

Copyright is owned by the Author of the thesis. Permission is given for a copy to be downloaded by an individual for the purpose of research and private study only. The thesis may not be reproduced elsewhere without the permission of the Author.

**Becoming a Three Tikanga Church:  
The Bi-cultural Commission on the Revision of the  
Constitution 1986-1992**

A thesis presented in partial fulfillment of the requirements for the degree of Master  
of Arts in History at Massey University

Elizabeth J. Beatson

2002

## **Acknowledgments**

I wish to acknowledge the advice and support of Associate Professor Peter Lineham in the development of this thesis. I also wish to thank the staff of the Kinder Library, particularly Eddie Sun, and Librarian and Archivist for the Anglican Church, Judith Bright, for their assistance in making material available. I am particularly grateful to the Rt Rev. John Paterson, Rev. Dr Ken Booth, and Mr Kevin O'Sullivan who gave so generously of their time and provided valuable information and insights into the work of the Commission on the Revision of the Constitution and the processes of General Synod. I would also like to thank my husband for putting up with it all.

# Contents

1	Introduction .....	1
2	The Constitution of the Anglican Church in Aotearoa, New Zealand and Polynesia.....	6
	2.1 The Constitution 1857-1992 .....	17
3	The Bi-cultural Commission on the Revision of the Constitution .....	24
	3.1 Members of the Commission.....	24
	3.2 The Process 1986-1988 .....	31
	3.3 Draft Constitution Presented to the 1988 General Synod.....	40
	3.4 Revised Draft Constitution Presented to a Hui of Standing Committee of General Synod and Te Runanga Whaiti o Te Pihopatanga in March 1989 .....	49
	3.5 Reaction of the Dioceses .....	57
	3.6 Approval of the Revised Draft Constitution November 1990 .....	61
	3.7 Final Adoption General Synod 1992.....	63
4	Diocese of Polynesia.....	65
5	The Contemporary Context .....	69
	5.1 The Treaty of Waitangi .....	69
	5.2 Partnership .....	76
	5.3 Bi-culturalism and Bi-cultural Development .....	79
6	The Theological Debate .....	84
7	The Maori Perspective .....	89
	7.1 Reinterpretations of History.....	95
8	The Pakeha Perspective.....	99
9	Conclusion.....	105
	Bibliography.....	109

## Appendices

1.	The Constitution of the Anglican Church in Aotearoa, New Zealand and Polynesia, 1992.....	120
2.	Changes to the Constitution, 1865-1992.....	150
3.	Draft Constitution presented to General Synod, 1988 as a Schedule to Bill No.38 .....	151
4.	Revised Draft Constitution, July 1989, (pp. 9-32 of <i>The Blue Book</i> ).....	161
5.	Revised Draft Constitution presented to General Synod, 1990.....	173
6.	Motion Passed at Nelson Synod 1990.....	191

# 1 Introduction

In 1984 the General Synod of the Church of the Province of New Zealand established a Bi-cultural Commission on the Treaty of Waitangi. The Commission was required to study the Treaty and consider whether any principles of partnership and bi-cultural development were implied, and if so, how those principles could be embodied in the life of the Church. The Commission of three Maori and three Pakeha members consulted widely throughout the Church in both Maori and Pakeha settings, reporting back to General Synod in 1986 with 18 recommendations covering a wide range of issues, including land and the Maori language.

The most significant of the recommendations established a further Bi-cultural Commission to revise the Church's constitution. The Commission's task was to be the revision of the constitution to ensure: that the preamble reflected the growth of the Church in New Zealand from 1814 to the present day; that the principles of partnership and bi-cultural development were expressed and entrenched; that the provisions of the Church of England Empowering Act 1928 were incorporated; and that Te Pihopa o Aotearoa and Te Runanga o Te Pihopatanga o Aotearoa had equal status with Diocesan Bishops and Synods. The Commission was, 'to have regard to the Report and Recommendations of the Bi-cultural Commission on the Treaty of Waitangi; and in particular to consider the Commission's response to the submission from Te Runanga [o Te Pihopatanga].'<sup>1</sup> Crucial factors in the development of the constitution were the Commission on the Treaty of Waitangi's definition of the terms partnership and bi-cultural development, and the structural model proposed to the Commission by Te Runanga o Te Pihopatanga.

The members of the Commission on the Revision of the Constitution were named in the recommendation, with one exception remaining the same as the Bi-Cultural Commission on the Treaty of Waitangi. From 1986 to 1988 the new Commission focussed on legal issues and the drafting of a possible constitution. Even though the

---

<sup>1</sup> Bi-cultural Commission of the Anglican Church on the Treaty of Waitangi, *Report of the Bi-Cultural Commission of the Anglican Church on the Treaty of Waitangi, te Kaupapa Tikanga Rua*. [Christchurch]: Provincial Secretary of the Church of the Province of New Zealand, 1986, p.26.

Commission was not unanimous at the time, this draft was presented to the 1988 General Synod. Extensive debate at General Synod resulted only in agreement that the Bill should lie on the table. The Commission was re-constituted and instructed to consult widely throughout the Church. A revised draft of the constitution was subsequently presented to a hui between the Standing Committee of General Synod and Te Runanga Whaiti o Te Pihopatanga o Aotearoa held at Otaki in March 1989. Following this meeting the proposed constitution, further revised and with explanatory notes, was published as what became generally known as *The Blue Book*, which was distributed for discussion throughout the Church. Further revision followed, and in November 1990 a Special Session of General Synod agreed to the proposed new constitution, which was then referred to the next General Synod in 1992 for adoption, subject to the approval of the dioceses, Te Pihopatanga and the Diocese of Polynesia.

The far reaching nature of the Commission's work meant it impinged on, and was sometimes in conflict with, a number of other concurrent General Synod Commissions. In particular, the Commission on the Relationship of the Diocese of Polynesia with the Province, the Provincial Boundaries Commission and the Provincial Bi-cultural Education Commission.

Following the adoption of the revised constitution, te Pihopa o Aotearoa, Whakahuihui Vercoe, claimed, 'my biggest achievement as a Bishop has been the presentation by the Bishopric of Aotearoa of a new constitution for the Anglican Church in 1992.'<sup>2</sup> As Bishop Vercoe had never been a member of the Commission, this was a clear statement of the ownership Te Pihopatanga o Aotearoa felt for both the process and the new constitution. Writing of Bishop Vercoe's exhilaration and excitement at the adoption of the new constitution, Stuart Scott considered, 'He and his colleagues had achieved apartheid within the Anglican Church of New Zealand.'<sup>3</sup> This statement echoed the concerns of some church members that the

---

<sup>2</sup> Whakahuihui Vercoe, 'A Self-sufficient Maoridom', in *Vision Aotearoa: Kaupapa New Zealand*, Wellington: Bridget Williams Books, 1994, p.115.

<sup>3</sup> Stuart Scott, *The Travesty of Waitangi: Toward Anarchy*, Dunedin: Campbell Press, 1995, p.88.

new structure had separated the Church along racial lines, creating General Synod as a federation of ethnic groups rather than a federation of dioceses. For Archbishop Brian Davis the new constitution, 'meant massive adjustment, particularly in Pakeha thinking. It has led to fundamental changes in the way decisions are made, and resources are shared. It has also led to considerable institutional restructuring.'<sup>4</sup>

The Church's new constitution was being developed at a time when the emergence of a new interpretation of New Zealand history had led to a greater national awareness of Maori grievances, and Maori were publicly demanding greater influence in decision making and a more equitable share of resources. In 1981 the Springbok rugby tour further focussed the nation's attention on the existence of racial tension within New Zealand. Continuing Maori frustration at the lack of formal recognition of the Treaty of Waitangi was causing a public re-examination of the Treaty, and when the Waitangi Tribunal, in upholding the Motonui-Waitara claim in 1983, focussed for the first time on the principles of the Treaty, a new dimension was added to the debate. The Fourth Labour Government, elected in 1984, emphasised the importance of the Treaty, including placing it in legislation. The Treaty also took on a new legal significance in the light of Justice Cooke's willingness to refer to it as an aid to interpreting Acts, and as Maori turned to the Courts for justice.

