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*Principles of the Law of Partnership, 5th Edition
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Chapter 1

The Essential Elements of Partnership

(1) *Introductory*

§1 General principles

The main principles of the law of partnership were codified by the Partnership Act 1908.¹ Section 4(1) of that Act defines partnership as the relation which subsists between persons carrying on a business in common with a view of profit. It follows that there cannot be a partnership consisting of only one person.

This definition puts the matter in a nutshell. However, it has been remarked that it is one thing to put a case in a nutshell and another to keep it there.² Indeed, an entire chapter is necessary for the adequate consideration of the question – What is a partner? This is by no means a question of mere academic interest. If the relation of partnership exists in point of law, then (unless the partnership is what is known as a “special” partnership, in which case the ordinary rules are somewhat modified³), each partner will, as between himself or herself and the firm’s creditors, be liable to the last cent of his or her personal fortune – whatever may be the arrangements between the partners inter se as to how losses are to be borne and however much they may have repudiated the notion of partnership.⁴

“Every member of an ordinary partnership,” it has been said, “is at one and the same time both a principal and an agent. As a principal, he is bound by what he does himself and by what his co-partners do on behalf of the firm, provided what they do falls within the limits of their authority; as an agent, he binds them by what he does for the firm, provided he keeps within the limits of *his* authority.”⁵ Hence, once the relation of partnership

is established between one who actively carries on a business and another who passively participates in the profits, the latter will become equally liable with the former for the debts and liabilities of the firm. Bearing this in mind, the immense importance of the question whether persons are partners or not is obvious.

1 The Partnership Act 1890 (UK) was originally drafted by Sir Frederick Pollock, but was subsequently amended and modified. The New Zealand Act of 1908 is virtually identical with it. Both statutes are, essentially, declaratory; basically, they repeat the pre-existing rules. They do not, however, cover all matters affecting partnerships. Neither statute deals, for example, with the laws relating to goodwill, to covenants in restraint of trade or to bankruptcy and insolvency as they affect partners.

In quite a number of respects, as will be seen, the Acts leave partners free to depart from the statutory rules. There is not that degree of strictness of control that is to be found in each country's companies legislation. For instance, partnerships formed under Part I of the 1908 Act are not, as such, required to be registered. On the other hand, the Corporations (Investigation and Management) Act 1989 applies to partnerships: see s 2(1). See also s 2(1) of the Reserve Bank of New Zealand Act 1989.

The 1908 Act consolidated the Mercantile Law Act 1880, ss 59-77, and the Partnership Act 1891.

The 1908 Act has been set out, for convenience, in full at the end of this work; see §§191-258 post.

For the sake of brevity we refer to the Partnership Act 1908 throughout this work as "the 1908 Act".

The United Kingdom Act has been described by Harman LJ as "that model piece of legislation": see *Keith Spicer Ltd v Mansell* [1970] 1 WLR 333 at p 335; [1970] 1 All ER 465 (CA).

Compare *Lindley & Banks on Partnership* (16 ed, 1990) at p 2: it was not "so good as Parliament might have made it". This work is frequently cited by us and is hereinafter referred to for convenience and brevity as *Lindley & Banks*.

2 Per Lord Macnaghten in *Van Grutten v Foxwell* [1897] AC 658 (HL) at p 671, referring to *Shelley's Case*.

For a useful introduction to the law of partnership, see Baxter, "An Introduction to Partnership Law" (1960) 38 Can Bar Rev 478; Martyn, "When is a Partner Not a Partner?" (1971) 121 NLJ 450. Hardcastle, "Partnership Law in Transition" (1989) 133 Sol Jo 1282; Thurston, "Partnership Act 1890 - Time for Reform" [1988] JBL 155; McGlyne "Servant Test and The Salaried Partner" (1990) 140 NLJ 27.

3 Special partnerships are formed under Part II of the Partnership Act 1908. They are separately discussed in Ch 7, §§238-257 post. Their essential characteristic is that, though the liability of one or more of the partners for the obligations of the firm is unlimited, that of the other or others is limited to the amount which each has contributed to the capital or property of the firm.

Except where expressly otherwise mentioned statements in Chs 1 to 6 must not be taken as applying to special partnerships. But s 3, §193 post, applies to all partnerships.

4 Note from s 4(2) of the 1908 Act, §194, post, that certain relationships do not constitute partnerships within the meaning of the Act. A "person" is defined by the Acts Interpretation Act 1924, s 4, as including "a corporation sole, and also a body of persons, whether corporate or unincorporate".

See also "Protecting Partners" [1975] NZLJ 590 and Harries, "Partners: How to Choose Them" (1977) 127 NLJ 71 (on legal offices), and, generally, Farrar and Russell, *Company Law and Securities Regulation in New Zealand* (1985), Chs 1, 2, 27, 28 and 33.

5 *Lindley & Banks*, p 27.

(2) Definition of partner

§2 Elements of the definition

There is a well-known definition of an archdeacon as a person who performs archidiaconal functions. An analogous definition must be given of the word "partner". Neither the New Zealand nor the United Kingdom Partnership Acts defines a partner. Lindley in *Lindley on the Law of Partnership* set out numerous definitions without venturing to suggest a comprehensive one of his own.¹ It is a good starting point to think of a partner as one who has entered into the relationship of partnership, ie, the relationship which exists between persons *carrying on a business in common*² with a view of profit. Lord Oliver has aptly described the position of partners in a firm thus:³

A partner working in the business or undertaking of the partnership is in a very different position from an employee. He has no contract of employment, for he is, with his partners, an owner of the undertaking in which he is engaged and he is entitled, with his partners, to an undivided share in all the assets of the undertaking. In receiving any money or property out of the partnership funds or assets, he is to an extent receiving not only his own property but also the property of his co-partners. Every such receipt must, therefore, be brought into account in computing his share of the profits or assets. Equally, of course, any expenditure which he incurs out of his own pocket on behalf of the partnership in the proper performance of his duties as a partner will be brought into account against his co-partners in such computation. If, with the agreement of his partners, he pays himself a "salary", this merely means that he receives an additional part of the profits before they fall to be divided between the partners in the appropriate proportions. But the "salary" remains part of the profits.

Whether a person is a partner or not is a question of mixed law and fact (and often a very difficult one, as will be seen as this chapter progresses), depending in each case upon the substance of the agreement between the parties as ascertained from the contents of the written documents (if any) and also from their conduct.

Three essential elements, without which a partnership cannot exist, now require consideration.

- (1) There must be a business.
- (2) It must be carried on with a view to profit.
- (3) It must be carried on by or on behalf of the alleged partners.

1 See *Lindley*, pp 16-18 (15 ed, 1984), but omitted from the 16 ed, 1990, pp 12-13. As to the meaning of "firm", see s 7 of the 1908 Act, set out in §197, post.

2 Thus the mere fact that parties independently concur in ordering goods, each agreeing to

take a separate amount, does not make them partners if they do not mean jointly to be concerned in the future sale of those goods: *Blake v Robinson* [1931] NZLR 643.

The phrases "in common" and "with a view of profit" both qualify the words "carry on business": *Newstead (Inspector of Taxes) v Frost* [1978] 1 WLR 1441; [1979] 2 All ER 129 at pp 1450, 137, respectively, per Buckley LJ. The case was affirmed on appeal: [1980] 1 WLR 135; [1980] 1 All ER 363 (HL).

(3) *There must be a "business"*

§3 No partnership without a business

Business is essential to the existence of a partnership. Section 2 of the 1908 Act¹ defines "business" as excluding "every trade, occupation or profession".² Unfortunately this definition is too vague. It is at once apparent that a landowner who lives on the rents from his or her property has an "occupation" in that he or she may be a very busy person collecting rents and administering the estate, but he or she is not in "business".³

Co-ownership does not imply a business, or partnership. Thus joint owners of an estate, or even of a chattel, such as a ship, are not (as such) partners although they may use their best endeavours to develop the land and let or use the joint property for their mutual profit – unless they go further and carry on business with respect to it. On similar principles, the members of a society formed to purchase investments for the common benefit of the members (such as the modern "unit trust") are not partners, because, as was pointed out by James LJ, in *Smith v Anderson*,⁴ there is nothing to be done by such societies that "comes within the ordinary meaning of 'business', any more than what is done by the trustees of a marriage settlement who have large properties vested in them, and who have very extensive powers of disposing of the investments, changing the investments, and selling them and reinvesting in other investments, according to their discretion and judgment".

If, however, the owners of a ship use it in the business of carriers of goods and/or passengers, they become partners, at all events as regards that business. And so, if a society were formed to *speculate* in investments, with a view to making profits by selling and buying again securities whenever, in the opinion of the management, the turn of the market should make it advisable to do so, then, no doubt (as was pointed out by Cotton LJ in the case just cited) a partnership would exist, because that would be a business – a buying and selling of property with a view to profit as distinguished from joint or common ownership.⁵

This view of the law has now received statutory sanction by s 5(a) of the 1908 Act, by which it is enacted that "joint tenancy, tenancy in common, joint property, or part ownership does not of itself create a partnership as to

anything so held or owned, whether the tenants or owners do or do not share any profits made by the use thereof".

A "business" can exist even though it be a single undertaking of short duration. "It has been suggested to me," Phillimore J has remarked, "that 'business' does not mean an isolated adventure, but that it means the regular trade of people even though they may have two or three separate trades. I see no reason for construing it in this way".⁶

It is clear, however, that the definition of "business" must be limited to what is recognised among business persons as commercial and professional businesses, ie, callings in which persons hold themselves out as willing to trade in real or personal property or to provide labour or skilled services. Thus, in *Welch v Jess*⁷ the parties had agreed with each other that they would take a fishing holiday together, commencing with their entry in the Ninety Mile Beach Fishing Contest in January 1975. They agreed also that, in the contest, they would fish as a team on the basis that any prize won by any one or more of them would be equally divided and that, if they happened to win the prize of a Mini car, then the car would be brought back to Auckland and sold and the proceeds of the sale divided equally. The parties further agreed that the expenses of the holiday should be shared, including the price of the tickets for the contest. To fund these expenses, they agreed to contribute to a "kitty". The defendant had, en route to the contest, given each of the plaintiffs the opportunity of withdrawing from the agreement, but each of them solemnly rejected the offer and confirmed the agreement. Each party contributed to the "kitty", which was held by the defendant. The defendant landed the heaviest snapper and won a prize of \$6,000 which he refused to share equally. One of the plaintiffs' contentions was that there was a partnership under the Partnership Act 1908. Chilwell J rejected the contention as being impossible, for the reason that, whatever the arrangement between the parties was for entering the contest together or sharing the proceeds, it could in no way be described as the carrying on of a business.⁸

1 Set out in §192 post.

2 A barrister is forbidden to practise in partnership as such by the ethics of the legal profession.

3 Cf Income Tax Act 1976, s 2, which declares that "business" includes "any undertaking carried on for pecuniary profit". This definition is wider than that in the Partnership Act.

4 (1880) 15 Ch D 247 (CA) at p 276. This work does not purport to deal with sharemilking agreements, as to which reference may be made to *Keighley v Peacocke* [1953] NZLR 842 (CA), or with clubs and societies.

5 At p 281.

6 *Re Abenheim, Ex parte Abenheim* (1913) 109 LT 219 at p 220. Thus "business" within the 1908 Act is not confined to a lifelong or universal business or a long undertaking, but can cover a separate commercial adventure which is short-lived, such as publishing a book or selling a crop of oats or barley: see, eg, *Beamish v Pilcher* (1917) 12 MCR 128; *Hall & Son v Platt* (1954) 35 TC 440; *Mann v D'Arcy* [1968] 1 WLR 893; [1968] 2 All ER 172, discussed §59 post.

See further *CIR v Marine Turbine Co* [1920] 1 KB 193 at p 203, per Rowlatt J; *Smith v Anderson* (1880) 15 Ch D 247 (CA) at pp 277-278, per Brett LJ; cf *Armour v Liverpool Corporation* [1939] 1 Ch 422; *Ballantyne v Raphael* (1889) 15 VLR 538; *Swiss Air Transport Co Ltd v Palmer* [1976] 2 Lloyd's Rep 604; *Gallagher v Schulz* (1988) 2 NZBLC 103, 196. As to the "seat" of a partnership, see *Hayman v Commissioner of Stamp Duties* [1935] NZLR 835.

7 (1976) 2 NZ Recent Law (NS) 185.

8 Chilwell J held that there was a contract between the parties, following *Simpkins v Pays* [1955] 1 WLR 975; [1955] 3 All ER 10, and gave judgment in the plaintiffs' favour. Cf *Thandi v Slater* [1985] NZ Recent Law 346.

(4) *The business must be carried on for profit*

§4 Partners must share net profits as a rule

We may now proceed to consider the second essential to partnership, viz, that the business must be one which is carried on in common with a view to profit. By profit is meant net profit, ie, the difference between the gross returns and the outgoings of the business.¹ Thus where a publisher agrees to pay an author a third of the gross sales of his or her book, that is not such a sharing of profits as would raise a presumption of partnership. The same remark applies to the letting of a theatre upon the terms of the owner receiving half the amount paid by the audience for their seats.² Here, again, the legislature has confirmed the previous view of the Courts by enacting³ that "the sharing of gross returns does not of itself create a partnership, whether the persons sharing such returns have or have not a joint or common right or interest in any property from which or from the use of which the returns are derived".⁴

In *Newstead v Frost*,⁵ the respondent taxpayer entered into a tax avoidance scheme whereby he carried out his overseas television entertaining activities as a partner in a partnership between himself and a Bahamian company. The partnership was formed to carry on the business of exploiting copyrights and interests in copyrights and in the business of television and film consultants and advisers, publicity agents and providers of publicity services and facilities throughout the world outside the United Kingdom. No money was remitted to the United Kingdom from the taxpayer's share of the profits from the partnership, all the activities of which had taken place outside the United Kingdom. One of the contentions of the appellant tax inspector was that the business carried on in common was with a view to tax avoidance. It was held in the then prevailing climate of judicial opinion concerning tax avoidance that, while it was clear that the partnership had been formed with that object, it must also have been formed with a view of profit. It was intended that profits should be made, for, if they were not made as a result of the

respondent's television appearances in the United States, then there would have been no tax to be avoided. This contention of the Revenue was accordingly rejected.

1 For a careful analysis of the legal meaning of the word "profits", see *Re Spanish Prospecting Co Ltd* [1911] 1 Ch 92 (CA) per Fletcher Moulton LJ at pp 98-101; [1908-10] All ER Rep 573, followed in *Dalgety v Commissioner of Taxes* (1912) 31 NZLR 260 at pp 261-262. See, too, *Harley v CIR*; *Jenkins v CIR* [1971] NZLR 482 (CA) at pp 486-487 per North P. For a case where it was held that the expression "net annual profits" bore different meanings in different clauses in a partnership deed, see *Watson v Haggitt* [1928] AC 127; (1927) NZPCC 474 (PC).

Note, however, that a firm may consist of one partner who is to take all the profits and bear all the losses and who owns all the capital and another who is to be paid a mere salary, as in *Stekel v Illice* [1973] 1 WLR 191; [1973] 1 All ER 465, and thus had "no share of the profits" within the equivalent of s 5(c), §195 post. But they were carrying on a business in common with a view of profit. Quære whether Mr Sherlock Holmes and Dr Watson were partners: see PRH Webb in [1980] NZ Recent Law 28.

2 *Lyon v Knowles* (1863) 2 B & S 556, affirmed (1864) 5 B and S 751 (Exch Ch); the point being that the theatre owner, not being a partner or the user of the theatre, is not liable for an infringement of any copyright occasioned by any performance that the occupier gives. See also *Vieweger Construction Co Ltd v Rush & Tompkins Construction Ltd* (1965) 48 (2d) 509; [1965] SCR 195 (Supreme Court of Canada) and *Cox v Coulson* [1916] 2 KB 177 (CA). In the latter case Coulson was the lessee and manager of a theatre. He agreed to provide theatre, lighting and playbills, for which he was to take 60% of the receipts; Mill, who managed a theatrical company, agreed to provide scenery and the players for the performance of a play at the theatre, for which he was to take 40% of the receipts; the agreement was held not to make them partners. Similarly in *R v Willis* (1897) 5 VLR (L) 149, an agreement whereby a lessee of premises, which he conducted as a hotel, was to pay a share of the business profits as rent to the landlord was held not to create a partnership between the two of them.

3 Partnership Act 1908, s 5(b), §13 post.

4 See Miller, *The Law of Partnership in Scotland* (1973) at p 71.

5 [1978] 1 WLR 1441; [1979] 2 All ER 129 (CA); affd [1980] 1 WLR 135; [1980] 1 All ER 363 (HL).

(5) *The business must be carried on by, or on behalf of, the alleged partners*

§5 Sharing of net profits is not conclusive

The fact that two or more persons carry on business jointly with a view of profit is not enough to make them partners.¹

Difficulty can arise where it is alleged by one party that there is no partnership at all but only, eg, an employer-employee relationship,² and the other party claims that there is a partnership and that he or she is a salaried partner³ and that both are carrying on a business in common with a view of profit. It might be argued that the other party, being a salaried partner only, has no right to a share of the profits⁴ and that there was

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¶101 What a partnership is

Partnerships have existed for years, even before the rise of limited liability companies. A partnership is not recognised by the law as a separate legal entity; in this respect it is unlike a company, and like a trusteeship or the relation between principal and agent.

