of equal authority. They instead imagine a hierarchical model where tino rangatiratanga is the pre-existing inherent sovereignty over that of the Crown (see Wai 3389 speaking notes from the wananga at 11).

(j) *What institutions of Te Ao Māori support the exercise of power, authority, leadership today – Kaumatua? Iwi? Hapū? Marae? Papakāinga?*

- Follow-up questions:
  - Include "whānau" in the list of institutions.
  - What about local Māori boards, trusts and other interest groups?

(k) *What is the importance of mana, mana atua, mana tupuna, mana rangatira, mana whenua, mana moana, mana tane, mana wāhine, and mana ā-whānau to the allocation of power and authority, and do any of these constrain the exercise of power, authority, and leadership?*

- Follow-up questions:
  - How have these exercises of mana been impacted / changed by colonisation by the Crown?
  - How do all these threads of interrelated authority coming from the land / gods
  - / ancestors etc. (which is a more holistic form of governance) differ from the Crown's exercise of power and authority, and add value to the bilateral framework of New Zealand's constitution?

(l) *What is the importance of rangatiratanga?*

- Follow-up question:
  - Does tino rangatiratanga equate with sovereignty?

(m) *Is the exercise of rangatiratanga the same as or different from the exercise of mana?*

- Follow-up questions:
  - Does rangatiratanga have a key role in seeking "transformative" constitutional change[4] in New Zealand, and what does that look like?

(n) *How are acts of power, authority and leadership centered on the needs of whānau, wāhine, tane, mokopuna and rangatahi?*

- Follow-up questions:
  - This question could also ask whether there is an ability for the list of groups in need to change over time – ie whaikaha, takatāpui.

[4] As mentioned in the Pou Tikanga's original report of 15 December 2023 (Ngā Pātai Mō Ngā Pou Tikanga, Wai 3300, #6.2.2). The report talks about recalibrating between "ture-centred" and "tikanga centred" processes, and other concepts such as Matangireia (ie 'step[ping] over the threshold of the house' / marae 'we are building' to engage 'with claimants and other contributors to the inquiry') (pp 2-3), as well as wananga involving various tikanga and kawa as being important to the transformative process (pp 4-6).

(o) *Do the principles such as kotahitanga, manaakitanga, tangata whenua status, ukaipō, aroha, and āhurutanga, constrain the exercise of power, authority and leadership? If so, how?*

- No additional questions.

(p) *Does kaitiakitanga act as a constraint on the exercise of power, authority and leadership? If so, how?*

- Follow-up questions:
  - Rephrase as "*does kaitiakitanga <u>and international law</u> act as a constraint on the exercise of power, authority and leadership? If so, how?*"
  - Are kaitiakitanga and international law seen as a higher source of power that influences the source of Māori power and authority as detailed in question (a)?