National constitutional change was also under consideration during the 1980s. Difficulties over the transfer of power following the 1984 General Election led to an examination of New Zealand's constitutional law, and subsequently the *New Zealand Constitution Act 1986* formally cleared the way for greater independence from Great Britain. Constitutional change was also being reflected in the restructuring of the state sector and greater recognition of international conventions for domestic law and practice. One member of the Commission on the Revision of the Constitution, Professor Whatarangi Winiata had contributed to the national debate when, as the Raukawa District delegate to the New Zealand Maori Council,

---

<sup>4</sup> Brian Davis, *The Way Ahead, Anglican Change and Prospect in New Zealand*. Christchurch: Caxton Press, 1995, p.26.

he presented a constitutional model for the nation in 1984. This model was to have considerable influence on the Church constitution, which some saw as a means of demonstrating the proposed constitutional structure to the nation.

Maori frustration at the continued inequity of authority and resources and neglect of the Treaty was reflected within the Church. Both Maori and Pakeha church members were voicing concerns about the perceived build-up of racial tension in New Zealand, and there was considerable Pakeha misunderstanding over the role of Te Pihopatanga, although the concept was generally supported. Archbishop, later Governor General, Paul Reeves was publicly challenging attitudes to the Treaty of Waitangi, particularly within the Auckland Diocese. The debate within the Church was influenced by perceived responsibility for the Treaty of Waitangi because of the role of Church Missionary Society missionaries in 1840. Maori, in particular, felt strongly about the role of the churches in the Treaty. In May 1985 Professor Winiata, in a discussion on the Treaty, remarked, 'the Anglican Church got us into this and I would say that I am pleased that after 142[sic] years it has established a Commission to try to bring some equity to a situation it created in the first place.'<sup>5</sup> There was also a perception, particularly among Maori, that the Church, which had existed as Te Haahi Mihinare before state government, had a responsibility to exercise its mana in promoting racial harmony in New Zealand.

The 1992 constitution was a product of the social and political attitudes of the 1980s. The debate within the Church highlighted Maori aspirations to self determination and the differing attitudes of Maori and Pakeha to the Treaty of Waitangi. Maori leaders, emphasising the Church's origins as Te Haahi Mihinare, and the ongoing development of two separate cultural strands within it, presented an interpretation of church history less concerned with past reality than with the embodiment of present aspirations. Although the new constitution was controversial, a climate of political correctness and post colonial Pakeha guilt meant criticism of the proposals was

---

<sup>5</sup> New Zealand Section, International Commission of Jurists, *Seminar on the Bill of Rights, Pros and Cons*, Wellington, May 1985, [Wellington]: New Zealand Section of the International Commission of Jurists, 1985, p.70.

muted. Pakeha apathy and misunderstanding of Maori attitudes was evident throughout the debate and only one Pakeha critic, Rev. Dr Ken Booth, offered an alternative structure.

This thesis focuses on the development of the constitution. It considers the constitution as the foundation document which establishes the structure and principles by which the Church is governed. There is no consideration of the canons which were adopted in 1992 to enable the constitution to become immediately effective.

## 2 The Constitution of the Anglican Church in Aotearoa, New Zealand and Polynesia

The 1992 Constitution of the Anglican Church in Aotearoa, New Zealand and Polynesia (Appendix 1) is a document in seven parts, prefaced by a lengthy preamble which establishes the theological context and the role and mission of the Church, provides a history of the development of the Church in New Zealand, and the justification for the rest of the constitution.

The four opening clauses of the preamble to the constitution are statements on the role and mission of the Church. These originated as a mission statement, developed by the Commission on the Revision of the Constitution, to attempt to clarify the Commission's task and provide a context for any changes to the Church's structure, constitution or canons, which might result from it. The statement was presented to the 1988 General Synod as part of the Commission's report. According to Bishop John Paterson, the clauses were deliberately framed in the same way as the Church's catechism.<sup>6</sup>

The preamble continues with an outline of the history of the Anglican Church in New Zealand as interpreted by the Commission. It states that the Church first developed from Ruatara's introduction of Samuel Marsden to the Maori people in 1814, and continued 'in expanding missionary activity as Te Haahi Mihinare in the medium of the Maori language and in the context of tikanga Maori, initially under the guidance of the Church Missionary Society.'<sup>7</sup> Secondly, the Church developed after the arrival of Bishop Selwyn, 'spreading amongst the settlers in the medium of the English language and in the context of their heritage and customs and being

---

<sup>6</sup> Kinder Library Archives, Auckland. Provincial Bi-cultural Commission on the Revision of the Constitution. Secretary's Papers, 1986-1992. ANG 139/1/6, Submissions. Transcript of Joint Hui between the Standing Committee of General Synod and Te Runanga Whaiti o Te Pihopatanga held at the Wananga o Raukawa, 10-12 Mar 1989.

<sup>7</sup> Anglican Church in Aotearoa, New Zealand and Polynesia, Constitution, Preamble, Clause 5.

known as the Church of England, so leading to a development along two pathways which found expression within tikanga Maori and tikanga Pakeha.<sup>8</sup>

The preamble refers to the Treaty of Waitangi and its implication for ‘partnership between Maori and settlers and bicultural development within one nation;’<sup>9</sup> and notes the fourth clause of the Treaty which recognized religious freedom for the inhabitants of New Zealand. There is a description of the drawing up and purpose of the 1857 constitution which was done with the involvement of the, ‘Missionary clergy but without direct Maori participation or the inclusion of tikanga Maori.’<sup>10</sup>

The concept of two pathways within the Church is further developed, noting the appointment of the first Bishop of Aotearoa in 1928, ‘after the continuing development of Te Haahi Mihinare’,<sup>11</sup> and the provision of a degree of autonomy for Te Pihopatanga in 1978.

Clause 12 states that the principles of partnership and bi-cultural development require the Church to:

- (a) organise its affairs within each of the tikanga (social organisations, language, laws, principles, and procedure) of each partner;
- (b) be diligent in prescribing and in keeping open all avenues leading to the common ground;
- (c) maintain the right of every person to choose any particular cultural expression of the faith.<sup>12</sup>

The next Clause notes that Te Runanga o Te Pihopatanga o Aotearoa and General Synod, in November 1990, ‘covenanted with each other and agreed’<sup>13</sup> to amend the constitution to, ‘implement and entrench the principles of partnership between Maori and Pakeha and bicultural development and to incorporate and extend the principal provisions of the Church of England Empowering Act, 1928.’<sup>14</sup> The principles of

---

<sup>8</sup> *ibid.*

<sup>9</sup> *ibid.*, Preamble, Clause 6.

<sup>10</sup> *ibid.*, Preamble, Clause 8.

<sup>11</sup> *ibid.*, Preamble, Clause 11.

<sup>12</sup> *ibid.*, Preamble, Clause 12.

<sup>13</sup> *ibid.*, Preamble, Clause 13.

<sup>14</sup> *ibid.*

partnership and bi-cultural development, established by the Treaty of Waitangi, did not apply to the Diocese of Polynesia. The preamble continues the history, noting that before 1857 the Church had established missions among the people of Melanesia which led to the formation of the Church of Melanesia in 1975. There is a very brief history of the Diocese of Polynesia concluding with the statement that, in a General Conference in November 1990, the Diocese was acknowledged to be a partner in the Anglican Church.