As we shall see in the course of this book, a partnership is a legal relationship which exists between the partners, whether they are natural persons or artificial persons such as companies. In some Australian jurisdictions what are known as limited liability partnerships can be created. These have some of the advantages of a limited liability company but are not nearly as flexible in operation.

¶102 The fiduciary relationship

As indicated above, the partnership relationship is a legal relationship quite similar in essence to the relationship between principal and agent. As such it is a fiduciary relationship. A classic description of partnership was given by Lord Justice *James* in *Re Agriculturist Cattle Insurance Co. (Baird's case)*,¹ decided in 1870, before the first modern partnership legislation was introduced in the United Kingdom in 1890. He

1. (1870) L.R. 5 Ch. App. 725.

distinguished ordinary partnerships from joint stock companies (a distinction that we will be returning to later) and noted:²

“Ordinary partnerships are by the law assumed and presumed to be based on the mutual trust and confidence of each partner in the skill, knowledge and integrity of every other partner. As between the partners and the outside world (whatever may be their private arrangements between themselves), each partner is the unlimited agent of every other in every manner connected with the partnership business, and not being in its nature beyond the scope of the partnership. A partner who may not have a farthing of capital left may take money or assets of the partnership to the value of billions, may bind the partnership by contracts of any amount, may give the partnership acceptances for any amount, and may even involve his innocent partners in unlimited amounts for frauds which he has craftily concealed from them.”

As can be seen from the above quotation, the scope of a particular partner's ability to act on behalf of his partner could well be far beyond whatever limited capital arrangements the partners have entered into between them.

In Chapters 6 and 7 we shall examine the nature of a partner's liability for the actions of his co-partners, and the manner in which partners may seek to protect themselves from the unlimited scope of their partners' ability to make them liable for debts of the partnership.

¶103. Partnership and tax law

As we shall see later (in Chapter 12), one of the main reasons for entering into a partnership is to take advantage of certain taxation laws. Until 1964 a partnership was a very useful and popular form of structure for taxation purposes; a family man could incorporate members of his family into his partnership and take advantage of income splitting between himself and members of his family. In 1964 certain amendments were made to the *Income Tax Assessment Act*³ which have reduced the effectiveness of partnerships for this traditional use. However, partnerships are still utilised for tax purposes, and in a later chapter we shall examine many ways in which a partnership may still be an attractive tax planning vehicle.

¶104 “Uniform” partnership legislation

In 1890 the modern partnership legislation was introduced in the United Kingdom. This was very soon followed in Australia by all the States; Western Australia introduced its legislation last, in 1895. There is also legislation in the Australian Capital Territory which is similar in scope. Throughout this book we will be referring to the Victorian *Partnership Act* as the standard text and giving references to legislation in other

2. *Ibid.* at p. 733.

3. *Viz.* sec. 94. This is discussed in greater detail in Chapter 12.

jurisdictions in the footnotes. We shall also be referring to the New Zealand legislation.⁴

¶105 Partnerships as separate legal entities

As partnerships are not separate legal entities, it is not legally correct to talk of a partnership doing certain things or entering into certain transactions. However, it is common parlance in commercial terms to treat a partnership as a separate structure, entity, or enterprise; and for the purposes of this work, whilst we will be constantly reminding the reader of the fact that a partnership is not a separate legal entity, we shall where appropriate be discussing the partnership as though it were a commercial enterprise.

It is interesting to note, despite the fact that a partnership is not a separate legal entity, that the law does in some ways treat it as if it were. In the first place the rules of the Supreme Court of the various jurisdictions recognise that it would be extremely difficult, if not impossible, for litigation to be brought by members of a firm or against members of a firm (or partnership) unless a certain degree of flexibility was introduced into the procedures.⁵ This has been done in all of the jurisdictions through amendments to the rules of court which enable representative actions to be brought by and against partnerships (or members of a firm in the appropriate circumstances).⁶ Furthermore legislation has been introduced

4. The various statutes (now consolidated in some jurisdictions) are as follows:

Victoria	<i>Partnership Act</i> , Act No. 6330 of 1958
New South Wales	<i>Partnership Act</i> , Act No. XII of 1892
Queensland	<i>Partnership Act</i> , Act No. 7 of 1891
South Australia	<i>Partnership Act</i> , Act No. 506 of 1891 as amended by Act No. 2246 of 1935
Tasmania	<i>Partnership Act</i> , Act No. 3 of 1891 as amended by the <i>Statute Law Revision Act</i> , No. 36 of 1958
Western Australia	<i>Partnership Act</i> , Act No. XXIII of 1895
A.C.T.	<i>Partnership Ordinance</i> , No. 5 of 1963
New Zealand	<i>Partnership Act</i> , Act No. 139 of 1908 as amended by <i>Statutes Amendments Act</i> No. 60 of 1947.

5. See discussion of the Supreme Court Rules. Higgins & Fletcher, *The Law of Partnership in Australia and New Zealand*, 3rd edition Chapter 8.

6. The appropriate rules are as follows:

Victoria	Rule of Supreme Court O. 48a, r. 1
Queensland	Rule of Supreme Court O. 54, r. 1
South Australia	Rule of Supreme Court O. 48a, r. 1
Tasmania	Rule of Supreme Court O. 54, r. 1
Western Australia	Rule of Supreme Court O. 71, r. 1
New Zealand	Rule of Supreme Court O. 77

In New South Wales there are no special rules. But actions can be brought under The Supreme Court Rule P. 8, r. 2, or P. 64, r. 2.

in all of the jurisdictions enabling registration of a business name, or name for the firm, and permitting the partnership to trade in that fashion.⁷ In consequence, the partnership structure — that is the commercial enterprise — is treated as though it were an entity or a person in the eyes of the law, but only in certain narrow circumstances. This legislation, like the partnership legislation is, for all intents and purposes, uniform throughout the Australian jurisdictions.

In addition, readers should be aware of the fact that in four jurisdictions we are considering — Western Australia, Queensland, Tasmania and New Zealand — there is legislation in force making limited liability partnership available. The limited liability partnership will be discussed in Chapter 5.

¶106 Conclusions

—This is a guidebook to partnership. We will not be annotating the legislation. We will be dealing with some of the more common problems that may be encountered by the business person in setting up a partnership and in carrying on business in partnership. We shall not be dealing with every aspect of the partnership relationship, for there are many technical and esoteric questions which cannot be answered in a guidebook of this nature. Fortunately, there are more detailed works which can be referred to in the appropriate circumstances. The best of these, although it is English and very long and technical, is *Lindley on Partnership* (13th edition).⁸ In addition there is a very useful legal text which is written in part as an annotation to the Australian Acts by Higgins and Fletcher *The Law of Partnership in Australia and New Zealand* (4th edition).⁹ The reader may also find useful the CCH publication *Australian Business and Estate Planning Reporter*, where the partnership enterprise is discussed as one of the possible forms of business and estate planning available in Australia.

7. The Business Names Acts are uniform throughout Australia; the Victorian Act is reproduced in the Appendix at the end of this book. See also CCH *Business Names Guide*.

8. Published by Sweet & Maxwell.

9. Published by Law Book Co. of Australia.

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¶201 Introduction

A partnership is defined in the *Partnership Act* as the relationship that “subsists between persons carrying on a business in common with a view to profit”.¹ According to the different definition in the *Income Tax Assessment Act*, a partnership is an association of persons carrying on

1. See sec. 5, Victorian *Partnership Act*. The corresponding provisions in other jurisdictions are:

New South Wales	sec. 1
Queensland	sec. 5
South Australia	sec. 1
Tasmania	sec. 6
Western Australia	sec. 7
A.C.T.	sec. 6
New Zealand	sec. 4

differences which may well, taxation interests aside, determine the choice. (See also Chapter 14.)

Lord James in *Smith v. Anderson*⁶ made the following observations: "[A]n ordinary partnership is a partnership composed of definite individuals, bound together by contract between themselves to continue for some joint object, either during pleasure or during a limited time, the partnership being essentially of the persons originally entering into the contract: whereas 'company' and 'association' are synonymous terms, and respectively mean an arrangement by which partners intend to have a partnership which would be constantly changing, a succession of partnerships; a partnership today consisting of certain members, and a partnership tomorrow consisting of some of those members only and some others who have come in — formed always with the intention that, so far as the contracting parties can by agreement form it, the new partnership shall take upon itself the assets of the old partnership."

These and similar illustrations demonstrate that the courts are not prepared to lay down precise guidelines which will determine on a simple examination of the facts that a partnership exists or does not exist. Each case will depend very much on the intentions of the parties, as witnessed not only by the documentation, if any, but by other relevant facts.

The nature of the relationship between the persons will always be a vital matter in determining whether a partnership exists. Again we can turn to a decided case before the *Partnership Act* in which the court indicated the kind of circumstances that should be considered in determining whether a partnership exists. Sir Montagu Smith, in *Mollwo, March & Co. v. Court of Wards*⁷ made the following important observations which are still regarded as relevant in cases decided today:⁸

"[A]lthough a right to participate in the profits of a trade is a strong test of partnership, and there may be cases where, from such perception alone, it may as a presumption — not of law, but of fact — be inferred; yet whether that relation does or does not exist must depend on the real intention and contract of the parties. Where a man holds himself out as a partner or allows others to do it ... he is then properly estopped from denying the character he has assumed and upon the faith of which creditors may be presumed to have acted. A man so acting may be rightly held liable as a partner by estoppel."

This particular test highlights the importance of the partnership relationship with the outside world; it may not always be directly relevant in determining whether a partnership exists as between the persons who are partners, who may be arguing about whether there is a partnership in the particular circumstances.

6. (1880) 15 Ch.D. 247.

7. (1872) L.R. 4 P.C. 419.

8. *Ibid.* at p. 435.

¶204 Partnership and other relationships

Partnership may be compared and contrasted with a number of other relationships which, on the surface, look like a partnership but which in fact are not. Generally speaking the courts will distinguish the relationship from a partnership on the grounds either that the parties are not carrying on business or alternatively that they are not carrying it on in common. Less frequently the courts turn to the third element in the definition of a partnership, namely, the element of profit, to find whether a partnership exists.

¶205 Partnership or trust

Because the partnership is a common method of tax planning,⁹ and because the trust has been the dominant form of tax planning used in Australia in recent years, it is important to appreciate the distinction between a partnership and a trust. One similarity between the two is that neither the partnership nor the trust represents a separate legal being so far as the law is concerned. Under the *Income Tax Assessment Act*, the trust is treated for some purposes as though it were an entity (represented by the trustee), but this is only an illusion. In fact the trust is not a separate entity, and the fact that the tax legislation implies that there is a taxable entity does not affect the operation of trusts (or partnerships) at common law.

An interesting old Australian case which illustrates a problem that can arise in this area is *Savage v. Union Bank of Australia Ltd.*¹⁰ Thomas Whitelaw had carried on a business as an oil and colour merchant in Melbourne. When he died he appointed his wife and his son, and two other persons, to be his executrix and executors. They carried on the business of the deceased under the firm name and registered themselves as carrying on the business under that name, describing themselves as executors of the late Thomas Whitelaw, deceased. They struck certain difficulties and a creditor, the bank, sought a bankruptcy order against the estates of the various executors.

One of the questions that the court had to determine was whether in fact a partnership existed between the various executors, for this would govern the manner in which the petition for a bankruptcy order would proceed. *Griffith C.J.*, who delivered the major judgment of the High Court, denied that a partnership existed:¹¹

"In truth it was nothing of the kind. ... In my opinion, the executors were not partners, and if they were, the property was not partnership property. It was the trust estate of the testator. ..."

9. This will become more relevant as a result of decisions such as *Everett* referred to in Chapter 12 below.

10. (1906) 3 C.L.R. 1170.

11. *Ibid.* at p. 1186; *Barton and O'Connor JJ.* agreed with the approach of the Chief Justice.

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*Partnership
Perspectives*

A DISCUSSION PAPER
ON
PROPOSALS FOR A NEW PARTNERSHIP

WELLINGTON, NEW ZEALAND

April 1988



OFFICE OF THE MINISTER OF MAORI AFFAIRS,
PARLIAMENT HOUSE,
WELLINGTON, NEW ZEALAND

21 April 1988

Tena koutou katoa

Since assuming office in 1984 the Government has been engaged in widespread reform of all aspects of our society. As Minister of Maori Affairs my attention has been particularly directed towards how Maori people and Maori communities can be better served. This responsibility has been defined in terms of the Treaty of Waitangi, a compact entered into by the ancestors of today's New Zealanders. The partnership forged then is one that we all must find ways of giving practical meaning and effect to now — the needs and aspirations of our children and grandchildren demand this of us.

The Government has been involved in lengthy and wide-ranging consultations to see how we can better put the principles of the Treaty of Waitangi into practice. We began with the Hui Taumata and later developed initiatives such as the Maori Development Corporation, and the Maori Language Commission. To address historic grievances we extended the jurisdiction of the Waitangi Tribunal, and more recently we moved to expand the membership and strengthen the Tribunal, and we are currently engaged in a cooperative effort to find fair and workable solutions for the management and control of our fisheries.

In our current term of office the emphasis is on social policy and public sector reform. Prominent among the principles to guide our programme is a concern to see that policies meet the needs of the people they are designed for, that local communities have strong influence in policy-making and management, and that government departments and agencies are truly responsive to the communities they serve. A further principle that is particularly relevant here is the partnership that exists between the Crown and Maori people under the Treaty of Waitangi, which, for the first time, is now being woven into general legislation.

In this discussion paper we have indicated possible changes to enable the public sector to respond better to Maori communities, Maori issues, and Maori interests. These changes do not represent a final or fixed position on the Government's part. I invite you to offer any comments or proposals to me or through my office by 13 June 1988.

Kia ora

Koro T Wetere

THE GOVERNMENT'S OBJECTIVES

The principal objectives of the Government in the Maori affairs area are to:

- a) honour the principles of the Treaty of Waitangi through exercising its powers of government reasonably, and in good faith, so as to actively protect the Maori interests specified in the Treaty;
- b) eliminate the gaps which exist between the educational, personal, social, economic and cultural well-being of Maori people and that of the general population, that disadvantage Maori people, and that do not result from individual or cultural preferences;
- c) provide opportunities for Maori people to develop economic activities as a sound base for realising their aspirations, and in order to promote self-sufficiency and eliminate attitudes of dependency;
- d) deal fairly, justly and expeditiously with breaches of the Treaty of Waitangi and the grievances between the Crown and Maori people which arise out of them;
- e) provide for the Maori language and culture to receive an equitable allocation of resources and a fair opportunity to develop, having regard to the contribution being made by Maori language and culture toward the development of a unique New Zealand identity;
- f) promote decision-making in the machinery of government, in areas of importance to Maori communities, which provide opportunities for Maori people to actively participate, on jointly agreed terms, in such policy formulation and service delivery; and,
- g) encourage Maori participation in the political process.

With these objectives in mind the Government has studied existing structures that service Maori people to assess the extent to which they allow these objectives to be met.

THE TREATY OF WAITANGI

The Government's objectives refer to the Treaty of Waitangi. This requires the Government to explore the rights and responsibilities to be upheld and specifically, under:

- Article I* the responsibility to govern;
- Article II* the responsibility to protect Maori interests and where necessary to redress grievances; and
- Article III* the responsibility to ensure that Maori people enjoy all the rights and privileges of citizenship.

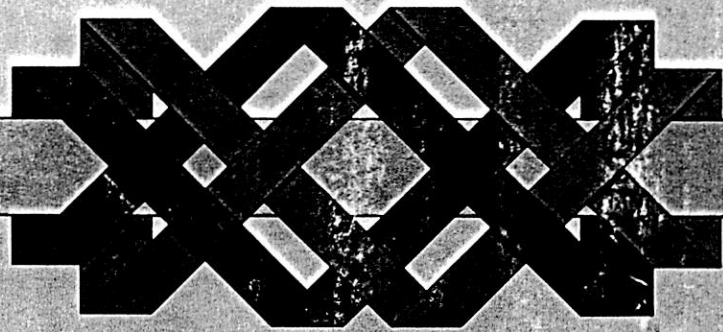
Recent court decisions and the work of the Waitangi Tribunal have greatly added to public understanding of the principles of the Treaty.

While the principles remain the same as they were in 1840, their application in modern times may be different. Some work has been done within the Government already on the Treaty principles but there is a need to take this exercise further with special reference to the Treaty as a basis of public policy and the rights and responsibilities of the Government in relation to Maori communities.