The remaining three clauses of the preamble cover the *Act of Commitment of 1967*, in respect of church union and the *Church of England Empowering Act 1928*. The final clause records that, 'this Church is part of and belongs to the Anglican Communion, which is a fellowship of duly constituted Dioceses, Provinces and Regional Churches in communion with the see of Canterbury, sharing with one another their life and mission in the spirit of mutual responsibility and interdependence.'<sup>15</sup>

Part A of the constitution states that the Fundamental Provisions of the Church, adopted by voluntary compact in 1857, continue to be applicable. Clauses 1, 5 and 6 of the constitution, the Church of England Empowering Act 1928 and the powers conferred by it, are the overriding provisions. The Fundamental Provisions created some difficulties for the Commission on the Revision of the Constitution which considered various ways of dealing with them, such as rewording them, or including them in an appendix or footnote. Stated in 1857 in a form that could only be altered by Act of Parliament, their retention was essential for the identity and membership of the ongoing church. Te Runanga had difficulty with the precedence which the Fundamental Provisions, and the Church of England Empowering Act, gave to a constitution in which Maori had had no part.

The first of the Fundamental Provisions identified the church in New Zealand as a branch of the United Church of England and Ireland, and declared that the Church

---

<sup>15</sup> *ibid.*, Preamble, Clause 14.

would 'hold and maintain the Doctrine and Sacraments of CHRIST',<sup>16</sup> as commanded in scripture, and received and explained by the United Church of England and Ireland in the 'Book of Common Prayer, in the Form and Manner of Making, Ordaining and Consecrating, Bishops, Priests and Deacons, and in the Thirty-nine Articles of Religion.'<sup>17</sup> The New Zealand Church initially had no power to alter any of these formularies or the Authorised Version of the *Bible*, but the second Provision allowed the Church to accept any changes adopted by the United Church of England and Ireland.

The third Fundamental Provision allowed that, provided a licence was granted by the Crown, the New Zealand Church could, except in matters of doctrine, frame new laws or modify existing ones, to meet the 'peculiar circumstances of this Colony and the native people'.<sup>18</sup> Uncertainty about the position of a church separated from the state, or the possibility of the colony being separated from Britain, led to the fourth Provision which allowed the New Zealand Church to make alterations to the stated formularies and the Authorised Version of the Bible in the event of either of these circumstances occurring. The experimental nature of the 1857 constitution is evident in the explanation at the beginning of this Provision which states, 'And whereas opinions have been expressed by eminent legal authorities in England that the property of the Church in New Zealand might be placed in jeopardy'<sup>19</sup> unless such provision was made. Provisions 2, 3 and 4 were subsequently superseded by the *Church of England Empowering Act 1928*, as stated in Part B of the constitution.

Fundamental Provision 5 established a governing body, to be called General Synod, to manage the affairs of the Church, and to consist of the three orders of Bishops, Clergy and Laity. The final Provision states, 'The above Provisions shall be deemed FUNDAMENTAL, and it shall not be within the power of the General Synod, or of any Diocesan Synod, to alter, revoke, add to, or diminish any of the same.'<sup>20</sup> The

---

<sup>16</sup> *ibid.*, Part A, Fundamental Provision 1.

<sup>17</sup> *ibid.*

<sup>18</sup> *ibid.*, Part A, Fundamental Provision 3.

<sup>19</sup> *ibid.*, Part A, Fundamental Provision 4.

<sup>20</sup> *ibid.*, Part A, Fundamental Provision 6.

first draft of the revised constitution, presented to General Synod in 1988, contained the Fundamental Provisions in a reworded form, entrenching the principles of partnership and bi-cultural development and incorporating the changes provided in the *Church of England Empowering Act 1928*. This approach was subsequently abandoned, and the new constitution contains Part B, entitled 'Further Provisions,' which identifies the changes to the 1857 Fundamental Provisions provided for by the *Church of England Empowering Act 1928*. Clause 1 adds *Te Rawiri* and *The New Zealand Prayer Book – He Karakia Mihinare o Aotearoa* to the formularies in the first Fundamental Provision. Clause 2 states that General Synod, 'also known as te Hinota Whanui',<sup>21</sup> will hold the same doctrine and sacraments of Christ as the Church itself. Clause 3 states that General Synod has no power to alter the Authorised Version of the Holy Scriptures of 1611 or *Te Paipera Tapu*, but may allow other versions to be used in public worship. Clause 4 allows General Synod to alter the formularies mentioned in the Fundamental Provisions of the constitution, provided it does not depart from the doctrines and sacraments of the Fundamental Provisions, and Clause 6 provides the mechanism for making such alterations.

Part C of the constitution is entitled, 'Provisions not Fundamental', and contains provisions which may be changed by General Synod under a mechanism provided in Part G, Clause 4. The first two clauses establish a General Synod to be held in every alternate year from 1990, with an election of members to take place before each biennial meeting. Clauses 3 to 5 relate to the representatives to which each diocese of Tikanga Pakeha, the Diocese of Polynesia and Te Pihopatanga are entitled, in accordance with Clause 5 of the Fundamental Provisions. Each diocese in New Zealand may be represented by one or more bishops, three clergy and four members of the laity, with General Synod entitled to determine additional numbers from time to time as provided in the 1857 constitution. The method of election is to be determined by each diocese. Te Pihopatanga and the Diocese of Polynesia may determine both the method of election and the number of representatives,

---

<sup>21</sup> *ibid.*, Part B, Further Provisions, Clause 2.

recognising the reality of partnership and the trust placed in the tikanga partners to act responsibly. As this makes the membership of General Synod variable they are required to advise the Primate of the number of representatives in the calendar year preceding General Synod, enabling the membership for each session to be known. In effect tikanga Pakeha is currently limited to 49 lay and clerical members and eight bishops (the Diocese of Waikato having two bishops at the present time). The ability for tikanga Maori and tikanga Polynesia to choose the number of representatives allows them to nominate a number to equal, or exceed, the number of representatives from tikanga Pakeha. In reality financial and logistical constraints would make this unlikely and the method of voting by Houses, and the existence of the tikanga vote, would nullify any effect. The provision is significantly different from the controversial 1988 proposal, prior to the involvement of the Diocese of Polynesia, of equal Maori and Pakeha representation in General Synod.

Clause 6, the method of voting in General Synod, was one of the major and more controversial changes. Although the traditional Anglican system of voting by Houses remains the prime method of voting, any member of General Synod, prior to any vote by Houses, may ask for a vote by tikanga. The assent of a majority of each tikanga is then required for the matter to proceed to a vote by Houses. There is also provision for any tikanga to abstain, thereby allowing any measure which they considered irrelevant to themselves, but of significance to the others, to be passed by a majority of the remaining tikanga. For some Anglicans, familiar with the concept of General Synod as a federation of dioceses, this change appeared to establish General Synod as a federation of racial groups.

Clause 7 allows General Synod to determine the qualification and eligibility of those allowed to take part in General Synod, or any body under its authority. The only constitutional requirement being that such people must have been baptised. The 1857 constitution required such people to be communicant members of the Church. The ability for General Synod to associate itself with any diocese which may arise

among the, 'other islands of the Pacific Ocean',<sup>22</sup> and the method of establishing the terms and conditions of that association, is provided for in Clause 8.

Clause 9 allows General Synod to make any regulations for the government of Church property, people holding office within the Church, and the administration of trusts. Such regulations must be consistent with the constitution.

Clause 10 requires General Synod to establish a Tribunal to decide questions of doctrine and discipline and also allows for the establishment of a Court of Appeal.