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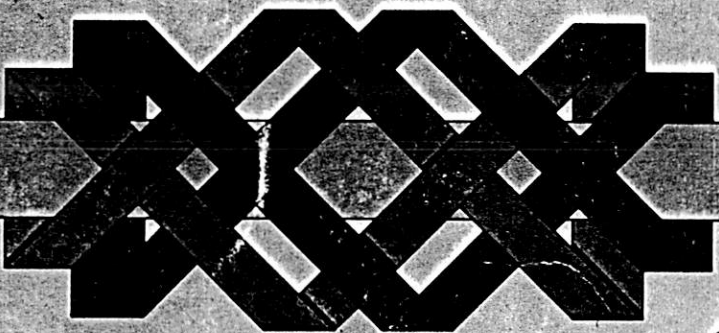
Te Karangi Kaupapa

Te Urupare
Kangapu



Partnership Response

Policy Statement





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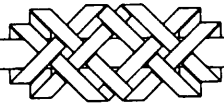
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REAFFIRMING THE GOVERNMENT'S OBJECTIVES

The Government reaffirms the principal objectives set out in *He Tirohanga Rangapu*. These are to:

- ▶ honour the principles of the Treaty of Waitangi through exercising its powers of government reasonably, and in good faith, so as to actively protect the Maori interests specified in the Treaty
- ▶ eliminate the gaps which exist between the educational, personal, social, economic and cultural well-being of Maori people and that of the general population, that disadvantage Maori people, and that do not result from individual or cultural preferences
- ▶ provide opportunities for Maori people to develop economic activities as a sound base for realising their aspirations, and in order to promote self-sufficiency and eliminate attitudes of dependency
- ▶ deal fairly, justly and expeditiously with breaches of the Treaty of Waitangi and the grievances between the Crown and Maori people which arise out of them
- ▶ provide for the Maori language and culture to receive an equitable allocation of resources and a fair opportunity to develop, having regard to the contribution being made by Maori language and culture toward the development of a unique New Zealand identity
- ▶ promote decision making in the machinery of government, in areas of importance to Maori communities, which provide opportunities for Maori people to actively participate, on jointly agreed terms, in such policy formulation and service delivery
- ▶ encourage Maori participation in the political process.



BACKGROUND

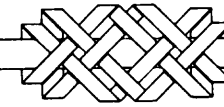
On 21 April 1988 the Government released *He Tirohanga Rangapu*. That paper proposed ways of improving the delivery of government programmes and services to Maori communities—and the Government stated then that the objective of any of its programmes should be to give people the best possible opportunity to develop according to their wishes and to realise their aspirations. The proposals for Maori people in *He Tirohanga Rangapu* were based on this general objective, as well as on the Government's seven principal objectives in the Maori affairs area.

The ideas set out in *He Tirohanga Rangapu* were to:

- ▶ establish a Ministry of Maori Policy
- ▶ establish a practical partnership with iwi organisations in the development and operation of policies
- ▶ improve the responsiveness of government departments to Maori issues
- ▶ transfer Maori programmes to other departments
- ▶ phase out the Department of Maori Affairs and the Board of Maori Affairs.

The reaction to *He Tirohanga Rangapu* was mixed. There was widespread support for using traditional iwi structures to bring about appropriate policy development and delivery of services for Maori communities. The idea of a ministry was generally well received—though it was not necessarily seen as replacing the department. There was considerable scepticism that other government agencies would be able to respond sensitively to Maori issues given their record over many years. There was a clear call for the retention of the Department of Maori Affairs in a restructured form.

The Government has taken these concerns into consideration in producing this policy statement.



SUMMARY OF PROPOSALS

This policy statement proposes:

- ▶ measures to restore and strengthen the operational base of iwi
- ▶ a Ministry of Maori Affairs to provide a Maori perspective in policy making
- ▶ the transfer of the Maori Land Court's servicing to the Department of Justice
- ▶ ways of improving the responsiveness of government agencies
- ▶ an Iwi Transition Agency (for a five year period) to help iwi develop their operational base
- ▶ an independent review of the Maori Trust Office
- ▶ disbanding of the Board of Maori Affairs
- ▶ options for Pacific Island communities.

The success of the Government's proposals depends on strengthening the iwi and helping restore their independence. The Government is keen to see iwi develop their own structures—with their own administrative procedures, negotiating skills and measures of performance—so that they can make their own decisions about what is important to them. That is, it wants to see the iwi ultimately become independent and self-sustaining.

To enable this to happen, the Department of Maori Affairs will be restructured into an "Iwi Transition Agency". Its task will be to assist iwi to develop their operational base over a five year period. The Government expects that five years should be enough time to enable most—if not all—iwi to have their respective authorities fully operational and capable of entering into contracts with government agencies to take on any government programme. The need for the Iwi Transition Agency would cease at the end of these five years, and the agency would be disbanded. For those few iwi authorities which still need assistance to become fully operational, a limited amount of government funds will be available through the Ministry of Maori Affairs. The principal function of the ministry,

however, will be to provide advice on all matters of government policy making that affect Maori affairs.

These proposals are in line with a number of other changes which the Government has taken in reforming the state sector. In the education area, for example, the development of policy will be the task of a new and compact ministry, and responsibility for administration will be largely transferred to the community. The new Ministry of Maori Affairs and the restructured Department of Maori Affairs reflect this move towards separating "operations" from "policy advice".

There are a number of benefits for Maori people in the new arrangements outlined in this policy statement:

- ▶ Iwi will be able to work towards self-reliance on their own terms.
- ▶ The future relationship between the iwi and government agencies will encourage iwi to determine their affairs in a way that accepts Maori perspectives and aspirations.
- ▶ The moves towards greater efficiency and effectiveness are aimed at improving the way Maori people are served by government agencies.
- ▶ The new Ministry of Maori Affairs will have a similar role and status to that of Treasury and the State Services Commission. It will review and comment on all government proposals where it believes a Maori perspective is essential. The Ministry will also ensure that all government agencies are aware that policy proposals should be consistent with the Treaty of Waitangi and with the Government's seven principal objectives in the area of Maori affairs.
- ▶ The proposals in *Te Urupare Rangapu* provide an opportunity for Maori people to use their traditional institutions and structures for designing and delivering their own programmes and services.



THE DEVELOPMENT DECADE 1984-1994

- 1984 Hui Taumata
Te Maori

- 1985 Extension of Waitangi Tribunal jurisdiction
Te Maori
Te Ohu Whakatupu established

- 1986 Te Maori
Te Maru Whenua established

- 1987 Te Taura Whiri i te Reo
Maori Development Corporation
Te Maori

- 1988 He Tirohanga Rangapu
Poutama Trust
Treaty of Waitangi (State Enterprises) Act
Treaty of Waitangi Amendment Bill
Maori Trust Board Amendment Bill
Orakei Settlement
Maori Fisheries Bill
Te Urupare Rangapu

- 1989 An iwi authorities bill
Iwi Transition Agency
Ministry of Maori Affairs
Transfer of the Maori Land Court
Government agencies become more responsive

↓
Transition period begins
↓

5 What is the Government proposing for iwi authorities?

The Government is proposing that iwi authorities—on behalf of their members—contribute to the design of programmes in partnership with individual government agencies. It is also proposing that iwi authorities enter into contracts (or less formal agreements) for the implementation and delivery of those programmes, and be accountable for the resources allocated to them.

Clearly, the contractual relationship is a formal relationship. But it is only one of a range of relationships between iwi and the Government. Contractual relationships are not intended to replace current successful working relationships. Nor are they intended to rule out any other form of association suited to the particular circumstance of the iwi and the locality.

6 What outcome is intended?

The desired outcome of this policy is that iwi acquire the means to achieve social and economic self-reliance and independence.

In terms of the relationship between iwi and the Crown, the intended outcome is that iwi acquire the means to determine their affairs in a way that respects Maori perspectives and aspirations.

Ultimately, it is intended that these proposals will help achieve the Government's principal objectives in the Maori affairs area.

THE PARTNERSHIP

7 How will iwi contribute in practice to policy making?

The Government will be working to develop mechanisms that provide for practical partnership within the state sector. Practical partnership will be achieved through consultation between iwi and government agencies over policies of concern to the iwi. For example, government agencies and iwi will be encouraged to negotiate the types of programmes for iwi and how these programmes will be handled. The iwi and the government agencies will then need to

build on this and establish strong working relationships. Such partnership will have clear and explicit support from the Government.

8 What about resources?

This is not a cost-cutting exercise. It is aimed at substantially improving the effectiveness and efficiency of the way Maori people are served by government agencies. Resources will therefore be made available to iwi to carry out the programmes that they and the Government consider of most benefit.

9 What are some of the responsibilities of iwi authorities in their new management role?

Iwi authorities will be central to the new system. They will deliver programmes that they and the Government have settled on as appropriate for their iwi—and they will deliver these programmes through various arrangements with government agencies. So the responsibilities of iwi authorities in their new management role will be set out in the individual agreements they have with a government agency. Such an agreement will include:

- ▶ a fair and realistic estimate of the costs of administering and delivering programmes
- ▶ a clear statement of the objectives to be met
- ▶ the accountability requirements that must be observed
- ▶ the obligations of each party
- ▶ the sanctions that can be used if the terms of the agreement are not met.

10 What will be the Government's responsibilities?

The Government will be responsible for:

- ▶ providing assistance to the iwi to prepare for their additional management roles—this assistance may take the form of training or of helping iwi link up with other organisations, and it would be available through the Iwi Transition Agency

- ▶ improving responsiveness to Maori needs within government agencies, in particular through the State Services Commission and the Ministry of Maori Affairs
- ▶ ensuring that it receives high-quality policy advice, primarily through the Ministry of Maori Affairs
- ▶ ensuring that matters of law and justice relating to Maori issues are managed efficiently.

THE PRACTICE

11 What do iwi have to do to take up their management role?

They must meet certain criteria which the Government and iwi have yet to reach agreement on. When agreement is reached on the criteria and on any other matters that are raised, then iwi authorities which meet these criteria can enter into contracts (or less formal arrangements) to manage and deliver programmes.

And how long does the iwi have to prepare?

The Government is prepared to commit resources for five years to the development of the operational base of the iwi. At the end of this period the Government expects iwi will be fully operational—they will be able to manage their own programmes and negotiate independently with government agencies.

And what if the iwi is not ready by the end of this transition period?

The Ministry of Maori Affairs will have limited funding to help these iwi become operational.

12 Does the iwi authority have to do everything itself?

It can if it chooses to. Other options include: sub-contracting to hapu, other iwi authorities, pan-tribal organisations, or sector-based groups; and hiring business or commercial agents such as accountants, lawyers, or consultancy firms. An iwi authority may also wish to enter into a contract with local authorities such as area health boards, catchment boards, or the local city or county council. These sorts of choices will be entirely up to the iwi authority concerned.

13 How committed is the Government to this?

The Government is strongly committed to ensure that iwi become active in the control of their affairs. This is clearly shown by:

- ▶ specific legislation proposed for the establishment of iwi authorities
- ▶ real changes in the way the state sector operates
- ▶ the establishment of the Ministry of Maori Affairs
- ▶ the allocation of resources to the development of the iwi operational base, through the Iwi Transition Agency, over a period of five years.



Mahi Tahī

Practical resources
for bi-cultural partnership

He Taonga hei Whakatu Honohono
A Gift toward Partnership
Book Five

Mahi Tahī
Resources for bi-cultural partnership

He Taonga hei Whakatu Honohono
A Gift toward Partnership
Book Five

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Book One **Te Hinota Maori**
The Maori Synod and Maori spirituality and ministry

Book Two **Te Maungarongo**
The ancestral house of the Maori Synod

Book Three **Te Kakano o te Aroha**
The church marae of the Wellington Maori Pastorate

Book Four **Kawa Marae**
A detailed guide to marae visits

Book Five **Mahi Tahī**
Resources for bi-cultural partnership

Cover. Mako, one of many kowhaiwhai patterns based on a shark's head design, representing energy. The pattern is depicted in the loose style of Maori rock art.



Mahi Tahī

Resources for bi-cultural partnership

**He Taonga hei Whakatu Honohono
A Gift toward Partnership
Book Five**

Presbyterian Church of Aotearoa New Zealand

1992

A Gift toward Partnership

In 1990, the 150th Anniversary year of the signing of the Treaty of Waitangi, the General Assembly of the Presbyterian Church of Aotearoa New Zealand renewed its covenant to honour the Treaty, with this statement:

“In this year, and on this occasion especially, we remember the covenant of Maori and Pakeha in the Treaty — the generosity of Maori in sharing the lands and its treasures, and the greed of Pakeha in broken promises, war, and land confiscations.

“May God forgive us, help us to acknowledge our sins, and restore us to each other in love and aroha.

“O God, our God, we renew the covenant to be keepers of one another, to honour the Treaty, its obligations and promises, that justice and peace may cover our land and that our life together grow in new forms of partnership.”

Previous Assemblies committed the church to the recognition of the Maori people as tangata whenua of this country, and to the Treaty of Waitangi as the basis for social relationships.

The 1990 Assembly commended the commitment to bi-cultural partnership made by the Wellington Presbytery, and it signalled a desire to create resources which would enable the whole church to participate in the bi-cultural journey.

In keeping with this covenant, we now present this ‘gift toward partnership’.

This set of five books is in part a fulfilment of that vision. Te Hinota Maori and the Joint Committee, working with the Communications Department of the PCANZ, have produced the set to which this book belongs. We hope this resource will help you to feel more at home with Maori culture and more confident in your manifestation of bi-cultural partnership.

Each Presbyterian parish has received one copy of the set as a gift. Others are available for purchase. This particular book, *Mahi Tahi*, is Book Five of the series.

It is our dream that each congregation adopt a plan for the coming year which gradually introduces the material found in these books, in worship and study. There are already Presbyterian congregations who schedule regular marae visits and incorporate Maori songs and prayers in worship, and there are ministers who regularly preach on the subject of partnership. We hope that our gift to the church will be helpful to your parish and to you in your bi-cultural journey.

— *Te Hinota Maori*
in association with the Communications
Department of the Presbyterian Church
of Aotearoa New Zealand

1992

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This book

This book in the series *He Taonga hei Whakatu Honohono* serves many purposes.

It contains a number of essays, articles, and other materials which stand in their own right as interesting and informative contributions towards bi-cultural understanding.

It is also a practical resource aimed at helping to provide the tools for action in beginning the journey towards bi-cultural partnership.

Clearly the book may be read cover to cover in its own right, but it is also laid out in separate sections which can be used independently, with pages designed to allow easy multiple copying for group use.

Maori terminology

This book uses Maori words for all things which are intrinsically Maori or natural to the Maori world.

The meanings are often apparent in the text, but to help non-Maori readers, English equivalent definitions are provided, most often in small glossaries on appropriate pages throughout the book. Translations are as faithful as possible but it remains true that Maori concepts are best expressed and understood in Maori itself.

Nowadays long Maori vowels may be indicated by double letters, as in the word *haahi* (church), or by a single letter carrying a macron accent mark, as in *hāhi*. This book uses some double letters for long vowels except where convention retains a single vowel, as in the word Maori itself.

There are many regional variations in Maori spelling, as well as modern variations in the use of hyphens to separate word elements. This book primarily uses the conventions of the Tuhoe language.

A master glossary of relevant Maori words, and a general guide to Maori language and pronunciation, are given at the back of this book.

Foreword

The Right Reverend Duncan Jamieson

This book deals specifically with relationships between the tangata whenua, the indigenous inhabitants, of Aotearoa New Zealand, and the tangata tiriti, those here by right of the Treaty of Waitangi.

Writing a foreword for it is a difficult task. The reason is simple. There are two sides to our life together as fellow New Zealanders, and it is not always easy to unite them.

The Right Reverend Duncan Jamieson was Moderator of the Presbyterian Church of Aotearoa New Zealand from 1991 to 1993.

The first side recalls the great gifts each partner brings to our life together. This side wants to encourage each partner to rejoice in the gifts they bring. It wants also to be able to understand and to share in the gifts of the other.

This side recognises the good will that exists between the two partners still, and seeks to build on that. It recognises that building means genuine interchange, and not just superficial or one-off events. In the end, it means building into your own lifestyle many good things from the other partner which will enrich your life, widen your perception of the world and of people, and lead you closer to them and to God.

This side is basically non-confrontational.

It is heavily into watching, listening, and learning. It is serious about a bi-cultural journey for us all, and it recognises the place of both the tangata whenua and the tangata tiriti.

It seeks to build a genuine partnership based on respect, appreciation, and love. It recognises that in this process the tangata whenua have always played the major part.

The second side recalls the great hurts one partner — the tangata whenua — has had to endure. It recognises that the hopes and intentions of the Treaty of Waitangi have largely, if not entirely, been forgotten by the other partner. There is anger on this side from Maori people, and a need for acceptance of that anger, and a willingness to do justice, from Pakeha people.

This side has confrontational attitudes within it springing from the very way it sees the issues. Democracy has many benefits — provided you are in the majority. A minority always has to fight for its rights.

The Maori people, and the whole Maori dimension of our life together in Aotearoa New Zealand, have suffered from the avarice and the insensitivity of the Pakeha majority. There will be no justice until this situation is addressed properly.

In this book, both of these sides are addressed. Both are needed. One without the other is not enough.

The journey this book would send you on is a lifetime journey. It is a journey into *shalom*, a Hebrew word for 'wholeness', 'harmony', 'justice', 'peace'. There is no English word that conveys it fully. Perhaps the Maori word *aroha* comes close.

It is *shalom* God wishes us all to find. That requires recognition of old and present wrongs, and willingness to set right what you can. It requires also the positive building of healthy and loving relationships.

To achieve those two things is one major task God sets before us all in Aotearoa New Zealand. This book is an attempt to help us along that road.



Mahi tahi means working together

Partnership is not union. It does not suggest the coalescing of two units into one unit. Partnership is not the creation of a new single whole, but rather the on-going co-operative interaction of two distinct partners, each of whom retains their independence and integrity.

It is an active process, a dynamic and continuous event, a journey rather than a fixed state of being. A true partnership is constantly created and re-created every moment. It lives and moves, it works and grows in strength. Partnership is mahi tahi — working together — as two, not as one.

The journey into bi-cultural partnership is a long one, but everyone has to start somewhere. It will be a process of many stages. It will involve many new experiences. It will take courage — to explore the unknown, to give up control, to accept mutual independence. It will also take personal effort. Knowledge, understanding, and practical experience, must all precede the achievement of true and active partnership.