Clause 11 allows any regulation assented to by Te Runanga o Te Pihopatanga and all the diocesan synods in New Zealand and Polynesia, to have the force of a regulation of General Synod provided it is consistent with the constitution.

The appointment of a Primate is the subject of Clauses 12 and 13, allowing one of the bishops to be appointed, 'by such procedure and with such authority',<sup>23</sup> as General Synod prescribes by canon. Clause 13 enables the most senior bishop in New Zealand or Polynesia, who is able and willing to act, to become Acting Primate if the Primate is absent from New Zealand, or the position is vacant. Seniority is determined by the date of episcopal ordination.

Clause 14 states that no doctrines repugnant to the Doctrines and Sacraments of Christ held by the Church, can be advocated by any person using the authority of General Synod, or with funds or property held under the authority of General Synod. However, the joint use of funds or property in common with other Christian Churches is acceptable with approval of the Bishop and Standing Committee of the Diocese concerned, or Te Pihopa and Te Runanga Whaiti o Te Pihopatanga o Aotearoa, or the Standing Committee of General Synod.

The final clause of Part C requires all people holding any licence, permission, or office under the authority of General Synod, or entitled to receive any income or

---

<sup>22</sup> *ibid.*, Part C, Provisions Not Fundamental, Clause 8.

<sup>23</sup> *ibid.*, Part C, Provisions Not Fundamental, Clause 12.

emolument from property held under General Synod authority, to sign a 'Declaration of Adherence and Submission to the Anglican Church in Aotearoa, New Zealand and Polynesia'. The term 'Office' applies to membership of any synod, runanga, vestry, board, commission, council or similar body under the authority of General Synod. The declaration is included as part of Clause 15.

Parts D, E and F of the constitution relate to each tikanga, Part D to Te Pihopatanga o Aotearoa, Part E to the Dioceses in New Zealand, and Part F the Diocese of Polynesia. Each part consists of parallel clauses which differ as necessary for each tikanga.

Clause 1 states that each tikanga is responsible for providing ministry, and promoting mission, to those who wish to be ministered to within that tikanga. Te Pihopatanga, the dioceses in New Zealand and the Diocese of Polynesia may each determine their own structure and organisation, but Part E allows General Synod to alter diocesan boundaries, or amalgamate or alter dioceses, with the consent of the dioceses concerned, and Part F allows the Diocese of Polynesia, 'with the concurrence'<sup>24</sup> of General Synod, to subdivide itself into several dioceses and thereafter to further subdivide or amalgamate.

The second clause requires each tikanga to function on the basis of the covenant expressed in the constitution and in partnership with one another, with Clause 3 allowing any person or organised body in the Church to act under joint authority of any diocese and Te Pihopatanga. This provides for parishes or other bodies considering themselves to be ministering to both tikanga to retain that ability.

Clause 4 Part D, provides for the establishment of Te Runanga o te Pihopatanga o Aotearoa, consisting of the three orders of Bishops, clergy and laity. Any decision of Te Runanga must be agreed to by a majority in each order including Te Pihopa, and there is provision for Te Runanga to decide how it will act in the absence of Te

---

<sup>24</sup> *ibid.*, Part F, Of the Diocese of Polynesia, Clause 1.

Pihopa. Te Runanga may make provision to enable any ordained minister or lay person of any other Christian Church recognised by General Synod, and appointed to work in a co-operating parish, to have a seat in the appropriate House in Te Runanga, with the right to vote except in matters of altering the Formularies, nominating a Bishop, amending the constitution, or relating to the Church of England Empowering Act 1928. Part E allows for the dioceses of New Zealand to meet in Synodical Conference to consist of the three distinct orders and there is no equivalent clause for the Diocese of Polynesia.

As part of the three tikanga structure, a meeting of representatives of the dioceses in New Zealand, was suggested by Professor Winiata. This allowed the dioceses in New Zealand to meet together and reach decisions for tikanga Pakeha prior to debate at General Synod. The Inter-Diocesan Conference was finally established, not by the constitution, but by canon. Title B, Canon XXII, Clause 2, allows for the conference to, 'constitute itself as a Synodical Conference in terms of Part E clause 4 of the Constitution/te Pouhere.'<sup>25</sup> Bishop John Paterson explained that under the new structure the dioceses needed to become partners among themselves, 'to get our act into order then deal with the other two partners'.<sup>26</sup> Paterson acknowledges that the early meetings of the Inter-Diocesan Conference were very difficult because it was seen as an additional and unnecessary level of bureaucracy. For this reason, and also because many people perceived it as being forced on Pakeha by Maori, there was considerable opposition to the Inter-Diocesan Conference during the development of the constitution.

Clause 5 Part D, enables Te Pihopatanga to establish representative governing bodies, or Hui Amorangi, consisting of the three orders of bishops, clergy and laity, and operating under the same provisions as Clause 4. Parts E and F allow for the dioceses in New Zealand and the Diocese of Polynesia to establish governing bodies, or diocesan synods, consisting of the three orders, the assent of a majority of

---

<sup>25</sup> Anglican Church in Aotearoa, New Zealand and Polynesia, Code of Canons, Title B, Of Organised Bodies in the Church, Canon XXII, Of the Inter-Diocesan Conference, 2000, p.B.68.

<sup>26</sup> Elizabeth Beatson, Interview with Rt. Rev. John Paterson, 26 Sep 2001, p.10.

each order including the Diocesan Bishop, being required for a decision of the synod. The right of such synods to meet and conduct business in the absence of the Diocesan Bishop is provided for in different ways for each tikanga. In tikanga Maori, Te Runanga o Te Pihopatanga can make such provision. In Part E, tikanga Pakeha, provision is made by Canon of General Synod, and the Diocese of Polynesia may make its own provision. The provisions for any ordained or lay members of other Christian Churches to have a seat and vote in a synod are as Clause 4 Part D, except that the provision for the dioceses in New Zealand and the Diocese of Polynesia will be made by Canon of General Synod. Clause 6 is identical for all three tikanga, allowing for the delegation of any of its powers by General Synod.

Clause 7 is also identical for each tikanga, allowing Te Runanga o Te Pihopatanga and the diocesan synods to exercise powers and make regulations consistent with the constitution and Canons and Regulations of General Synod, and also makes provision for any person aggrieved by any act of these bodies to appeal to General Synod, or any Board or Court of Appeal established by General Synod.

Clause 8 provides General Synod with the power to make any Regulation to overrule any regulation made by Te Runanga, Hui Amorangi, Synodical Conference or Diocesan Synod.

The election of Te Pihopa by Electoral College is provided for in Clause 9 Part D, with no equivalent for Parts E and F. Clause 10 Part D provides for the election of, 'a bishop with Episcopal jurisdiction in relation to a Hui Amorangi, other than Te Pihopa',<sup>27</sup> and parts E and F provide for the election of diocesan bishops. In tikanga Maori it is the responsibility of Te Pihopa to convene an Electoral College, while it is the responsibility of the Primate to do so for the dioceses in New Zealand and the Diocese of Polynesia. All nominations are required to be sanctioned by General Synod according to the provisions of the constitution. The procedure for electing a

---

<sup>27</sup> Anglican Church in Aotearoa, New Zealand and Polynesia, Constitution, Part D, Of Te Pihopatanga o Aotearoa, Clause 10.

bishop, not provided for in Clauses 9 or 10, are identical for all tikanga and are to be prescribed by General Synod, as provided for in Clause 12.