To become acquainted with the facts, the history, and the realities — to know the subject — is an essential first discipline. But knowledge is not understanding. Using that knowledge with the courage to talk freely and openly about our mutual course and the difficulties we encounter — that is what leads to the beginnings of understanding. And understanding is not experience. Armed with knowledge and the beginnings of understanding, it is paramount that we all have the courage to step actively into practical experience, that we expose ourselves and our beliefs and our attitudes to the dramatic contrasts of real contact with someone else's domain. That we walk in their shoes, and they in ours.

That is mahi tahi. That is working together. That is partnership.

A place to start

This book, the last of the five-book series *A Gift toward Partnership*, contains materials which can be used to help you make a start towards knowledge and understanding. The materials here are appropriate for individual or group study, sermons, and worship services. The material is provided in the hope that it will equip and enthuse you and your congregation or group for the task of developing your knowledge and understanding.

This is only the first step. The practical action which you or your group take as a result of increased knowledge and understanding cannot be provided by this or any book. That is up to you.

A large part of this book is devoted to a series of study documents — information texts, essays, and sermons — which can be used as the basis for exploratory group discussions on a variety of bi-cultural themes. They are not all from Presbyterian sources, nor are they all from Maori writers. Many are drawn from or related to appropriate Biblical passages which will reward study in association with the texts, and some are accompanied by additional information panels to assist your understanding of the issues that arise. Small Maori language glossaries also occur within these pages, where necessary, to help you understand any Maori words used in the study texts.

Another section of this book provides some basic Maori language resources which can be used in worship and other bi-cultural activity. The active use of Maori greetings, songs, and prayers may allow you to have more confidence for proceeding further.

For those with a real appetite for learning in this area, there is a brief section to help you with Maori pronunciation, followed by a comprehensive glossary of all the Maori words used throughout the books in the series and additional Maori theological terms. There is also a bibliography listing some of the publications and reference works reflected in this and other books of the series *A Gift toward Partnership*, as well as recommended publications for further reading on a variety of subjects in the realm of New Zealand bi-culturalism.

The whole community

Many people claim that building bi-cultural partnership has little meaning for them because, they say, 'there aren't any Maori people in our area, we just don't have to deal with it, it doesn't affect us'.

Check the census figures for your part of the country. How many people of Maori descent do you find listed in your area? You may be surprised how well spread Maori people are throughout all communities in New Zealand.

Just because there may be few Maori people in your congregation itself doesn't mean they are not part of the wider community in which you live. They may not be dramatically visible, especially in the South Island where the historical relationships between Maori and Pakeha are different from those in the North Island and the cultures have always been less evident to each other. But they are there. You are sharing the community with them. And they with you.

You may feel comfortable already with the status quo — getting on with your own life and letting others get on with theirs.

But such comfort in isolation from the whole community does not fulfil the role Christ saw for the church, the active concern with the life of the whole human community. The Body of Christ is not just your congregation. It is the whole community of humanity in all its variety. And the work of the church is not just to know and understand its wider society, but to be actively engaged by it. Study without practical experience, or a remote intellectual acceptance that partnership is 'right', are in themselves forms of arrogant isolation.

Maori people generally want to be involved in genuine partnership, not tokenism or window dressing. This book, as a resource, is aimed at helping you actively embrace the feeling, the spirit, of what it really means to be part of your whole community — the whole Body of Christ — which is all the people of Aotearoa New Zealand.

What sort of society do you want your children to grow up in? What sort of community? What sort of cultural base?

One of the first duties of the church is to reach out to the community and to see what it needs. Its next duty is to act.

Nine things you can do

Whether you are making a commitment to start the bi-cultural journey alone, with your family and friends, a wider action group, or with your whole congregation, there are a number of worthwhile and practical activities which will help you begin the journey. There is nothing to fear.

A good place to start is by building your knowledge — studying the cultural history of your country and your community, familiarising yourself with the issues and the facts. Most New Zealanders, for instance, have an opinion on the Treaty of Waitangi, but the sad fact is that very few New Zealanders have actually bothered to read it or to identify the source of the misunderstandings and confusions it has generated.

Expanding your knowledge should lead to a greater understanding, and so too should the process of open discussion with others. Sharing the free expression of your ideas — along with your concerns, doubts, and prejudices — and exchanging these views and feelings with others openly and honestly, is a healthy path towards increased understanding.

Finally, in the knowledge and understanding you have begun to develop, you or your group should seek active and practical ways to experience real interaction with Maori culture. In the end, action is what will make your knowledge and understanding real. Action is what partnership is all about. Action must be the outcome of all you do on the journey towards bi-cultural partnership, not only because action provides you with real experience, but because the partnership is itself a process of on-going action.

A number of practical approaches to the beginnings of your journey are available to you or your group.

1 Open debate

Set up structured discussion workshops on the issues you feel you need to deal with.

Sharing your exploration with others has an important role to play in the exchange of ideas and feelings. Such interplay leads you from knowing the subject to understanding the subject.

This book provides some basis for active group debate in the study texts which it contains. Groups or congregations might take these studies one by one, discuss the issues which arise from them, and ask how they can deal actively with those issues — in short, how they can build partnership and fellowship with the Maori members of their community in the light of their discussion topic.

Many of the study papers are accompanied by references to Biblical passages to which they relate. In this way, they may also be useful in the preparation of sermons which in turn can generate healthy discussion.

However the material is used, the point of the exercise is to identify meaningful action. Groups and congregations should seek practical outcomes from the free and open debate.

2 Structural analysis

Put your group through analytical discussions, designed to clarify the way in which your organisation — whether the congregation, the parish, the Presbytery, or the whole church — operates its decision-making.

Structural analysis is a term used by sociologists to describe techniques for dissecting and understanding the way power is employed in groups. The technique can be used to determine whether the power structures and decision-making hierarchy of any organisation helps or hinders its goals.

In terms of the church and its journey towards bi-cultural partnership, structural analysis can help to show where organisational structure and dynamics obstruct or clear the paths to success, identifying those structures which actively promote partnership and those which do not. This kind of self-critical appraisal is a worthwhile discipline. Many organisations unwittingly build structures which seem fair and workable to the builders, but can inadvertently alienate or disenfranchise internal groups, particularly the shy or non-verbal.

Good structural analysis technique can be aided by a trained facilitator. If you decide to go through an exercise of this type, and want expert guidance, contact the co-directors of the Mission Resource Board through the National Service Centre of the PCANZ at PO Box 9049, Wellington, or telephone them at (04) 801 60 00.

3 Maori language

Include active and participatory Maori elements in your regular worship.

Language is the key to any culture and philosophy of life, and to any understanding of it. Familiarity with te reo Maori — and thus with Maori concepts, especially spiritual ones — is readily enhanced if your congregation customarily adopts some Maori language in its own worship structure.

This can, at first, be subtle, and play an apparently minor role in service procedure — adding a Maori benediction, for instance, or using Maori terms where they are appropriate. It will not then be a difficult or threatening change to make.

A congregation comfortable with Maori language and terminology will have no difficulty embracing other Maori features of worship — popular hymns, well-known prayers, and blessings, in both Maori and English. A small selection of bi-lingual resources of this type is provided later in this book. Individuals who want to familiarise themselves further with Maori language might study the brief language guide and glossary at the back of this book, or buy a good bi-lingual dictionary, or even pursue a more formal complete course in Maori language.

4 Personal study

Design a fact-finding learning programme.

This is something which can be undertaken individually, or as part of a group programme.

There is a wealth of resources available for this exercise. The Department of Justice, the Waitangi Tribunal, and many other bodies, have published a large amount of material dealing with cultural history and cultural issues. The Presbyterian Church of Aotearoa New Zealand, and other New Zealand church organisations, have also published works in this area.

At the back of this book a guide to other resources includes the contact addresses of some of these sources, along with a bibliography which lists some recommended reading.

Much of this material is available free from libraries. Alternatively, your group or whole congregation may consider contributing to buying books to create a permanent reference resource for the parish.

5 Regional seminars

Take part in the hui wananga which are organised on a Presbytery basis by the Mahi Tahī Work Group.

This Work Group of the PCANZ provides support and encouragement for those who would like to deepen their experience of and commitment to bi-cultural partnership. The Work Group will assist any parish to be part of a hui wananga, a learning seminar aimed at fostering this understanding. The hui usually involves five or six people from parishes in a region. It is normally arranged to open with a Friday evening session, and resume with two further sessions on a Saturday. Some financial assistance from the Outreach Fund may be available to supplement expenses where necessary.

A Mahi Tahī seminar is a gentle experience. Its objective is to give people a feeling for the past, and an opportunity to explore, celebrate, and benefit from cultural differences. The ultimate goal is action and a visible change towards positive affirming attitudes to the partnership between Maori and Pakeha.

For more information on this possibility, contact the Mahi Tahī Work Group through the National Service Centre of the PCANZ, PO Box 9049, Wellington, telephone (04) 801 60 00. The Work Group may also be of help to your parish in arranging and running its own similar seminars.

6 Bi-cultural services

Share your worship with the Maori people of your community.

Even though your congregation might include many karakia, waiata, and other bi-lingual resources in their own worship, your parish may want to create a truly bi-cultural worship service.

An invitation to a local Maori congregation to join in planning such a shared event could find a very positive response. All aspects of the service should be the result of co-operation and joint decision-making.

The service might begin with a brief powhiri from the Maori parish and a response from the Pakeha congregation. This could be followed by hymns and prayers in both Maori and English. Each minister might deliver a short sermon on the Christian response to bi-culturalism.

A truly shared worship experience like this could be a landmark event in your community. The growth and learning along the way can be glorious. Don't forget to include the children.

7 Hearing others

Invite speakers to come to your parish and arrange special events where people may hear them and learn new perspectives from them.

These can be meetings of your congregation, but they could also be larger, public events, organised and supported by your parish, and provided for your whole community.

You may also benefit from inviting whole groups from Maori sections of the community to visit your congregation. You may give such a meeting any practical theme — a musical gathering, a discussion seminar, a craft market. Whatever its expressed purpose, and whether the visitors are religious or secular groups, will not matter. The objective is to interact, to share opinions and doubts, to learn about each other.

8 Community action

Seek ways which will enable you to take meaningful action to change things.

A congregation with knowledge and understanding has a clearer perspective on what needs to be addressed, what injustices exist, and what can be done about them.

This may seem daunting, but it need not be. Many of us are overwhelmed by the scope and severity of the problems in society. If you study major issues, like those of social and economic justice, for instance, you may feel that your efforts, or the efforts of your small congregation, could do little to change the overall picture.

An interesting perspective is to think globally but act locally. What about the area within 10 minutes of your church (30 minutes for a rural parish)? What issues, major or minor, could be locally addressed within just that small circle?

9 Marae visits

Arrange a visit to a marae.

Ultimately, the only way that active bi-cultural partnership begins is by the physical experience of each culture by the other. Baring yourself, your attitudes, and all your subtle inbuilt cultural prejudices to the reality of immersion in another culture is a major step towards true understanding and partnership.

The optimum way to break through barriers of communication and culture is to visit as a guest the territory of the culture with which you are unfamiliar, to make yourself vulnerable by exposing yourself to rules and perspectives which you do not know well.

Some Presbyterian Pakeha congregations have deliberately developed a close relationship with a local marae. The whole congregation might be invited to spend a day and night together with the tangata whenua on the marae in fellowship and worship. The experience has usually proved to be moving and inspiring.

There are many marae in New Zealand and your community will almost certainly contain at least one. Local enquiries should put you in touch with marae administrators.

The Presbyterian Church of Aotearoa New Zealand operates two marae. The Maori Synod has Ohope Marae in the Bay of Plenty as its traditional ancestral home. The Wellington Maori Pastorate operates an urban marae in Lower Hutt as an active church marae. Both are dedicated to positive learning interaction between Maori and Pakeha, and both are available to all.

Details of these two Presbyterian marae can be found in *Te Maungarongo* and *Te Kakano o te Aroha*, Books Two and Three respectively of this series *A Gift toward Partnership*. Book Four of this series, *Kawa Marae*, is a detailed guide to help you in visiting any marae.

Glossary

Aotearoa	New Zealand, literally, 'long white cloud'
Hinota	Synod
hui	gathering, meeting
mahi	working
marae	tribal meeting ground
Pakeha	non-Maori New Zealander
reo	language
tahi	together
te	the (singular)
wananga	learning, education

Feel free to copy and cut



The pages of these books are for you and your group

Most books have restricted copyright. Many stipulate that the publisher reserves the right to reproduce the book or any part of it. This is not the case with this book in this series *A Gift toward Partnership*. It is designed as a working resource and you should feel free to duplicate whatever of those resources are useful to you.

Its pages are designed for easy duplication, so that groups — whether studying bi-cultural partnership in workshop situations or participating in a marae visit — can supply themselves with multiple copies of these resources without dis-assembling or destroying this original book.

The pages are of standard A4 size, horizontally laid out, and can thus be reproduced in bulk on a normal A4-size photocopier. Some pages, those containing songs and prayers, for instance, are internally designed so that if necessary the resulting copies can be cut in half vertically and re-assembled to create small half-size A5 booklets for your group to use — the points through which to cut the sheets are indicated on each such page by the arrowheads ▽ at the top and ▲ at the bottom. This page is an example of that layout.

If you have any difficulties with this, or need advice or other assistance, please contact the Communications Department, National Service Centre, PCANZ, PO Box 9049, Wellington, or telephone them on (04) 801 60 00.



The Treaty of Waitangi

On the sixth of February, 1840, a document establishing the partnership inherent in our nation was signed between William Hobson, representative of Queen Victoria's British Government, and 46 Maori chiefs, representing the people of Aotearoa. In the following eight months copies of this document were taken around the country by missionaries, and over 400 further chiefs signed it.

This was the Treaty of Waitangi.

Whatever different and opposing views may be held about this document, and there are many, it was without question a foundational document for this country and society, in the sense that it established an agreement between the European settlers and the incumbent people of the land, the tangata whenua. But it's important to understand that those people, the Maori, also regard the Treaty as he mea tapu, a sacred statement — a covenant. Even from a Pakeha perspective, it has to be seen in a sacred light as well as a secular one.

Missionaries and others of the early New Zealand churches, representing the integrity of the Christian faith, were responsible for several important roles at Waitangi. The Reverend Henry Williams, an Anglican minister and representative of the Church Missionary Society translated the Treaty along with his son; the Roman Catholic Bishop Pompalier and Anglican missionary William Colenso were instrumental in having guarantees of religious freedom added to it; and other missionaries took it around the country for the signatures of further Maori chiefs. Thus the church was seen by the Maori people to be endorsing the spirit of the document as well as its contents. The spiritual significance of this to Maori is enormous.

A covenant of partnership

In the Bible, covenants abound, and all had an element of promise or oath in them. They were expressions of the relationship between God and humanity, a relationship in which Jesus asked us to 'love the Lord your God with all your heart and

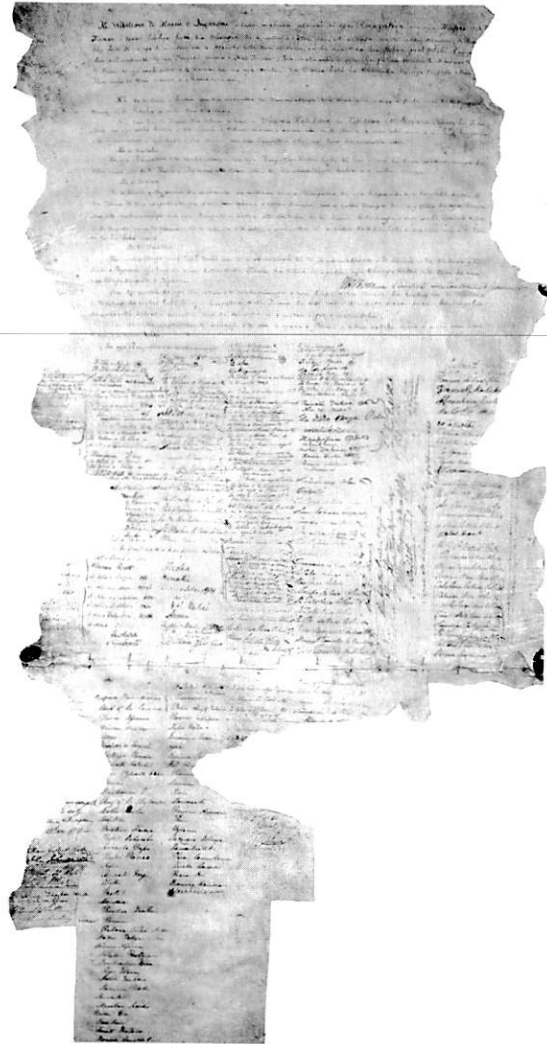
mind and soul — and love your neighbour as yourself'. This has clear implications for all our relationships.

So it is not surprising that when Christians are involved in key agreements, many of the Biblical features of covenant making and keeping are present and assumed. Thus it is that many Maori Christians today, and notably Te Runanga Whakawhanaunga i nga Haahi, the Maori Council of Churches, refer to the Treaty of Waitangi not just as an agreement, but as a sacred covenant between Maori and Pakeha.

In 1840 the agreement was largely negotiated and written by missionaries and Maori in faith. Serious promises were made, gifts were exchanged and above all the presence and authority of God was invoked. In 1987 the General Assembly committed the Presbyterian Church of Aotearoa New Zealand to the recognition of Maori as tangata whenua and the Treaty of Waitangi as the basis for social relationships in this country.

New Zealand is a partnership between two very different peoples bound together, both in the Body of Christ by their common faith, and in the covenant relationship of the Treaty of Waitangi. For Maori people the Treaty can never be a merely secular agreement — Maori life is totally integrated spiritually and materially.

No matter how we regard its political or legal impact, the Treaty of Waitangi is both a vital and a sacred part of our history, a living covenant, and it challenges us in honour to make manifest the partnership it describes.



The actual Treaty

There never was a simple and single document called The Treaty of Waitangi. In fact there were two quite separate documents created more or less simultaneously under this title. The first was the Maori language Tiriti o Waitangi, a document developed in Maori from Governor Hobson's English notes. The other was the English language Treaty of Waitangi, produced as a 'translation' of the original Maori. Both were signed, though most signatures occurred on the original Maori language version. A literal translation of the Maori was later produced as a reference copy.

This later literal English translation identifies many distinctions between the two original signed versions, many of them minor and semantic, but some of them major. Naturally, the two different languages display a large number of subtle differences, but more importantly, some concepts and words are dealt with in disparate ways in the two documents. A cursory glance at the English Treaty compared with the later English translation of the Maori Tiriti reveals dramatic changes in the way things are expressed, and thus in the possible interpretation.

Is the Treaty legal?

Yes, but like other treaties, the Treaty of Waitangi is not directly enforceable by the courts unless an Act of Parliament so directs. This has happened in some areas of law, and Parliament set up the Waitangi Tribunal to hear and report on claims that the Treaty has been breached.

Which Treaty is the real one?

Both are, and neither takes general precedence. However, it's significant that of the 512 signatures to the Treaty, only 30 are on an English version. The rest are all on the Maori Tiriti. The Waitangi Tribunal is instructed to have regard to both Maori and English versions.

Which interpretation predominates?

In international law, when there is a conflict of interpretation or any ambiguity, two principles apply. One is that any ambiguity should be interpreted *against* the party who drafted it — in this case it means the interpretation of ambiguities should favour the Maori as tangata whenua of New Zealand. The other principle of international law, with bi-lingual agreements of this type, is that the indigenous language text should take legal precedence. Again, with the Treaty of Waitangi, this would favour the Maori language.

In view of the profound differences in the Treaty's use of English, Maori, and 'invented' Maori words — especially to describe concepts like 'sovereignty' or 'governorship' — these principles are very significant.

Original Maori version

TE TIRITI O WAITANGI

HE KUPU WHAKATAKI

Ko Wikitoria te Kuini o Ingarani i tana mahara atawai ki nga rangatira me nga hapu o Nu Tirani i tana hiahia hoki kia tohungia ki a ratou o ratou rangatiratanga me to ratou wenua a kia mau tonu hoki te rongu ki a ratou me te Atanoho hoki kua wakaaro ia nga Tangata Maori o Nu Tirani kia wakaetia e nga rangatira Maori te Kawanatanga o te Kuini ki nga wahikatoa o te wenua nei nga motu — na te mea hoki he tokomaha ke nga tangata o tona Iwi kua noho ki tenei wenua a e haere mai nei.

Na ko te Kuini e hiahia ana kia wakaritea te Kawanatanga kia kaua ai nga kino e puta mai ki te tangata Maori ki te Pakeha e noho ture kore ana.

Na kua pai te Kuini kia tukua ahau a Wiremu Hopihono he Kapitana i te Roiara Nawi he Kawana mo nga wahi katoa o Nu Tirani i tukua aiane ai a mua atu ki te Kuini a mea atu ana ia ki nga rangatira o te Wakaminenga o nga hapu o Nu Tirani me era rangatira atu enei ture ka Korerotia nei.

KO TE TUATAHI

Ko nga rangatira o te Wakaminenga me nga rangatira katoa hoki kihai i uru ki taua Wakaminenga, ka tuku rawa atu ki te Kuini o Ingarangi ake tonu atu te Kawanatanga katoa o o ratou wenua.

KO TE TUARUA

Ko te Kuini o Ingarangi ka wakarite ka wakaae ki nga rangatira, ki nga hapu, ki nga tangata katoa o Nu Tirani, te tino rangatiratanga o o ratou wenua o ratou kainga me o ratou taonga katoa. Otia ko nga rangatira o te Wakaminenga me nga rangatira katoa atu, ke tuku ki te Kuini te hokonga o era wahi wenua e pai ai te tangata nona te wenua, ki te ritenga o te utu e whakaritea ai e ratou ko te kaihoko e meatia nei e te Kuini hei kaihoko mona.



KO TE TUATORU

Hei whakaritenga mai hoki tenei mo te wakaetanga ki te Kawanatanga o te Kuini. Ka tiakina e te Kuini o Ingarangi nga tangata Maori katoa o Nu Tirani. Ka tukua ki a ratou nga tikanga katoa rite tahi ke ana mea ki nga tangata o Ingarangi.

(signed here by Governor Hobson)

Na, ko matou ko nga rangatira e te Wakaminenga o nga hapu o Nu Tirani ka huihui nei ki Waitangi ko matou hoki ko nga rangatira o Nu Tirani ka kite nei i te ritenga o enei kupu. Ka tangohia ka wakaetia katoatia e matou. Koia ka tohungia ai o matou ingoa o matou tohu.

Ka meatia tenei ki Waitangi i te ono o nga ra o Pepuero i te tau kotahi mano, e waru rau e wa te kau o to tatou Ariki.

(signed here by Maori chiefs)

E mea ana te Kawana ko nga whakapono katoa o Ingarangi, o nga Weteriana, o Roma, me te ritenga Maori hoki e tiakina ngatahitia e ia.

Note. Spelling varies in a few respects between historic and modern Maori conventions.



Literal English translation

THE TREATY OF WAITANGI

EXPLANATION

Victoria, the Queen of England, in her kind thoughtfulness to the chiefs and hapus of New Zealand, and her desire to preserve to them their chieftainship and their land, and that peace and quietness may be kept within them, because a great number of the people of her tribe have settled in this country, and will come, has thought it right to send a chief as one who will make a statement to Maori people of New Zealand. Let the Maori chiefs accept the Governorship of the Queen over all parts of this country and the islands.

Now the Queen desires to arrange the Governorship lest evils should come to the Maori people and the Europeans who are living here without law.

Now, the Queen has been pleased to send me, William Hobson, a Captain in the Royal Navy, to be Governor for all places of New Zealand which are now given up or which shall be given up to the Queen. And she says to the chiefs of the Confederation of the hapus of New Zealand and the other chiefs, these are the laws spoken of.

THIS IS THE FIRST

The chiefs of the Confederation, and all these chiefs who have not joined in that Confederation, give up to the Queen of England forever all the Governorship of their lands.

THIS IS THE SECOND

The Queen of England agrees and grants to the chiefs, hapus, and all the people of New Zealand, the full chieftainship of their lands, their villages, and all their possessions but the chiefs give to the Queen the purchasing of those pieces of land which the owner is willing to sell, subject to the arranging of payment which will be agreed to by them and the purchaser who will be appointed by the Queen for the purpose of buying for her.



THIS IS THE THIRD

This is the arrangement for the consent to the Governorship of the Queen. The Queen will protect all the Maori people of New Zealand, and give them all the same rights as those of the people of England.

William Hobson

Consul and Lieutenant-Governor

Now, we the chiefs of the Confederation of the hapus of New Zealand, here assembled at Waitangi, and we, the chiefs of New Zealand, see the meaning of these words and accept them, and we agree to all of them. Here we put our names and our marks.

*Signed at Waitangi, February, 1840
(and afterwards) by about 500 chiefs*

The Governor says that the several faiths of England, of the Wesleyans, of Rome, and also Maori custom, shall alike be protected by him.

Note. Two churchmen, the Catholic Bishop Pompalier, and the Anglican missionary William Colenso, recorded a discussion on what we would today call religious freedom and customary law. In answer to a direct question from Pompalier, Hobson agreed to the final added statement above. It was read to the meeting before any of the chiefs had signed the Treaty.



Official English version

THE TREATY OF WAITANGI

PREAMBLE

Her Majesty, Victoria, Queen of the United Kingdom of Great Britain and Ireland, regarding with her Royal Favour the Native Chiefs and Tribes of New Zealand, and anxious to protect their just Rights and Property, and to secure to them the enjoyment of Peace and Good Order, has deemed it necessary, in consequence of the great number of Her Majesty's Subjects who have already settled in New Zealand, and the rapid extension of Emigration both from Europe and Australia which is still in progress, to constitute and appoint a functionary properly authorised to treat with the Aborigines of New Zealand for the recognition of Her Majesty's Sovereign authority over the whole or any part of these islands. Her Majesty therefore being desirous to establish a settled form of Civil Government with a view to averting the evil consequences which must result from the absence of the necessary Laws and Institutions alike to the Native population and to Her Subjects has been graciously pleased to empower and authorise me William Hobson, a Captain in Her Majesty's Royal Navy, Consul, and Lieutenant-Governor of such parts of New Zealand as may be or hereafter shall be ceded to Her Majesty, to invite the confederated and independent Chiefs of New Zealand to concur in the following Articles and Conditions.

ARTICLE THE FIRST

The Chiefs of the Confederation of the United Tribes of New Zealand and the separate and independent Chiefs who have not become members of the Confederation, cede to Her Majesty the Queen of England, absolutely and without reservation, all the rights and powers of Sovereignty which the said Confederation or Individual Chiefs respectively exercise or possess, or may be supposed to exercise or to possess over their respective Territories as the sole Sovereign thereof.



ARTICLE THE SECOND

Her Majesty the Queen of England confirms and guaranties to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof, the full exclusive and undisturbed possession of the Lands and Estates, Forests, Fisheries, and other properties which they may collectively or individually possess, so long as it is their wish and desire to maintain the same in their possession; but the Chiefs of the United Tribes and the Individual Chiefs yield to Her Majesty the exclusive right of Pre-emption over such lands as the proprietors thereof may be disposed to alienate, at such prices as may be agreed upon between the respective proprietors and persons appointed by Her Majesty to treat with them in that behalf.

ARTICLE THE THIRD

In consideration thereof, Her Majesty the Queen of England extends to the Natives of New Zealand Her Royal Protection and imparts to them all the Rights and Privileges of British subjects.

W. Hobson, Lieutenant-Governor

Now therefore, We the Chiefs of the Confederation of the United Tribes of New Zealand being assembled in Congress at Victoria in Waitangi and We the Separate and Independent Chiefs of New Zealand claiming authority over the Tribes and Territories which are specified after our respective names having been made fully to understand the Provision of the foregoing Treaty, accept and enter into the same in the full spirit and meaning thereof. In witness of which, we have attached our signatures or marks at the places and the dates respectively specified.

Done at Waitangi, this sixth day of February in the year of Our Lord, one thousand eight hundred and forty.



Key words

Kawanatanga and Rangatiratanga

Kawana is an invented word, coined by the English in the 19th century to mimic in Maori spelling the sound of the English word 'Governor'. The addition of the actual Maori suffix '-tanga', which is equivalent to the common English suffixes '-ness' or '-ship', creates the word Kawanatanga in the sense of 'governorship'.

Since this word is an artificial one created by the English from sound only, it had no historically cultural or root meaning in Maori. It's anybody's guess what 19th century Maori conceived as the intended meaning of this essentially foreign word.

On the other hand, Rangatira is a true Maori word meaning chief, and thus Rangatiratanga is exactly equivalent to 'chief-ness'. In English we would say chieftainship.

Both words are used in the Treaty of Waitangi. But there is an enormous distinction between how they are used in the English and Maori versions.

In the Maori Tiriti, and its translation, the Maori people cede their Kawanatanga (translated as 'Governorship') to the Queen, but are guaranteed their Rangatiratanga — in fact, their 'tino Rangatiratanga', or 'very sovereignty' (the adjective 'very' meaning 'full' or 'absolute' both in Victorian English and in Maori).

However, in the English version the Queen grants only 'undisturbed possession', not 'absolute sovereignty', and has the chiefs instead cede to her their 'sovereignty'. The intentions of the two version can be interpreted as virtually direct opposites.

Modern scholars have suggested that if the chiefs had been asked in the first Article to cede their 'rangatiratanga' — the true Maori word that is actually equivalent to 'sovereignty' — they would never have signed the Treaty.

Glossary

Aotearoa	New Zealand, literally, 'long white cloud'
haahi	church
he	a
i	of
kawana	governor
kawanatanga	governorship
mea	statement
nga	the (plural)
Pakeha	non-Maori New Zealander
rangatira	chief
rangatiratanga	chieftainship, sovereignty
runanga	assembly
tino	very
tapu	sacred, forbidden, untouchable
te	the (singular)
tiriti	treaty
whaka-whanaunga	to unite, amalgamation

On bi-culturalism

The Right Reverend Duncan Jamieson

Bi-culturalism is a popular idea these days, especially in the churches. It is espoused in theory by almost everyone, because opposing it is seen to be like opposing motherhood, but it is mainly on that side of the church which would like to call itself 'liberal' where some efforts have been made to express it. I do not want in any way to denigrate that, although I believe that it tends to be somewhat superficial.

Its superficiality arises from the fact that those who proclaim it most enthusiastically are often very Pakeha and do not know it. They approach the whole matter from a Pakeha perspective. That is, they analyse, categorise, and generally intellectualise the whole matter. Not too much is absorbed through the skin. To do that would mean to struggle with the Maori language, submit yourself to the ethos of Maori gatherings, remember who you are yourself, and try to puzzle out what peculiar bias this leaves you with. People can see bias in their fellow Pakeha — and there are indeed plenty — but few in themselves.

Knowing who we are

In fact, it seems to me that there are two basic conditions required for real bi-cultural effectiveness. The first is a 'mother's milk' kind of understanding of yourself as a Pakeha. You need to know who you are. What is more, you need to have a proper pride in that. People who want to be part of another culture because they are ashamed of their own, in the end do justice to neither. Having come from nothing, as they see it, they have nowhere to go.

I am not suggesting anything to do with inherent cultural superiority. People who have an unstated but nevertheless fixed view of the superiority of their own culture are not in touch with reality. But neither is their culture unadulterated garbage. What is more, whatever our culture is, it spawned us. The bad bits, the good bits, and the indifferent bits, spawned us. We are who we are. And God has something for us in that.

The Right Reverend Duncan Jamieson was the Moderator of the Presbyterian Church of Aotearoa New Zealand from 1991 to 1993.

It seems to me that if we have no acceptance at all of belonging where we are, we cannot achieve an understanding of another culture, because we operate either from a patronising superior perspective or from a guilt-ridden one.

Getting to know another culture

The second condition is that some familiarity, knowledge, and understanding are essential in coming to any appreciation of another culture. Being bi-cultural means a lot more than merely encouraging the other culture. It means in some way understanding it — feeling it, appreciating it. To encourage another culture without ever intending to let it influence you in any major way is, in effect, to patronise it.

In this sense, the true bi-culturalists in New Zealand are all Polynesian. One prominent Maori leader said a little while ago: ‘We have already

integrated with the Pakeha. Let the Pakeha now make a similar step and integrate with us’.

Bi-culturalism is already alive and well in New Zealand from the Maori side — but only from those Maori people who are secure in their own tikanga. They speak the language, they can operate many of the systems (whether they like them or not), they can ‘feel’ their way through many Pakeha situations. That some of them now choose not to do this does not affect the truth of it. There is a lot of anger from many of them. Some of them have lost touch with their culture — though I would not want to deny that many very angry ones are also deeply Maori.

We Pakeha folk have been much more hesitant. We want to read books about it, written by ‘experts’. We hesitate to take risks and we want always to protect our backs. We are earnest learners at the best, not very relaxed, not really at home, always tabulating, comparing, theorising. John Rangihau said once to me: ‘Maoris have been studied and theorised almost out of existence’.

However, not all is bad. Having started off with a grouch, let me continue with a pat on the back. There are significant numbers of Pakeha people — and a lot of them in the church — who have absorbed a whole heap of the Christian faith through the skin. Their desire to love and understand the Maori culture is genuine and real. They do it, not because it is the ‘in’ thing or because it is proper, but because it is in some way significant to them. In doing so they have met other *people*. They actually know Maori *people* and they have come to know them, in part at least, within a Maori setting.

A life-changing experience

Let me tell you that for Pakeha who are prepared to take the risk of exposing themselves in a Maori setting, it is a life-changing experience. It is a genuine ‘warming of the heart’. These Maori people are friends, companions, and even critics. To be able to say ‘tena koutou’ to such people is joyous, and not an indication that you can manage some of the lingo.

Best of all, you start to see some things through their eyes. Your own views — of human relationships, death and dying, grieving, welcoming, decision-making, of any co-operation within a group — undergo some drastic changes. It is a kind of conversion, as I have experienced it, and that is the only way I can describe it.

Seeing the past in a different light

After one of these experiences, some past events in Pakeha dealing with Maori people can be seen in a different light. That’s what conversion means. Of course, some of your own crowd may regard you as aberrant — that is, until you indicate to them that you are at least as competent, and in some ways, more so than they are, in a number of things Pakeha. They may find it hard to believe that you still appreciate yourself inside your own culture. You’ve just expanded your horizons, that’s all. And from such an expanded horizon, new joys — and new angers — are born.