Part G contains 5 clauses. The first two cover standard matters of gender specific and plural and singular words, and Clause 2 also defines the word 'Clergy'. Clause 3 requires doubts about the interpretation of the constitution to be submitted to General Synod, or a delegated tribunal, for final decision, and Clause 4 provides the mechanism for General Synod to alter, amend or repeal, any part of the constitution except the Fundamental Provisions. Clause 5 states that in applying the constitution, 'the Maori and English texts shall be considered together.'<sup>28</sup>

The recommendation establishing the Commission on the Revision of the Constitution required Te Pihopa and Te Runanga o Te Pihopatanga o Aotearoa to be involved in the same way as diocesan bishops and synods. However, from 1987, Maori spoke of wishing to become a separate Province. The constitution established a situation in which Te Pihopatanga is not a province, but is more than a diocese. For example, each tikanga may determine its own structure and organisation. However, the Diocese of Polynesia may only alter its structure with the concurrence of General Synod, which also has the right to alter the boundaries of the dioceses in New Zealand, albeit only with their agreement. As General Synod consists of all three tikanga, this effectively allows tikanga Maori a voice in the structure of the dioceses while retaining independence over its own structure. A similar situation occurs with the number of tikanga representatives to General Synod. Tikanga Maori and tikanga Polynesia may establish their own numbers, but the number for the dioceses is established by General Synod. In regard to electing bishops, Te Pihopa o Aotearoa has the same responsibility for the election of bishops to Hui Amorangi as the Primate has for election of bishops to the dioceses.

---

<sup>28</sup> *ibid.*, Part G, General, Clause 5.

## 2.1 The Constitution 1857-1992

Prior to European settlement, and after a hesitant start, Church Missionary Society missionaries established a Maori church in New Zealand. The development of European settlement, however, led to a demand for a more traditional church structure and worship in the English language. As a result the first Church of England Bishop of New Zealand, George Augustus Selwyn, was appointed in 1841. On his arrival the following year, Selwyn became aware that the economic needs of a Church not funded by endowments, or supported by the state, required organisational structures that had the support of both the clergy who worked within them, and the laity who funded and attended them. Selwyn was anxious to avoid the faults of the church in England, and determined to keep the church in New Zealand free from state control.

The problems of developing new forms of church government were not unique to New Zealand. As the Church of England spread to new colonies, with bishops appointed under Letters Patent from the Crown, the difficulty arose as to how far the colonial church was bound by the ecclesiastical laws of England. The solution, supported by the Secretary of State for the Colonies, William Gladstone, was the development of a system of voluntary or consensual compact. Gladstone believed that, 'the nearer the internal law of the Church for those Colonies could be brought to the footing of voluntary compact to be enforced upon the general principles of the law of contracts the better.'<sup>29</sup>

Sir George Grey and other leaders of the colony were also anxious to see efficient church government established, and Grey drew up the first draft of a constitution for the Church of England in New Zealand, based on the model of the Protestant Episcopal Church of the United States of America. Between 1850 and 1857 Selwyn sought to create an appropriate organisational structure for the Church. In a Pastoral Letter, written in April 1852, he set out nine fundamental principles of a Church constitution based on the three orders of bishops, clergy and laity. The consent of all

---

<sup>29</sup> W.P Morrell, *The Anglican Church in New Zealand: A History*, Dunedin: Anglican Church of the Province of New Zealand, 1973, p.49.

three orders would be required for any legislation that was to be binding on the whole Church. The involvement of the laity was a radical innovation, but church members would be required to finance the Church in the absence of other means of funding, and Selwyn appreciated that they would not do so without some voice in its government.

Meanwhile ministry to Maori was being provided by the Church Missionary Society and no separate provision was made for Maori within the proposed church structure, or for the continued management of the Maori Church as a separate body. Selwyn recognised that continuing with separate government for each of the settler and missionary churches would be difficult, and acknowledged the need to draw Maori church members into a closer relationship with European members. He urged the Church Missionary Society to hand over responsibility for the mission districts and establish permanent endowments for Maori schools and parishes. The missionary clergy themselves condoned the lack of provision for the Maori Church, believing that, for the present, the continuation of the Maori Church and Maori ministry were best served by the Church Missionary Society. Selwyn's assimilationist expectations, as well as his concern for the future of the Maori Church are evident in his speech at the first General Synod in 1859.

But I cannot disguise my conviction that the time has come when a united action between the two branches of our Church is absolutely necessary. Our countrymen are spreading themselves over the greater part of the New Zealand Islands. Japhet is being enlarged to dwell in the tents of Shem. The constant traffic with the English towns brings the Native population more and more into contact with our own race. It will be found impossible to carry on a double government for the Colonial and missionary Church. But the blending of the one into the other must be a gradual work, and ought to be begun immediately. The Euthanasia of the Mission cannot be a sudden death.<sup>30</sup>

Criticism subsequently levelled at the Church for not including Maori people in the establishment of what has become the Anglican Church in New Zealand, reflects attitudes of the late twentieth century and ignores the contemporary realities.

---

<sup>30</sup> Branch of the United Church of England and Ireland in New Zealand, Proceedings of the 1<sup>st</sup> General Synod, Wellington, 8 Mar 1859, p.1.

On May 14<sup>th</sup> 1857 a conference was held, chaired by Bishop Selwyn and including the missionary archdeacons Henry and William Williams, Alfred Nesbit Brown and Octavius Hadfield. Two Trust Deeds were considered, one prepared in England by C.J. Selwyn, lawyer brother of the Bishop, with advice from Sir John Patteson and Chief Justice Martin, and the other prepared in Canterbury. The conference, however, chose to frame a totally new Foundation Deed, or Constitution. Anxious to retain the doctrinal basis of the Church of England, the conference agreed that General Synod would not be able to make alterations to the Authorised Version of the Bible, the Prayer Book, the Ordinal, or the Thirty-nine Articles, but it could accept alterations properly accepted by the Church of England with the consent of the Crown and Convocation. The needs of Maori were not ignored, for it was agreed that, 'rules not affecting doctrine might be framed or modified to meet the circumstances of the Colony and of the Maori people.'<sup>31</sup> On June 2<sup>nd</sup> the conference resolved itself into a Constituent Assembly and allocated the number of clerical and lay members to be elected to General Synod from each diocese, with the four missionary archdeacons continuing to represent Maori Church members. On June 13<sup>th</sup> the Constitution was signed by the members of the conference, including the missionary archdeacons, and the first General Synod was called in 1859.

The non-fundamental provisions of the 1857 constitution covered similar ground to those of the 1992 constitution. General Synod was to meet every three years, with triennial elections to be held in a manner prescribed by itself. Each diocese was entitled to an equal number of clerical and lay representatives, and all acts of General Synod required the consent of a majority of all three orders. The constitution allowed General Synod to prescribe the qualifications of those able to hold lay positions in any part of the Church, to form regulations for the management of properties and trusts, to depose or discipline any Church appointees, and to establish a tribunal to decide questions of doctrine and discipline. Synods in each diocese were to be as similar in constitution and procedure to General Synod as

---

<sup>31</sup> Morrell, p.63.

possible. The procedure for nominating bishops was established, and a number of clauses covered trusts, property and acceptable teaching.

Due to the existing lack of state legislation, the constitution needed to make provision for the management of church property. Subsequently, as state property legislation developed, some church property laws became superfluous, while others diverged from state law. A Bill introduced at the 1904 General Synod, by Ven. George MacMurray, and adopted in 1907, repealed non-fundamental property clauses which were no longer required.

Clause 18 of the 1857 constitution enabled General Synod to associate with any missionary diocese in the Pacific. In 1928, a General Synod Commission established to consider the relationship of missionary dioceses to the Province of New Zealand, concluded that General Synod did not have the power to make a missionary diocese an integral part of the Province. Unless such dioceses were incorporated as a separate Province it was necessary to define on what basis, and on what issues, the representatives should be allowed to speak in General Synod. Following the establishment of a further Commission in 1952, the Church of England (Missionary Dioceses) Act of 1955, defining a missionary diocese, was passed by the New Zealand Parliament.