You actually start behaving differently. Some aspects of this other culture become part of you, part of your outlook on life, part of your behaviour.

Glossary

Pakeha	non-Maori New Zealander
Ratana	a Maori form of Christianity, named for its founder
Ringatu	a Maori form of Christianity, literally, ‘raised hand’
taha	side, view, perspective
te	the (singular)
tena koutou	Hello (to you all)
tikanga	custom, rule
wairua	spirit

You are certainly not required to see nothing wrong in any Maori behaviour and everything wrong with your own. On the other hand, you can no longer be a redneck either. You are — different. You come to see that there are more ways than one to view the world. For instance, as far as I can understand it, the Maori view of what history is all about is fundamentally different from the Pakeha view. It is difficult to define this difference to people who simply cannot understand that there are more ways than one of looking at history. I do not mean that there are more ways than one of looking at the facts. I mean that there are more ways than one of deciding what are the facts. Another view of the world must give you another view of history.

A bi-cultural faith

Christians should all be acutely aware of this, if for no other reason than we hold a religious faith which is presented through cultural eyes quite different from those of the people amongst whom it was born. We are heirs to a Semitic faith which has been interpreted through Greek eyes. While many things were doubtless the same for both sets of eyes, many things were significantly different.

Modern commentaries on the Bible often enough tell us to remember the Semitic roots of an expression, or an idea, but we don't have enough experience of this other culture to actually understand the meaning effectively. Incidentally, it has not escaped Biblical scholars that learning the language may help.

This also is illustrated in contemporary Maori life. Some expressions of Maori religion see the Christian faith through Maori eyes. The ones that spring to my mind are the Ringatu and the Ratana faiths. In many ways, as I see it, they are actually much closer to the Hebraic, Biblical understanding. I believe that we have a great deal to learn from them. What is more, I am certain we can do that without giving away the important truths we have come to see. But we can have our own perspective deepened and broadened.

Maori spirituality

Another thing we Pakeha could profit by, is an understanding of the Maori view of spirituality. It is based on a view of life and a view of the world which Pakeha may have to struggle to understand. Tame Takao has said to me on more than one occasion: 'There is no taha Maori without the taha wairua' (There is no Maori dimension without the spiritual dimension). We would all benefit immensely by understanding the Maori word wairua in this context.

And we will benefit by learning about the Maori understanding of the natural world, and our place in it. Today we are reaping the whirlwind by not loving our world as if it were our own mother.

God has placed us Pakeha in a country where he can speak to us and nurture us as humans through the medium of another culture. We have much to learn. This is more than learning the mechanics of Maori protocol, although that has a place. It is more than having a Maori phrase or two, although that has a place. It is accepting that God has placed gifts into Maori keeping and it is being humble enough to receive those gifts directly from Maori hands.

Gospel and Culture

The Reverend John Roberts

The question of the relationship of the Gospel to culture is not new. It caused great controversy in the life of the early church. The issue was whether Gentiles who responded to the Gospel should have to become Jews, by being circumcised, before they could be considered Christian.

The Reverend John Roberts is the bi-cultural liaison person for the Joint Public Questions Committee of the Methodist and Presbyterian Churches.

Paul and Barnabas, who led the mission to the Gentiles held to the view that their converts did not need to become Jews. They felt that Gentiles should be able to make their own distinct response to the Gospel with a minimum of imposition.

But they were opposed by many at the church headquarters in Jerusalem, who firmly held to the view that Gentiles should submit themselves to a Jewish cultural response to the Gospel. So firmly were these diverging views held that the issue became one of fierce debate in the life of the church. It was decided to refer the matter to a meeting of the Council of the Apostles in Jerusalem.

At that meeting each side presented its case. After careful consideration the Council declared that there should be a minimum of outside requirement laid on Gentiles. Henceforth, the Jewish response to the Gospel would not be binding on those of another culture. People of each and every culture were to be given considerable freedom to determine their own response to the Gospel.

In reaching this conclusion, the early church did not see the matter as merely a human resolution of the conflict. It was, they claimed, very much the work of the Holy Spirit. God willed that the Gospel be incarnate in every culture with an absolute minimum of outside instruction.

Unfortunately, the matter was not resolved for all time by that meeting of the Council of the Apostles in Jerusalem. Invariably the missionary churches of Europe have brought cultural imposition wherever they have taken the Gospel. The Gospel has repeatedly been presented to people of

other cultures in a distinctly European guise, with no allowance made for them to develop their own unique cultural response.

This was certainly the case with the missionaries who came to Aotearoa in the 19th Century. Judith Binney has stated: 'Christianity was not presented to Maori divorced from a European framework, it was specifically taught in connection with the stressed inferiority of Maori culture and the superiority of European culture'. Anglicans and Methodists most certainly brought a Gospel to the Maori that was heavily clothed in the forms of their British churches. The forms of church life they planted were direct imports from across the world. There was simply no room for a Maori response to the Gospel.

By and large that has continued to be the case in the history of the churches in this land. Only of recent years have Pakeha churches begun to respond to Maori people calling for a Maori cultural response to the Gospel. Even so there are many loud voices stating that the Maori church would be better off adopting the theology, liturgy, and practices of the Pakeha church. It is the debate of the Council of the Apostles all over again.

The challenge to the Pakeha church, as it was to the church in Jerusalem, is to allow a distinctive cultural response to the Gospel to emerge. There must be room in Aotearoa for a Maori response to the Gospel and not just for the benefit of the Maori church but also for the Pakeha. For such a response has the potential to challenge the Pakeha to seek their own indigenous response to the Gospel in Aotearoa.

*Biblical reference
Acts 15: 1 – 35*

Jesus and racism

Biblical reference
Luke 10: 29 – 37

The Reverend Terry Wall

Originally printed in Towards a Bi-cultural Church: A Resource Book, published by Te Haahi Weteriana o Aotearoa.

There was a tradition of enmity between the Jews and the Samaritans. The Samaritans accepted only the first five books of the Hebrew Bible. Their holy place was Mount Gerizim, where they built a temple and worshipped the God of Israel.

If we are to understand Jesus' parables, we need to appreciate the way in which a parable works. A parable is the opposite of a myth.

A myth establishes our world so that we are able to relax and feel at home. Myths help us to feel comfortable by explaining things that we find puzzling — tales about how the zebra got its stripes are good examples of myths. Parables, however, are quite different. Parables operate in such a way that they challenge and question our understanding of our world. The parable does this by attacking our expectations and surprising us. The story that is a parable, therefore, seeks to subvert the way in which our mind is structured. The parable introduces us to a new way of thinking, being, and acting.

The stories that Jesus told were not myths, but parables. That Jesus chose to tell parables tells us a lot about the kind of person he was and the kind of ministry he understood himself to be exercising.

Jesus' story of the good Samaritan is a fine example of a parable. Remember that the Jews regarded themselves as superior to the Samaritans. If we are to hear the word of God in this parable, then we need to search for the scandal and the offence.

Often it has been assumed that the story of the good Samaritan was about our responsibility to help those in need. But Jesus' story is a parable. We need to ask: Where is the scandal? How is the world of the Jew being challenged?

Jesus was speaking to Jews. They had travelled from Jerusalem to Jericho perhaps many times. Those listening to Jesus would have identified with the traveller. They would have imagined themselves being attacked by robbers, stripped, beaten, and left half dead.

The Reverend Terry Wall is a New Zealand Methodist Minister.

Can you picture *yourself* as a Jew lying half dead on the side of the road?

Jesus has a priest and a Levite encounter you. Because of a lack of compassion, or a preoccupation with the details of ritual purity, they pass you by, failing to respond. Then you begin to make out that a Samaritan, whom you have been taught to despise, is coming toward you. You know that he is 'unclean', a foreigner, and one whom you believe has corrupted your faith.

What is your reaction?

Perhaps you would rather not have his help. Maybe you would prefer that he pass by on the other side and leave you untainted.

What feelings would you have when you discover that he is responding to your need? Would you be relieved, or confused, or even outraged?

In interpreting Jesus' story in this way, could we have alighted upon the scandal that makes it a parable? The parable seen in this light is clearly about cultural superiority and Jesus' attack on its evil. Those listening to the parable would surely have had their expectations challenged. Their way of viewing the world would have been disturbed.

Can we hear this parable today as an attack on the way in which one people uses power over another people? Can we listen to this parable of Jesus and hear how those who wield power find themselves as a people, as a culture, spiritually half-dead?

Are we free to hear what Jesus is saying about where cultural strength lies — among the despised, or among the despisers? And which culture is it that needs to be saved? Which people, the oppressed or the oppressors, is it that needs its wounds bandaged and wine and oil poured on them for healing?

Finally, the clearest words that this parable addresses to me as a member of the dominant culture is a question: Who will I allow to minister to me? Who am I willing to have involved in my healing? Where could I look for resources that are life-bearing?

In each of these questions I believe the spirit of God is stretching us and opening before us a new world.

The wolves and the sheep

Biblical references

Ezekiel 34: 1 – 31

John 10: 1 – 16

The Reverend Canon Hone Kaa, BA, LTh.

From a sermon delivered at the General Assembly of the Christian Conference of Asia in Seoul, Korea, 1985.

The Bible always reminds me of some kind of zoological forum because within its pages are found references to all the creatures of the Lord. In our text, two of those creatures spring forth, namely the sheep and the wolf, and joining them at centre stage is the shepherd, whose task is to defend the sheep and to keep out the wolf from the fold. The Gospel of John casts the wolf as the thief and the robber.

In 1814 the shepherds came to our land, Aotearoa, as it was known then, bringing 'glad tidings of great joy'. They brought with them the words of promise that we might have life in all its fullness. They brought with them the words of hope, love, joy, peace, and justice. Their words were received with caution. It took many years before they made any progress.

Their problem was that they had been preceded by — and at that time were also joined by — the wolves, who sought only to exploit and extract without fear or favour. Both shepherd and wolf came from the same cultural mould.

After some 26 years, when enough of the sheep had begun to trust the shepherds, the wolves drew up a contract to be known forever as The Treaty of Waitangi in which each would recognise the sovereignty of the other and in which the rights and privileges of the natives, the Maori people, would be forever guaranteed and protected.

The guarantees included basic things like land, forests, and fishing grounds. This Treaty was quite unlike any other that had been drawn up by them because it was a single Treaty that covered all the tribes. I guess the sheep all looked alike.

What was the task of the shepherds? You guessed it — they were there to protect the sheep from becoming 'prey to the wild beasts'. They did this by becoming the translators and interpreters of the Treaty, and in their desire to completely protect the sheep, became the advocates and purveyors of the document. Sheep who were loyal signed because the shepherds convinced them that to do so was a good thing. The shepherds in their translation from English to Maori coined new words. They didn't know about linguistic principles like 'dynamic equivalence'* and to this day we will never know whether the decision to coin new words was accidental or deliberate.

The actions of the wolves subsequent to the signing of that Treaty were not accidental, though. They were in fact quite deliberate, and brutal. The sheep truly became 'prey to the wild beasts'.

The Reverend Canon Hone Kaa is an Anglican priest of the Auckland Anglican Maori Mission.

* Dynamic equivalence is the creative non-literal translation of a foreign word by finding the appropriate ethnic word with the same active intent.

It is difficult, even with Christian hindsight, to forgive both the wolves and the shepherds, because they benefit still from those actions long ago. This difficulty is compounded by the fact that in the battle for the resources of the lands and forests the sheep lost heavily, including even those sheep who had fought on the side of the wolves — they all did look alike, after all. The courage of some of the shepherds in defending their flocks is to be much admired, but their habit of eating at the same table as the wolves raises so many painful questions that it is difficult to distinguish them as shepherds.

They too begin to look alike, especially to the beaten sheep, and to paraphrase what one of the descendants said just recently: 'The shepherds came to do good, and did well — for themselves.'

But there is hope. There are signs that the life which was promised still flickers in the midst of all this. There are sounds of joy and glad tidings even if it does sound, to use a Tillichian* phrase, like the shaking of the foundations. The sounds of hope and joy are to be heard, both within and without the sheepfold, as some of the shepherds begin the process of redemption and reconciliation.

The sheep have also begun to stir, to raise up shepherds from among themselves, to feel a sense of freedom, and to begin to say to themselves that history need not repeat itself, that now is the hour of salvation, now is the time for redemption.

* Paul Tillich is a German theologian who preached a series of sermons in the 1960s under the general heading 'Shaking the Foundations'.

Such stirrings do not, of course, go unnoticed, because the sheepfold becomes a little fearful and tries to exert its own control by cutting off the sounds and sights from the sheep within its ambit. For such shepherds the sheepfold is supposed to serve itself. It is to be a haven, a retreat, a stronghold, a fortress.

FD Maurice, the English theologian, said: 'The world is the church'. But one gets the feeling that some of the shepherds seem to prefer the reverse: 'The church is the world'. Such thinking reflects the Clementine heresy: 'Where the Bishop is, there is the church'. You may fool some of the sheep, but you certainly don't fool the whole flock.

If the shepherds forsake the sheep, God will displace them with others. As Ezekiel reminds us: 'I am against the shepherds and will demand my sheep from them; I will dismiss those shepherds, they shall care only for themselves no longer; I will rescue my sheep from their jaws and they shall feed on them no more'.

A Bible People

The Reverend Wati Tahere

From a sermon delivered at the Durham Street Methodist Church Bi-cultural Service, at Christchurch in 1985, and originally printed in Towards a Bi-cultural Church: A Resource Book, published by Te Haahi Weteriana o Aotearoa.

I am a middle-aged Maori of Ngapuhi descent. My ancestral house is also called Ngapuhi. My kainga is Mangamuka on the upper reaches of Hokianga Harbour. It nestles under Maunga Taniwha. I descend also from a people who received the Gospel from Methodist missionaries who were the first missionaries to come to Hokianga. The missionaries were a Bible people and my people also became a Bible people.

We must still be a Bible people because it is a book that is authoritative for all Christians, and because it is an inspired book. By inspired we mean that God's activity was in the composition of it. One hears the phrase 'Word of God' but that is only a half truth, even a dangerous half truth. I am afraid there are some Christians who say that from their study of the 'Word of God', Maori culture is the work of the Devil. They say it often, they write it, and the gullible believe it. Say anything often and people will believe it, with little regard for truth.

The Bible is the word of God, but also it is the word and witness of men and women, some gullible, some hateful, some spiteful, some lovable, some beautiful. You name it, they are all there, the people of God. It is the Christian conviction too that though the Bible is an ancient book it is still relevant for these modern days, because its authority and relevance is the authority and relevance of Jesus Christ.

We must be a church of the poor. In order to become a church of the poor, we must disassociate from the elites of this world. They are the oppressors. They have existed in our land for a long time. To disassociate from them means that we free ourselves from reliance on the elites' ways of thinking, from their money and their approval, so that we can see the harm that they do. The elite will want to talk us out of it. Courage! Stand fast! Are we an elitist church? If we are, we had better close down. We must be a church of the poor or we forfeit the trust of the poor. We must not cling to mission properties acquired in colonial times. Nicodemus went away sorrowful from Jesus because he could not share his possessions. Jesus explained his dilemma to his disciples: it is harder for a rich man to enter the Kingdom of God than it is for a camel to get through the eye of the needle*.

We must be a church that is a church of races. Race is good. Each race has its own cultural inheritance, given by God and developed over the centuries. The language of my ancestors is dying. I won't say more, lest I convince you, only to get no help from you to keep it alive and well.

* The 'eye of the needle' was a small narrow gate entering historical Jerusalem.

The late Reverend Wati Tahere was a Methodist minister of Otautahi Circuit.

It is racism that is evil. That is the demon we should fight with all our cunning and might. Racism is evil because it is the view that one race is by nature superior to another. The extreme form of racism is the view that one race has a God-given right and duty to impose its values on another, and to suppress and even destroy the values of another.

We are an important people in this country of ours, we have nowhere else to go, and anyway, Te Whare Kauri* wouldn't be big enough for all of us. We must be a church of races.

God loves all people and in His providence He guides each to fulfilment.

A Bible people.....a church of the poor.....a church of races.

Our Methodist Conference requests and urges, the President of Conference himself and many others of our leaders and people, urge us to redirect ourselves, to meet the challenge, with fear and trembling, of re-examining our church structures, our Maori/Pakeha relationships, our power-sharing, and of working toward a truly bi-cultural church in which we can all be at home.

And this, for Jesus Christ, head of all the churches.

* Te Whare Kauri is Chatham Island.

Glossary

kainga	settlement, village
kauri	native New Zealand tree (<i>agathis</i> , or <i>dammara</i> , <i>australis</i>)
maunga	mountain
Ngapuhi	Maori tribe of Northland
Otautahi	Maori name for Christchurch
te	the (singular)
whare	building, house

Why Waitangi?

The Reverend John Tamahori

A Maori reflection on the Treaty of Waitangi.

There is widespread acceptance by Maori that the Treaty of Waitangi should remain the benchmark on which relations between themselves and the wider community are formulated. Many Pakeha are disturbed that there is now a recognition of this view by Government, and are predicting dire consequences for race relations in the future. But the actual possibility is that observance of the Treaty obligations might soften the alienation Maori feel in society and therefore enhance relations between the races. This has escaped those who hold the view that any progress in righting past injustices threatens the natural order.

Well, the natural order is under threat right now and will remain threatened so long as enough people believe that it is not their nature to be dominated by race, class, sex, politics, or religion, either as subject or perpetrator. The latter view is particularly true for Christians, who because of their knowledge of God's actions in history are mindful of the fact that they serve a partial God, a God who takes sides, a God '...who has put down the mighty from their seats and exalted the humble and meek'.

But why Waitangi?

What has this secular agreement to do with our faith — other than to warn us of the fallibility of human agreements? Why should our beliefs force us into the forefront of this issue? What claim does Waitangi have on the Christian?

Many of my Christian brothers and sisters have asked me to tell them why the Maori are so insistent about the obligations of the Treaty. The questioning goes something like this: 'Why do you Maori keep on bringing up the Treaty? Don't you realise that if you continue to do this, all you will do is separate us? We are one people under God. What good does it do to keep on dragging up the past? We should love one another. Why can't you join with us celebrating the whole of God's creation? Surely you can see that all you are doing is bringing in apartheid? We can't live in the past...' — and so on.

I have been accused of breaking up families, having little spiritual awareness of Christ and particularly of his love, of promoting apartheid, splitting the church, and inciting hatred. I am not alone in being the subject of such accusations and I do not feel hurt at their tenor or substance, but I do wonder why we have all allowed our faith to inure us to the pain of others.

The Reverend John Tamahori is a Minita a Iwi (Minister of the People) in the Wellington Anglican Maori Pastorate.

First, I do not see the Treaty of Waitangi as having any intrinsic merit in or of itself as a guiding principle for inter-racial harmony. Christ's salvatory action is a far superior model. But Waitangi was signed in good faith, and the record since that signing is one of injustice and pain.

Secondly, the cynical disregard by Pakeha of obligations under the Treaty has served to entrench domination of the stronger partner over the weaker to the extent that the violence of 'might is right' has defined the Maori right to justice as injustice to the Pakeha.

Thirdly, the Maori's Christian experience is seen to be of lesser spiritual value than the Pakeha's, to the extent that the Maori are called to demonstrate their real conversion endlessly by ignoring their pain — because it pains the Pakeha to do something about it.

Finally, I believe the Waitangi experience to be a gift from God, right on our own doorstep, a gift challenging us to break the chains of our own theology and act as God has acted to hear the cry of the people. Waitangi, then, actually challenges our Christian consciousness.

So where does all this leave us?

First, under our very noses there is pain and suffering, and God is not on the side of those who institutionalise such pain. Secondly, the problem of suffering is not the understanding of it, but the identifying of its causes and the alleviation of them.

Remember — and Christ was very specific on this point — the late afternoon workers were paid the same as those who had worked all day.

It is not too late to start.



Waiata



Oti Rawa

It is Fulfilled

Tune: What a Friend we have in Jesus

Whakarongo ki te kupu
Listen to the word
no ko mai no Kawari
which comes from Calvary
Motu ke nga pukepuke
The mountains are separated
koara pu te ao katoa
and the world is split apart

Oti rawa —
It is fulfilled —
tana whaka oranga
his salvation

Oti rawa — ae te hari
It is fulfilled — what joy
o te kupu ora nei
of this word of life
Tini aua pai a Ihu
A multitude of blessings from Jesus
tenei ra te puta nei
has now come to us

Oti rawa —
It is fulfilled —
tenei ki maharatia
now remember



Mutu pu nga whakarite
Completely fulfilled are the laws
o te Ture Tawhito
of the Old Testament

Rite pu i a Ihowa
Fulfilled by the Lord
ana korero o mua
are the sayings of old

Oti rawa —
It is fulfilled —
koia tenei haringa
he is this great joy

Tena e nga Herapina
Now Seraphim
tatou nei ke waiata
let us sing

ki a Ihu te Ariki
to Jesus the Lord
o te rangi o te ao
of heaven and earth

Hareruia
Hallelujah

Mona i kohurutia
He was crucified



Ka Tirohia te Ripeka

When I Survey the Cross

Tune: When I Survey the Wondrous Cross

Ka tirohia te ripeka
When I survey the cross
i mate ai t' Arika nui
where died the great Lord
ka iti haere taku pai
my desire grows smaller
ki enei taonga hemo noa
for useless things

He toto koa te rere mai
Blood flows freely
i ona ringa one wae
from his hands and feet
Tona aroha nei te nui
His love so great
he tohu oranga ki a au
is a sign of life for me

Kaua ahau e puritia
Let me not be held
ki enei kino o te ao
by the evils of the world
Ko taku e whakaaro ai
I will always think about
ko tona ripeka mamae
his suffering on the cross



Ma tenei utu oku he
This is the payment, for my sins
ka tino hemo ai katoa
are all completely wiped away
Ko toku ngakau wairangi
My foolish heart
ka aro atu ki t' Atua
will turn to God



Ma Te Marie a te Atua

The Peace of God

Tune: The Doxology

Ma te marie a te Atua
The peace of God
tatou katoa e tiaki
keep us all
Mana ano e whakau
He will confirm
o tatou ngakau ki te pai
our hearts in goodness

Ma te Atua Tamaiti ra
The Son of God
Ma te Wairua Tapu hoki
The Holy Spirit too
Ratou Atua kotahi nei
One God





E te Atua

O God

Tunes: St Magnus, or Amazing Grace

E te Atua — kua ruia nei
O God — sown

o purapura pai
is your good seed

Homai e koe he ngakau hou
Give us a new heart

kia tupu ake ai
to make it grow

E Ihu — kua e tukua
O Jesus — do not let it go

Kia whakangaromia
Do not let it be destroyed

Me whakatupu ake ia
Let it grow

kia kitea ai nga hua
so the fruits may be seen

A ma te Wairua Tapu ra
May the Holy Spirit

matou e tiaki
keep us

kei hoki ki te mahi he
lest to evil deeds returns

o matou ngakau hou
our new heart



Tama Ngakau Marie

Son of Peace

Tune: Let the Saviour in

Tama ngakau marie — Tama a Te Atua
Son of peace — Son of God

Tenei tonu matou arohaina mai
Here are we always shown compassion

Murua ra nga hara — wetekina mai
Wipe away our sins — unshackle

enei here kino whakararu nei
these evil ties that beset us

Takahia ki raro tau e kino ai
Suppress all that is harmful

kei pa kaha tonu ko nga mahi he
lest evil deeds retain their force

Homai he aroha mou i mate nei
Give to us the love for which you died

Tenei ra e Ihu takina e koe
At this time O Jesus be Thou our guide

Tenei arahina a tutuki noa
Lead us until life's end

Putu i te pouri whiwhi hari nui
Take us from life's darkness into Thy happiness

repeat first verse



Piko nei te Matenga

Our Heads are Bowed (a funeral hymn)

Tune: *St Dunstan*

Piko nei te matenga
Our heads are bowed
Tau mai ko te pouri nui
Great anguish rests on us
E te Tama a te Atua
O Son of God
Tenei arohaina mai
Love us now

Ngaro nei o matou hoa
Our friends depart
riro atu ki te po
carried away to the night
tangihia i muri nei
leaving us to mourn
Tenei arohaina mai
Love us now

Tena koe kua taunga noa
You who truly understand
ki nga mate o te ao
the doom of the world
Nou te mate tino nui
Your doom was greater
Tenei arohaina mai
Love us now



Tena koe te mohio na
You who understand
ki nga panga mamae mai
the touches of suffering
Nou te mamaetanga nui
Your suffering was greater
Tenei arohaina mai
Love us now

Mamae ko te ngakau he
Suffering lies in the heart
pouri whakaroto ia
and goes deeper into it
Pehi kino iho nei
Evil presses down
Tenei arohaina mai
Love us now

Whakapikau ana koe
You shoulder
i nga hara o te ao
the sins of the world
Nau katoa i whakaea
You have paid the price for all
Tenei arohaina mai
Love us now





Arahina e Ihowa

Guide O Jehovah

Tune: Cwm Rhonda

Arahina e Ihowa
Guide O Jehovah
to pononga i te ao
your servant in the world
Whakakitea mai tou kaha
Reveal your power
Puritia ra au e koe
Let me be held by you
A whangainga
Feed me
ki te kai e ora ai
with food to sustain me

Whakahekea mai te puna
Let the well overflow
hei horoi mo te hara
to wash away the sin
Tukua ko te kapua mura
Send forth a cloud of fire
hei arahi i ahau
to lead me
Tenei hoki
Now
whakakahangia e koe
strengthen me



Whakamamakia e koe
Take the burden
to te mate takiwa
all sufferings everywhere
Whakawhitia to pononga
Carry your servant
i nga wai o Horano
across the waters of Jordan
whakauria
and place him
ki te wa o Kenana
in the land of Canaan



Karakia

The Lord's Prayer

Te Inoi a te Atua

E to matou Matua i te Rangi
Our Father who art in Heaven

Kia tapu tou ingoa
Hallowed be Thy name

Kia tae mai tou Rangatiratanga
Thy kingdom come

Kia meatia tau e pai ai
Thy will be done

ki runga ki te whenua
on earth

kia rite ano ki to te Rangi
as it is in Heaven

Homai ki a matou aiane
Give us this day

he taro ma matou mo tenei ra
our daily bread

Murua o matou hara
And forgive us our trespasses

me matou hoki e muru nei
as we forgive those

i o te hunga e hara ana ki a matou
who trespass against us

Aua hoki matou e kawea kia
Lead us not into temptation

whakawaia engari whakaorangia matou
but deliver us from evil



I te kino
For Thine
nou hoki te Rangatiratanga
is the Kingdom
te kaha me te kororia
the power and the glory
ake ake ake
for ever and ever
Amine
Amen



Benediction

Te Manaakitanga

Kia tau ki a tatou katoa
Descend upon us

Te atawhai o tatou Ariki
the grace of our Lord

o Ihu Karaiti
of Jesus Christ

Me te aroha o te Atua
The love of God

me te whiwhinga tahitanga
and the fellowship

ki te Wairua Tapu
of the Holy Spirit

a ake ake
be with you for evermore

Amine
Amen





Grace

Whakapaingia nga kai

E te Karaiti
O Christ
Whakapaingia enei kai
Bless this food
hei oranga mo o matou tinana
for the sustenance of our bodies
Whangaia o matou wairua
Feed our souls
ki te taro a te ora
with the food of the spirit
Nau hoki nga mea katoa
For all things are from you
ko Ihu Karaiti hoki
For Jesus Christ
to matou kai-whakaora
is our Saviour
Amine
Amen



Prayer for the Dead

E Io matou Matua i te Rangi
Oh God our Father in Heaven
Whakarongo mai ki to matou inoi
Listen to our prayer
I te mea kua pai kia koe te tanga atu
Since it is your will to take
i tau pononga to matou whanaunga / hoa
your servant our relative / friend
e tuku atu ana matou mau ia e manaaki
we release them into your care
I to matou mohio kei a koe ia e manaaki ana
In our knowledge that they are in your care
e mama ai te mamae me te mokemoke
then the pain and the loneliness is more tolerable
E whakamoemiti ana matou kei konei koe
mo matou i nga wa katoa
We are thankful you are always here for us at all times
E Ihu Karaiti tautoko hia mai ta matou inoi
Jesus Christ support our prayer
Amine
Amen

followed by The Lord's Prayer



Useful common expressions

Mihi

Greetings

Tena koe
Hello (to one person)

Tena korua
Hello (to two persons)

Tena koutou
Hello (to many)

Kei te pehea koe / korua / koutou?
How are you / both of you / all of you?

Kei te pai
Very well

Taikiha
Thank you

Haere ra
Goodbye (to person leaving)

E noho ra
Goodbye (to person remaining)



Korerorero

Conversation

Ko toku ingoa
My name is

Kei au e noho ana
I live in

Ko to matou Minita
..... is our Minister

Ko hato te ingoa o te whare karakia
St is the name of the church

I haere mai koe i whea i tenei ra?
Where did you come from today?

Kei te haere maua...
We (two) are going...

Kei te haere matou...
We (all) are going...

...ki nga maunga
...to the mountains

...ki te taone
...to town

...ki te marae
...to the marae



The Maori language

Maori is a Polynesian language. Historically, it is related to all the other such languages of the Pacific, including Hawaiian, Samoan, Tongan, Tahitian, and many others, though of course each of these is different in its own particulars.

When the first Europeans arrived in the South Pacific and made contact with the peoples of Oceania, none of these societies had a written language. Their myths, legends, and cultural heritage were permanently recorded in their artwork, or passed by word of mouth from elder to younger with every generation as an oral archive.

In general it was early missionaries who used the Roman alphabet to capture the sounds and words of Polynesian languages. This was not always capable of complete accuracy — some sounds in Polynesian languages are not easily represented by the Roman alphabet — the one used for English.

The Maori language, for example, does not use any clearly defined 'f' or 'v' sound, but instead a variety of similar sounds which range between 'f' and 'w'. It also does not use the sound 'g' — there is no distinction between the English sound of a hard 'g' and that of 'k' — but Maori does use a special combination of 'n' and 'g' which can vary in use between the sound of a pure 'n' and a more complicated soft nasal 'g'. Maori differs from English too in its use of the five vowels — using them to construct a range of double-vowel sounds which are almost always different in sound from English expectations.

Early missionaries wrote down Maori in a variety of ways, but over the years the English combinations 'wh' and 'ng' became common as representations of the two unique consonant sounds in Maori, while its common double-vowel combinations were represented using classical European vowel pronunciations rather than English ones.

For the two Maori 'double' consonants, there are simple ways of reminding yourself how they should sound. If you remember that in 19th Century English the spelling 'wh' was sounded differently from plain 'w', you will approach a correct pronunciation — it is heavily aspirated and can sound close to a soft 'f'. Likewise if you remember that 'ng' is like plain 'n' but should nevertheless contain traces of the 'g' in it (think of pronouncing the word 'singing'), you will also get it right.

For the vowels, you need to think of European vowels rather than English ones — speakers of Italian or Spanish would have no problem. As with European languages, double vowels in Maori do not form a new sound, but simply the two independent vowel sounds run together. You should practice saying double vowels in Maori words clearly and distinctly at first, one vowel after the other, until they run together naturally. Avoid the English convention of coming up with single new sounds to represent the double vowels.

Otherwise modern Maori spelling and pronunciation is essentially simple. The language contains fewer consonants than English and is utterly phonetic — every letter is pronounced exactly as it reads and there are no variations or exceptions to the rules of pronunciation.

Singular and plural

Maori does not indicate plural nouns by changing the noun, as English does by adding an 's' or other means. Instead, Maori achieves a plural by changing the article in front of the noun. The Maori word *te* means 'the' for a single item, while the word *nga* means 'the' for a number of items. Thus, *te waka* means 'the canoe', while *nga waka* means 'the canoes'. The indefinite article in Maori is the word *he*. Thus 'a canoe' would be *he waka*.

The New Zealand National Anthem



E Ihoa Atua
O nga iwi matoura
Ata whakarongona
Me aroha noa
Kia hua ko te pai
Kia tau to atawhai
Manaakitia mai
Aotearoa

Ona mano tangata
Kiri whero, kiri ma
Iwi Maori Pakeha
Repeke katoa
Nei ka tono ko nga hei
Mau e whakaahu ke
Kia ora marire
Aotearoa

Waiho tona takiwa
Ko te ao marama
Kia whiti tona ra
Taiawhio noa
Ko te hae me te ngangau
Meinga kia kore kau
Waiho i te rongu mau
Aotearoa

Tona pai me toitu
Tika rawa, pono pu
Tona noho, tana tu
Iwi no Ihoa
Kaua mona whakama
Kia hau te ingoa
Kia tu hei tauira
Aotearoa



*God of nations, at thy feet
In the bonds of love we meet
Hear our voices, we entreat
God defend our free land
Guard Pacific's triple star
From the shafts of strife and war
Make her praises heard afar
God defend New Zealand*

*Men of every creed and race
Gather here before thy face
Asking thee to bless this place
God defend our free land
From dissension, envy, hate
And corruption, guard our state
Make our country good and great
God defend New Zealand*

*Let our love for thee increase
May thy blessings never cease
Give us plenty, give us peace
God defend our free land
From dishonour and from shame
Guard our country's spotless name
Crown her with immortal fame
God defend New Zealand*

*May our mountains ever be
Freedom's ramparts on the sea
Make us faithful unto thee
God defend our free land
Guide her in the nations' van
Preaching love and truth to man
Working out thy glorious plan
God defend New Zealand*



O

o	of
ohaki	dying speech
okana	organ
ope	group, expedition
ope tuarangi	visitor
ora	life, health

P

paeke	speech-making custom in which all local orators finish before visitors reply
paepae	threshold
paepae tapu	reserved place for orators
Paipera	Bible
Paipera Tapu	Holy Bible
Pakcha	non-Maori New Zealander
pakeke	adult
pakura	lattice design in tukutuku weaving
pane	head
pani	bereaved, orphan
papaka	crab, dado, sill
parata	brother of a religious order
pare	lintel, headband
patahi	befall, come upon
patapata	raindrops, especially the first sound of gentle rain

patiki	flounder (singular)
patikitiki	flounder (plural)
patu	weapon
patuhituhi	of (to do with) writing
paua	native abalone shellfish
Perehipitiriana	Presbyterian
Petekoha	Pentecost
pingao	native sand dune grass (<i>scirpus frondosis</i>)
pitau	shoot of a plant
poho	chest, bosom
Poneke	Wellington, literally, 'moving in the night'
pora	cloak
poroporoaki	farewell
porourangi	Ngati Porou stair or ladder design
pou	post, pillar, often carved as a single figure
pou haki	flagpole
pou tokomanawa	central support post in a whare
pounamu	nephrite jade, 'greenstone'
poupou	posts, pillars, often carved as multiple figures
poutama	ladder, stairway, step
powhiri	welcoming
puku	belly
puni	camp
pupuri	to hold
purapura	seeds
purapurawhetu	seeded stars
puta au wahi	chimney, flue, smoke hole