In 1858 the *Bishop of New Zealand Trust Act* was passed. Some church leaders, not as convinced as Selwyn about the separation of Church and state, sought unsuccessfully to have the constitution appended as a schedule to the Act, believing this would ensure the constitution had the force of an Act of Parliament. Selwyn's presidential address to the 1859 General Synod explained why a constitution had not been sought from the Colonial Legislature, as had been done in Canada and Victoria, and also touched on the sensitive relationship between the Church and the Church Missionary Society, which would have preferred to leave a totally native church.

If we had accepted an Act investing us with power over all persons so far as they are Ministers or Members of the Church of England, we must at once have come into collision with the Church Missionary Society, which still retains within its hands full power of government over one-half of the clergy of the Northern Island. ... the Constitution given to us in one session of the General Assembly might be altered or repealed by another. Questions of deep interest to ourselves might have become issues of political agitation. In short we should incur all the liabilities of a Church established by law, while at the same time, in the eye of the Colonial Legislature we should be only as one of many denominations all equal to one another.<sup>32</sup>

He continued by claiming that the constitution avoided the problems of the Church in England, such as the abuse of private patronage, sale of spiritual offices, inequality on income, and failure of corrective discipline.

In 1864, a Commission to consider the constitution set up by the Christchurch Diocese, found the constitution, 'essentially unsound'.<sup>33</sup> The Diocese objected to the concept of voluntary compact and wished to retain control of its own Trust property. As a result, the first revision of the constitution was made in 1865 at the third General Synod, altering Clause 20 to allow for diocesan synods, and enabling them to be recognised as bodies for the purpose of the *Religious, Charitable and Educational Trusts Act 1865*, and to manage their own properties. The preamble was also revised to reflect a greater confidence in the structure of the church as an organisation separate from the Church of England. Between 1857 and 1992, changes were made to the non fundamental provisions of the constitution on ten occasions (Appendix 2), although some changes to church organisation were provided for by Canon Law.

In 1925, a Christchurch commission reported to General Synod in favour of applying to Parliament to empower General Synod, subject to the agreement of diocesan synods, to make changes to the Fundamental Provisions which would allow General Synod to alter the formularies and the authorised version of the *Bible*. The subsequent *Church of England Empowering Act 1928* replaced Fundamental Provisions 2, 3 and 4, becoming a definitive part of the constitution. The *Act* also

---

<sup>32</sup> Branch of the United Church of England and Ireland in New Zealand, Proceedings of the 1<sup>st</sup> General Synod, Wellington, 8 Mar 1859, p.5.

<sup>33</sup> Church of the Province of New Zealand, Diocese of Christchurch, Report of the Commission of Synod on the Revision of the Church Constitution, 1864, p.1.

reflected a change in the legal relationship which the colonial church had established with the United Church of England and Ireland in 1857.

In 1972 the establishment of Te Pihopatanga was provided for by a change to Title A, Canon IV, which had been in force since the appointment of the first Maori Bishop in 1928. The change was reflected in the constitution in 1978 when a new Clause 9a identified how the Bishopric of Aotearoa was entitled to representation. In 1982 Clauses, 17, 22, 23 and 28 of the constitution were amended to include the Aotearoa Council in references to the dioceses.

The first step to the 1992 constitutional change was taken at General Synod in 1984, when a motion, framed by the Aotearoa Council, was moved by Professor Whatarangi Winiata and seconded by the Ven. K.M. Ihaka to establish a bi-cultural commission:

To study the Treaty of Waitangi and to consider whether any principles of partnership and bi-cultural development are implied and the nature of any such principles that may serve as indicators for future growth and development.

To consult with Maori and non-Maori people thereon at such marae and other venues as may be appropriate;

To advise General Synod on any ways and means to embody the principles of the Treaty in the legislation, institutions and general life of the Church of the Province of New Zealand.<sup>34</sup>

The motion did not refer directly to constitutional change, other than the need to embody the principles of the Treaty of Waitangi in the legislation and institutions of the Church. To many people, including Dr Ken Booth, the wording of the motion implied that the Commission had reached a conclusion on the existence of the principles even before deliberations had begun. John Paterson acknowledges this concern, 'Some people thought we said yes before we got there. That was a fault of the framing.'<sup>35</sup>

---

<sup>34</sup> Church of the Province of New Zealand, Proceedings of the 46<sup>th</sup> General Synod, Christchurch, 6-11 May 1984, p.34.

<sup>35</sup> Elizabeth Beatson, Interview with Rt. Rev. John Paterson, 26 Sep 2001, p15.

The Commission on the Revision of the Constitution was established at General Synod in 1986 as a result of Recommendation 2 of the Bi-cultural Commission on the Treaty of Waitangi. In 1988, the Commission on the Revision of the Constitution reported back to General Synod, at which it was reconstituted and given an extended brief. In November 1990, a Special Session of General Synod approved a draft revised constitution which was then circulated throughout the Church for study during 1991/92. The new constitution was finally adopted at the 50<sup>th</sup> General Synod in 1992.

### 3 The Bi-cultural Commission on the Revision of the Constitution.

The Commission is referred to in General Synod Proceedings and elsewhere, variously as the Bi-cultural Commission to Revise the Constitution, or the Commission on the Revision of the Constitution. The Commission was established at General Synod in 1986 as a result of the following recommendation from the 1984 Bi-cultural Commission on the Treaty of Waitangi.

**That** the Constitution of the Church of the Province of New Zealand be revised so that:

- (a) the preamble reflects the growth of the Church in New Zealand from 1814 to the present day;
- (b) the principles of partnership and bi-cultural development are expressed and entrenched;
- (c) the provisions of the Church of England Empowerment Act 1928 are incorporated and Te Pihopa o Aotearoa and Te Runanga o Te Pihopatanga o Aotearoa are involved in the same way as Diocesan Bishops and Synods;

**and That** a Bi-Cultural Commission of six persons be set up to redraft the Constitution for submission to the next General Synod, such Commission also;

- (a) to have power to fill any casual vacancy in its membership;
- (b) to have regard to the Report and Recommendations of the Bi-Cultural Commission on the Treaty of Waitangi; and in particular to consider the Commission's response to the submission from Te Runanga; (Appendix C) [of *Te Kaupapa Tikanga Rua*]
- (c) to propose amendments to the Canons which may appear desirable as a consequence of changes to the Constitution.

**And That** the members be

The Right Reverend M.A. Bennett

Professor W. Winiata

Professor K. Keith

The Most Reverend B.N. Davis

Mr B.N. Davidson

The Reverend J.C. Paterson.<sup>36</sup>

#### 3.1 Members of the Commission

The members of the 1984 Bi-cultural Commission on the Treaty of Waitangi had been carefully chosen because of their professional expertise and knowledge of, or sympathy with, current Maori aspirations. All continued on as members of the Bi-cultural Commission on the Revision of the Constitution, with the addition of Bruce Davidson. Although John Towle had not been named as a member in the Recommendation, he was invited to become a consultant at the first meeting of the Commission.

---

<sup>36</sup> *Te Kaupapa Tikanga Rua*, p.26.

Bishop Manu Bennett had been Suffragan Bishop of Waiapu from 1968 to 1981, and in 1978, on the inauguration of the Bishopric of Aotearoa, became Bishop of Aotearoa until his retirement in 1981. He could be described as being bi-cultural in the sense that he was able to move easily in both Maori and Pakeha society and had gained the respect of both. Bishop Bennett became a member of the Waitangi Tribunal when it was reconstituted and its membership enlarged in 1987, and was also a consultant to the 1988 Royal Commission on Social Policy. He did not continue as a member of the Commission on the Revision of the Constitution following its reconstitution in 1988.