R

ra	sun
rakau	tree, stick, stem
rangatira	chief
rangiratanga	chieftainship, sovereignty, kingdom
rangi	sky
raparapa	barge board finials
Ratana	a Maori form of Christianity, named for its founder
rawa	most, best
reinga	place where spirits leap from the land to the afterlife
reo	language
ripeneta	repent
ringa	hand
ringa wera	workers, especially cooks, literally, 'hot hands'
Ringatu	a Maori form of Christianity, literally, 'raised hand'
roimata	teardrops
rongo	peace
rongoa	medicine
rongopai	gospel, good news
ropu	group
roro	porch, literally 'brain'
runanga	assembly, council

kaumatua	tribal elder
kaupapa	rules, procedure, order of service
kauri	native New Zealand pine (<i>agathis</i> , or <i>dammara, australis</i>)
kawa	ceremony, protocol
kawana	governor
kawanatanga	governorship
kehua	ghost
kereru	native pigeon
kete	basket, kit
ki, kii	to, at, for
kia ora	hello, literally, 'health to you'
kiekie	native climbing plant (<i>freycinetia banksii</i>)
kiri	skin
Kirihimete	Christmas
kirirakau	bark
ko te	the
koaea	choir
koe	you (singular)
koha	donation, offering
kohanga	nest
kohanga reo	language school
komiti	committee
koru	folded
korua	you (two)
korupe	lintel
koruru	carved face
koutou	you (many)
kowhaiwhai	scrollwork painting
kuaha, kuwaha	entrance, gate, threshold
kuia	grandmother, female elder
kukupa	native dove
kura	school

M

maharatanga	remembrance
mahi	work, working
mai	to (towards the speaker)
maihi	barge boards
mako	shark
makutu	bewitchment
mana	power, influence
manaia	seahorse
manaaki	to befriend
manaakitanga	friendship, friendliness, blessing
manawa	heart
mango	shark
mano	thousand, large number (of people)
manuhiri	visitor
Maoritanga	Maori culture
marae	tribal meeting ground
marae-atea	courtyard in front of a whareniui
marena	wedding
matangi	sea duck
matapihi	window
mate	dead, death
matekite	clairvoyance
matua	parent, father
mau	bring
maunga	mountain
mauri	sacred life essence, life force, ethos
me	and

mea	statement, thing
mere	short flat club
mihi, mihimihi	greeting(s)
mihinari	missionary
minita	minister
minita a iwi	self-supporting minister, literally, 'minister of the people'
moana	sea, ocean
moe	sleep
moko	tattoo
murunga	confession

N

niho	tooth
nihoniho	teeth
noa	free from tapu, mundane, material
nui	large

Ng

nga	the (plural)
Ngapuhi	Maori tribe of Northland
ngati	tribe
Ngati Awa	East Coast tribe
ngoru	curling wave motion of the sea

Glossary

This is not a dictionary of the Maori language, but a glossary containing a complete list of the Maori words which have been commonly used throughout the five books of the series *A Gift toward Partnership*, along with other appropriate terms. Many good Maori dictionaries are available in New Zealand at reasonable prices, and one is recommended in the bibliography which follows in this book.

A

a	of, to do with
ahorangi	teacher
aitua	bad luck
amo	post supporting the barge boards
anahera	angel
Aotearoa	New Zealand, literally, 'long white cloud'
ara	pathway
Aranga	Easter resurrection
aratakitaki	signposts
Ariki	Lord
aroha	love
atea	space
ati	descendant
atu	away, better
atu kaitiaki	great guardian
atua	god
awa	river
awhina	help, succour

E

e	oh
epa	wall post

H

haahi	church (denomination)
Haahi Katorika	Roman Catholic Church
Haahi Mihinari	Anglican (Missionary) Church
Haahi Perehipitiriana	Presbyterian Church
Haahi Weteriana	Methodist (Wesleyan) Church
haere	come, go, walk
haere mai	come here, welcome
haka	traditional dance
haki	flag
hanga	custom
hangi	pit oven, food so cooked
hapu	extended family
he	a
he iwi	humankind
heke	rafter
himene	hymn
hinau	native berry tree (<i>elaocarpus dentatus</i>)
Hinota	Synod
hoko	save, buy
hongiri	pressing of noses
hono	join, gather
hui	gathering, meeting
hui a tau	annual meeting
hunga	people (persons)
hura kohatu	unveiling
huri tau	anniversary

I

i	by, with, of
Ihu Karaiti	Jesus Christ
ika	fish
inanga	whitebait
inoi	prayer
Io	God, Supreme Being
iriringa	baptism
iwi	nation, people, tribe

K

kaha	strong, strength
kahikatea	native New Zealand white pine (<i>popdocarpus dacrydioides</i>)
Kai Hapa	Last Supper
kai	food
kaiarahi	leader, pilot, guide
kaimanaaki	the hosts (literally, 'the befrienders')
kainga	settlement, village
kaitiaki	guardian, protector
kakano	seed, berry
kaokao	shelter, literally, 'armpit'
kapa	row, procession
kapa haka	cultural performing group
kape	eyebrow
kaponga	native tree fern, silver fern (<i>dixonia fibrosa</i>)
karakia	worship, prayer
karanga	call, chant
karanga ki te karakia	call to worship
Katorika	(Roman) Catholic
kauhau	sermon

Pronunciation

Vowels

A E I O U

- A as in the English word *car*. Never with the common English sound in the word *cat*.
- E as in the English word *get*. Never with the common English sound in the word *be*, nor with the sound in the word *hay*.
- I as in the English word *be*. Never with the common English sounds in the words *bit* or *bite*.
- O as in the English word *law*. Never with the common English sounds in the words *hop* or *hope*.
- U as in the English word *moon*. Never with the common English sound in the words *new* or *union*.

Long and short vowels

Maori distinguishes between long and short vowels, and in spelling this is shown either by a macron accent mark over the vowel or by using the vowel twice. The word for church, for instance, using a long 'a', may be written either as hāhi or haahi. The distinction is important for meaning. Ruru means owl, while rūrū (or ruuruu) means to shake.

Double vowels

In English, double vowels tend to be run together into a new combined vowel sound. Technically, in Maori they do not.

Try not to fall into the trap of anglicising double Maori vowels.

Taupo is not pronounced 'Taow-poe' as it instinctively seems to English speakers, but should be spoken with all vowels separately and distinctly sounded, giving 'Tah-oo-paw'. This may seem overly purist to Pakeha ears long accustomed to the anglicised corruptions of Maori, but the difference is important for meaning.

Listen to Maori speakers pronounce these sounds. Practice Maori double vowels yourself slowly, sounding each vowel independently, until you are able to say them quickly and naturally, sensing the differences.

Consonants

H K M N Ng P R T W Wh

Maori consonants are like English ones, though usually softer and without explosive emphasis. The following are unique.

Ng as sounded in the middle of the English word *singing*.

Wh varies regionally between an English 'f' (common), an old English 'wh' (as in the word *when*), an English 'h' (Hokianga region), and a plain 'w' (Taranaki).

T

taahu	ridge pole
taenga	arrival
Taha Maori	Maori dimension/perspective
taha	side, view, perspective
tahi	together, unity
taiaha	long-bladed club
taitamariki	youth, teenager
takaewanga	intercession
takahi whare	tramping the house
takarangi	vortex, downward spiral
take	subject matter
taki	dart
taku	my, mine (singular)
tama	son, boy
tamariki	child, children
tangata	person, people
tangata whenua	local people
tangi	mourning, weeping
tangihanga	mourning ritual, funeral
taniwha	water monster
taonga	treasure, relic, gift
tapere	amusement
tapu	sacred, forbidden, untouchable
tari	office, department
tatau	door
tau	year
taua	attackers, war party
tauaa	in mourning
tauiwi	outsiders
tauparapara	opening chant of a speech
taurangi	unsettled, grieving

tau utuutu	speech-making custom in which local and visiting orators alternate
tawhero	native broadleaf tree (<i>weinmannia sylvicola</i>) also called towai
te	the (singular)
Te Hinota Maori	The Maori Synod
Te Kakano o te Aroha	The Seed of Love
Te Maungarongo	The Bringer of Peace, Unity, and Harmony
te maunga	the bringer, bringing
teina	younger brother/sister
tekoteko	figurehead of a building
tena koe	Hello (to one person)
tena koutou	Hello (to you all)
tihe mauriora	behold there is life
tikanga	custom, rule
tinana	body
tino	very
tipuna	ancestor
tiriti	treaty
toa	brave, champion, warrior
toetoe	sedge grass
tohu	mark, sign, proof
tohunga	holy man
toko	prop, support pole
tokomanawa	central support (pole)
tomokanga	entrance
tokotoru	trinity, literally, 'three support poles'
toroa	albatross
totara	native conifer tree (<i>podocarpus totara</i>)
tuakana	older brother/sister
tuarangi	foreign, from afar
tuarongo	rear wall
Tuhituhinga Tapu	Holy Scripture

Tuhoe	East Coast Maori people, their ancestor
tukutuku	criss-cross, weaving technique
tumatakahiki	shield
tumuaki	head person
tumuaki rohe	circuit superintendant
tuna	native eel
tupapaku	deceased, corpse
turangawaewae	place to stand, home
tutakitanga	meeting, introduction
tutu	native shrub with poisonous berries (<i>coriria ruscifolia</i>)

U

umu	oven, earth oven
upoko	head
urupa	cemetery, finish

W

waewae	legs, feet, standing
wai	water, solution
waiata	song, anthem
wairua	spirit
Wairua Tapu	Holy Spirit
wairuatanga	spirituality
waka	canoe
wananga	learning, education
wera	hot
wero	challenge
Weteriana	Wesleyan (Methodist)

Wh

whaikorero	oratory, speech	whare runanga	council house
whaka	do, make, cause	whare tapere	house of amusement, theatre
whakaaro	gift	whare tari	office
whakaekenga	entry	whare tauaa	house of mourning
whakairo	carving	whare umu	cooking shed
whakamarama	notices	whare whakairo	carved building
whakamoemiti	praise	whare whaka- nohonoho	dwelling house
whakamutunga	last, final, conclusion	wharekai	dining hall
whakanoa	to free from tapu	wharemaire	house of learning
whakanoho	give in marriage	wharemate	death house
whakapai	bless	wharenui	main building, meeting house
whakapainga	blessing, benediction	wharepaku	toilet
whakapapa	genealogy	whareropa	house of entertainment
whakapono	faith	wharewananga	college, university
whakataka	gather, gathering	whenua	land
whakawae	support	whetai	praise
whakawhanaunga	to unite, amalgamation	whetu	star
whakawhetai	thanksgiving	whiwhingatahitanga	fellowship, literally, 'having togetherness'
whakihara	confession		
whanau	family group		
whanaungatanga	extended kinship ties		
whare	building, house		
whare hoko	storehouse		
whare karakia	church building, literally, 'house of worship'		
whare kohanga	maternity house		
whare kura	school house		
whare mate	house of the dead		
whare moe	sleeping house		
whare pora	cloak-making house		
whare puni	guest house, dormitory		
whare pupuri taonga	museum, treasure house		
whare rangi	raised storehouse		

Maoritanga

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1984 *Australian Association for the Studies of Religion*

Mana from Heaven: A Century of Maori Prophets

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Mihaia: The Prophet Rua Kenana and his Community at Maungapohatu

Judith Binney, Gillian Chaplin, and Craig Wallace

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Te Marae: A Guide to Customs & Protocol (book & video)

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1986 *Reed Methven*

Te Toi Whakairo: The Art of Maori Carving

1986 *Reed*

Te Waimana — The Spring of Mana: Tuhoe History and the Colonial Encounter

1992 *University of Otago Press*

The Land of The Mist: The Story of Urewera National Park

1983 *New Zealand Lands & Survey Dept*

The Revised Dictionary of Modern Maori

P M Ryan

1990 *Heinemann Education*

Presbyterian Mission to Maori

A visit to Te Kakano: A guide on kawa and what to do

1991 *Te Komiti kii Tahī, Wellington Presbyterian and Maori Pastorate, PCANZ*

From Forest Trail to City Street: The Story of the Presbyterian Church among the Maori People

J G Loughton

1961 *The Presbyterian Bookroom*

Introducing Te Kakano O Te Aroha: Visitors handbook

1991 *Wellington Maori Pastorate, PCANZ*

Presbyterian Maori Service Book

1933 *Te Hinota Maori PCANZ*

Presbyterians in Aotearoa 1840 – 1990

McEldowney

Te Maungarongo 1947 – 1977

–1977 *Te Hinota Maori, PCANZ*

The History of the Presbyterian Church 1840 – 1940

J R Elder

1940 *The Presbyterian Bookroom*

Waiata: Te Kakano o Te Aroha:

Hymns and songs for visitors

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Maori Christianity

A New Zealand Prayer Book

1989 *Collins England*

Assembly 1991

1991 *World Council of Churches*

Ko Te Paipera Tapu — Holy Bible in Maori

1958 *Bible Society*

1990 For the Record

1990 *World Council of Churches*

Te Rongopai Ma Te Ao Hou

1968 *Bible Society*

With One Voice: Hymn Book of all the churches

1982 *Collins England*

Recommended reading

The Treaty of Waitangi

**A Guide to Using the Two Papers:
Tino Rangatiratanga and Constitutional
Reform in Aotearoa**
*Joint Methodist-Presbyterian Public
Questions Committee*

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*Joint Methodist-Presbyterian Public
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Pakeha Culture
1986 Project Waitangi

**Te Reo o Te Tiriti Mai Rano: The Treaty Is
Always Speaking**
Bernard Kernot & Alistair McBride
1985 Victoria University

The Pakeha and The Treaty: Signposts
1986 NCUC

The Treaty of Waitangi
Claudia Orange
1987 Allen & Unwin (Port Nicholson Press)

**The Treaty of Waitangi: Questions &
Answers**
1989 Project Waitangi

**Three Studies on the Treaty of Waitangi
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Alan Leadley
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CCANZ*

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Churches of the Province of New Zealand*

Contacts

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Whakatane
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Te Kakano o te Aroha
P O Box 36-032
Moera
Lower Hutt
Tel (04) 568 38 85
(04) 566 20 95

Te Maungarongo
P O Box 72
Whakatane
Tel (07) 308 50 59
(07) 312 46 96

Other church bi-cultural organisations

Conference of Churches in Aotearoa NZ
Programme on Racism
P O Box 9573
Newmarket
Auckland
Tel (09) 520 54 99

Methodist Bi-cultural Resources
P O Box 9573
Newmarket
Auckland
Tel (09) 525 41 79

Bi-cultural Office Auckland Catholic Diocese
Sister Susan Healy
Pompalier Diocesan Centre
Private Bag 47-904
Ponsonby
Auckland
Tel (09) 360 30 61

Anglican Church in Aotearoa NZ
Reverend John Paterson
General Secretary
P O Box 37-050
Parnell
Auckland
Tel (09) 309 01 38

Treaty of Waitangi information sources

Network Waitangi
P O Box 384
Napier
Tel (06) 835 87 46

Project Waitangi
Treaty of Waitangi Kit
P O Box 825
Wellington

Waitangi Workshops
Robert Consedine
Organiser
P O Box 35-089
Christchurch
Tel (03) 383 31 82



Synod is constantly asked 'Where do we stand on the bi-cultural journey?'. We within Synod and Maoridom would reply that we have met with all the supposed needs implied in the term 'bi-cultural' as far as the educational, social, and law-abiding aspects of bi-culturalism apply. If this is to be a shared venture or journey within the church, then it requires that you who are not Maori should now set out to learn something of the Maori people who are the tangata whenua of this country, and also part of the Presbyterian Church of Aotearoa New Zealand.

You will need to ask yourselves:

- What changes are we prepared to make within our structures of worship and liturgy to accommodate the tangata whenua within our churches of Aotearoa New Zealand?
- What changes are needed within our social structures, and in our administration at all levels within the parishes, Presbyteries, and in the General Assembly?

— *Te Hinota Maori*, 1988

Mahi Tahī

The Mahi Tahī Work Group of the Presbyterian Church provides support and encouragement for any Presbytery which would like to deepen its experience of and commitment to bi-cultural partnership. The objective is to give people a feeling for the past, and an opportunity to explore, celebrate, and benefit from cultural differences. The ultimate goal is action and a visible change towards positive affirming attitudes to the partnership between Māori and Pākehā.

The Work Group will assist any Presbytery or group of parishes to set up and run a seminar aimed at fostering this understanding. A Mahi Tahī seminar is a gentle experience, normally arranged to start on a Friday evening and continue on Saturday. Some financial assistance is available to supplement expenses where necessary.

For more information on the Mahi Tahī experience, contact the Work Group through the National Service Centre of the Presbyterian Church, PO Box 9049, Wellington, telephone (04) 801 60 00.

There is also the Ahorangi, or Resource Teacher, to the Church, who can be consulted on the bi-cultural journey, either through Te Hinota Māori or through Knox Theological College in Dunedin.