In 1986, Professor Whatarangi Winiata was a layman actively involved in the Wellington Maori Pastorate. He was Professor of Commerce at Victoria University and a Raukawa District Delegate to the New Zealand Maori Council. He has also been convenor of the Council's Economic and Cultural Committee, and Chairman of its Legislation Committee. Professor Winiata is now Chief Executive of Te Wananga o Raukawa in Otaki, and it has been said that, 'his vision of what the Treaty partnership should be has been a powerful influence shaping both the Church and the wananga'.<sup>37</sup>

Having travelled overseas on a Rotary scholarship, Professor Winiata returned to New Zealand in 1976, following an extended period studying at the University of Michigan and lecturing at the University of British Columbia. He was seen to have not only retained his Maori culture, but also to have considerably improved himself in terms of his status within Maori society. Professor Winiata had been involved with Te Pihopatanga from its inception as Convenor of the Finance Committee, and was a founding Chairman of its Trust Board. He had earned considerable respect for his work in ensuring the security of the financing of Te Pihopatanga, and became its representative on the Standing Committee of General Synod in 1984.

Professor Winiata held strong and well publicised views on Maori self-determination. He had been the spokesman for Runanga a Raukawa when the

---

<sup>37</sup> 'Renaissance man ...' *Anglican Taonga*, Advent 2001, p.9.

Runanga had developed a model for a new form of national government in 1984. This model, seen to be beneficial to New Zealand and consistent with the Treaty of Waitangi, became the New Zealand Maori Council's position on constitutional change. The Raukawa proposal was presented to the Treaty hui at Turangawaewae in September 1984 and Waitangi in February 1985, to The Hui Taumata of October 1984, to the New Zealand Section of the International Commission of Jurists seminar on the proposed Bill of Rights and Government Ministers in 1985, and on subsequent occasions, including the Royal Commission on Social Policy, and more recently a 'Building the Constitution' Conference in Wellington in April 2000.<sup>38</sup> The Runanga o Raukawa proposal was for a primary legislature of two chambers, one of 15 Maori representatives elected according to tikanga Maori, another of 85 Pakeha elected according to tikanga Pakeha, and a second legislative chamber consisting of 10 Maori and 10 Pakeha, which was referred to as 'a 50/50 Senate'. This second chamber would not initiate legislation, but would ensure that any legislation being considered was consistent with the Treaty of Waitangi, and would 'reconcile' legislation proposed by the primary legislatures. The principle being advocated was quite clear,

the need to restore the principle of one people, one vote in the major institutions of Aotearoa to give recognition to our bicultural heritage as a nation built upon the Treaty of Waitangi. The Treaty was signed by two peoples, the Maori and the pakeha. These were the two partners in the deal. Subsequently the concept of democracy, one person, one vote, was introduced and the pakeha population multiplied. They were obedient to God in that respect. We now find that the pakeha has 10 votes to one vote of the Maori partner.<sup>39</sup>

In the model presented in April 2000, the number of representatives in the various houses had changed to possibly 25 for the Tikanga Maori House, possibly 75 for the Tikanga Pakeha House, and the senate, now called the Treaty of Waitangi House would have 21 members representing Pakeha and 11 representing Maori.<sup>40</sup> In spite of continuing to be advocated, the Runanga o Raukawa proposal has received little response, and in some quarters has been greeted with what Bishop John Paterson

---

<sup>38</sup> *Building the Constitution*, Colin James, ed. Wellington: Victoria University of Wellington, Institute of Policy Studies, 2000, pp.205-206.

<sup>39</sup> *Seminar on the Bill of Rights, The Pros and Cons*, pp.66-67.

<sup>40</sup> *Building the Constitution*, p.206.

described as 'outright hostility.'<sup>41</sup> The model for church government proposed by Te Pihopatanga was clearly based on the Runanga o Raukawa model, and this became the basis of the first draft of the constitution presented to General Synod in 1988. Professor Winiata was undoubtedly the initiator and leader of the constitutional debate within the Church. John Paterson considered it fair to say that Winiata was committed to one constitutional model, 'or at least he believed that that was where Maori had the most to gain and that the others were just rearranging deck chairs on the Titanic.'<sup>42</sup>

Brian Davis was originally chosen as a member of the Bi-cultural Commission on the Treaty of Waitangi because he had considerable mana among Maori people, and of the incumbent diocesan bishops, his experience was considered the most appropriate. In 1973 Davis had been invited by the Bishop of Waiapu, Paul Reeves, to become Dean of Waiapu, which had an extensive Maori membership. To be successful as Dean it was necessary for Davis to have the confidence of both Maori and Pakeha members of the diocese. During his time at Waiapu he introduced Maori decoration into Napier Cathedral. Brian Davis became Bishop of Waikato in 1980, and in 1983 his Diocesan Synod had spent time studying the Treaty of Waitangi. He became Archbishop and then Bishop of Wellington in 1986. John Paterson considered that Davis was never 'fully on board'<sup>43</sup> with what the Commission were doing, 'Brian wanted us to be really clear that anything we did had a sound theological and biblical base to it and he was certainly not convinced about that.'<sup>44</sup> Davis' concern is evident in the article he wrote, 'Cultural Relations – a Theology', which formed Appendix E of *Te Kaupapa Tikanga Rua*. The final paragraph states, 'Our bishops, clergy and people, will have to work hard to apply the principles of bi-cultural development and partnership implied in the Treaty of Waitangi, to Church life and structures. We will have to work equally hard to

---

<sup>41</sup> Elizabeth Beatson, Interview with Rt. Rev. John Paterson, 26 Sep 2001, p.8.

<sup>42</sup> *ibid.*, p.6.

<sup>43</sup> *ibid.*, p.7.

<sup>44</sup> *ibid.*, p.7.

ensure that we serve the goal of reconciliation and unity in Christ rather than division.’<sup>45</sup>

Professor Kenneth Keith, a specialist in constitutional law, had also been a member of the 1984 Bi-cultural Commission and had initially, ‘simply followed an academic perspective’.<sup>46</sup> However, as the Commission visited various marae he was exposed to new experiences of Maori culture and came to realise how little Pakeha, without the opportunity for such experiences, knew of its existence. Professor Keith was a friend of then Deputy Prime Minister, Geoffrey Palmer, working closely with him in the development of the Bill of Rights in which the Treaty of Waitangi was to be included as a part of the supreme law of New Zealand. Professor Keith had worked with the United Nations Secretariat from 1968 until 1970. He became Professor of Law at Victoria University in 1974, and in 1982, a Judge of both the Western Samoan and Cook Islands Courts of Appeal. He was awarded a KBE for services to law and education in 1988.<sup>47</sup>

Bruce Davidson, a senior Auckland lawyer, has been President of the Auckland District Law Society and is deeply involved in health care law. He had some familiarity with the Maori language. Davidson succeeded John Towle as Chancellor of the Auckland Diocese in 1990. According to Kevin O’Sullivan, also a lawyer and past member of General Synod, ‘Bruce Davidson was a thoughtful, tenacious, but never presumptuous debater, and the man’s integrity and arguments were very well listened to.’<sup>48</sup>

The Rt Rev. John Paterson is a Pakeha with experience of Maori language and culture from undergraduate days. Ordained in 1970, he spent most of his ministry in Maori work. Paterson had been involved in the structure and administration of Te Pihopatanga from its establishment in 1978, as part time secretary, and from 1982

---

<sup>45</sup> *Te Kaupapa Tikanga Rua*, p.37.

<sup>46</sup> Elizabeth Beatson, Interview with Rt. Rev. John Paterson, 26 Sep 2001, p.8.

<sup>47</sup> *New Zealand Who's Who Aotearoa*, Alister Taylor (ed.). Auckland: New Zealand Who's Who Publications Ltd, 1998, p.354.

<sup>48</sup> Elizabeth Beatson, Interview with Kevin O’Sullivan, 12 Sep 2001, p.1.

until 1987, as full time secretary. Bishop Bennett said of him that he was, 'appointed by the Maori people and is called a Maori'.<sup>49</sup> Paterson was appointed Provincial Secretary of the Anglican Church in 1986, became Bishop of Auckland in 1995, and Primate in 1998. There was strong feeling among some Maori that the first Primate of the Anglican Church, in its three tikanga form, should be a Maori. Because of his involvement with Te Pihopatanga, John Paterson was seen to be the only acceptable alternative.

The Commission approached John Towle, a commercial lawyer, who had been a member of the Bi-cultural Commission on the Treaty of Waitangi, to act as a consultant. Towle was Chancellor of the Auckland Diocese, a lay representative on General Synod and a member of Standing Committee. He had a particular interest in church land issues, which he had pursued during the work of the Commission on the Treaty of Waitangi. He also had a very deep interest in Maori culture and Maori issues, and as a result of his experiences with the Commission on the Treaty of Waitangi, had begun to learn the Maori language. Following his death in February 1990, Sir Kingi Ihaka, in a tribute, spoke of John Towle as having brought back, 'the spirit of the early missionaries to the Maori'<sup>50</sup> and as being one who had given Maori, especially in Auckland, 'new hope and new vision'.<sup>51</sup> He had set the Komiti Tumuaki and Hui Amorangi Statutes, and through his efforts the complex of the Holy Sepulchre and the Church of the Epiphany at Otara were gifted to the Maori Mission.

John Towle, and Bruce Davidson, were the Pakeha voice for the proposals, and Kevin O'Sullivan describes the Commission's work as being, 'excitingly promoted'<sup>52</sup> by them. Both were strong debaters, able to inspire confidence, and

---

<sup>49</sup> Kinder Library Archives, Auckland. Bi-cultural Commission on the Treaty of Waitangi: Records, Secretary's Papers, 1984-1986. ANG 045/1/2, Submissions and Summaries of Submissions, Submission E:53.

<sup>50</sup> Kinder Library Archives, Auckland. Te Pihopatanga o Aotearoa, Administrative Records. ANG 141/1/52, Te Runanga o Te Pihopatanga o Aotearoa, Agenda and Minutes, 1990. Proceedings of 1<sup>st</sup> meeting, 6<sup>th</sup> Aotearoa Council, Wainuiomata, 31 May-3 Jun 1990, p.40.

<sup>51</sup> *ibid.*

<sup>52</sup> Elizabeth Beatson, Interview with Kevin O'Sullivan 12 Sep 2001, p.1.

present the Commission's case in a reasoned and intelligent manner. John Paterson considered Towle to be the elder statesman in the Pakeha world for the Commission on the Treaty of Waitangi,<sup>53</sup> and it has also been suggested that while he was principally presenting the proposals of that Commission, such was his mana within the Church that many people were reluctant to voice any opposition.<sup>54</sup> John Towle drafted the possible outline of the constitution submitted to the 1988 General Synod.

The Commission on the Revision of the Constitution reported back to General Synod in 1988 and, following considerable debate, was re-constituted and given an extended brief including a requirement for consultation throughout the Church. The Commission was to report, with proposals, to a combined meeting of the General Synod and Te Runanga o Te Pihopatanga o Aotearoa in 1989. In respect to the changes to membership of the Commission, John Paterson believes that General Synod felt there was more work to be done and the Commission needed to be as representative as possible.<sup>55</sup> John Towle was appointed, and two of the existing members, Archbishop Brian Davis and Bruce Davidson, were re-appointed by General Synod. Te Runanga Whaiti re-appointed Professor Winiata and appointed two new members, Ven. T.W. Marsden and Canon (later Bishop) G.H.D. Connor. John Paterson became a consultant and continued as Secretary. Professor Keith and Bishop Manu Bennett did not continue.

George Connor is a Pakeha, priested in 1966, who had worked in Maori Pastorates and Mission Districts from 1975 to 1986. He was Vicar of Taupo from 1986 to 1989, then Assistant Bishop in the Bay of Plenty becoming Regional Bishop in 1992. He was appointed to the Commission by Te Pihopatanga in 1988 because of his ability to grasp detail, and also because of his acceptability to both Maori and Pakeha.<sup>56</sup> John Paterson acknowledges that in terms of the Commission, 'both

---

<sup>53</sup> Elizabeth Beatson, Interview with Rt. Rev. John Paterson 26 Sep 2001, p.10.

<sup>54</sup> Kinder Library Archives, Auckland. ANG 139/1/6, Transcript of Joint Hui between the Standing Committee of General Synod and Te Runanga Whaiti o Te Pihopatanga held at Wananga o Raukawa, 10-12 Mar 1989.

<sup>55</sup> Elizabeth Beatson, Interview with the Rt. Rev. John Paterson, 26 Sep 2001. p.3.

<sup>56</sup> *ibid.*, p.4.

George Connor and I were seen to be other than Pakeha',<sup>57</sup> and this blurred perceptions of their role.

Rev. Taki Marsden was a well regarded elder, tribally from the north. He became co-covenor, with Bruce Davidson, of the re-constituted Commission in 1988. Marsden retired from the Commission due to ill health in 1990.

### **3.2 The Process 1986-1988**

From its establishment in 1986, until 1988, the Commission on the Revision of the Constitution focussed on constitutional principles and legal issues. John Towle, in particular, was very concerned about the legal situation in regard to the Fundamental Provisions. Members of the Commission at this time were also very conscious that ordinary Church members were, 'starting to become aware and were quite concerned about the stuff that was going on'.<sup>58</sup> The Commission therefore sought assistance from the Bi-cultural Education Committee, 'to help with the ground work'.<sup>59</sup>

The Commission met for the first time on 23rd September 1986 at the Office of Te Pihopatanga in Rotorua. Following the precedent of the earlier Bi-cultural Commission on the Treaty of Waitangi, Bishop Bennett and Bruce Davidson were elected as co-convenors. John Paterson was elected as secretary and John Towle was invited to be a consultant. The Commission identified its task as being the revision of the constitution and the consideration of possible structural models for church government.

The Commission agreed to approach the Order of Ethiopia, seeking a copy of their constitution, to see how the Order related to the Church in South Africa. In his letter to the Order, John Paterson explained that the Bishopric of Aotearoa existed as an autonomous body within the Province of New Zealand, 'We are currently examining

---

<sup>57</sup> *ibid.*, p.4.

<sup>58</sup> *ibid.*, p.2.

<sup>59</sup> *ibid.*, p.2.

the constitution of the Church to ensure a proper place for the Bishopric.<sup>60</sup> The Order was an integral part of the Church of the Province of South Africa, with its own Bishop and clergy working under the constitution and canons of the Province. The Order was represented in the Provincial Synod by its Bishop, clergy and laity, with the right to be represented in diocesan synods in any diocese where missions of the Order were established. The churches of the Order were required to be open to all people, but a new mission could only be established with the agreement of the diocese in which it would exist. The records of the Commission indicate that material was received from the Order of Ethiopia but it was not referred to again.

The Commission also agreed to keep in touch with the Provincial Bi-cultural Commission, which had also been established at the 1986 General Synod as the result of a recommendation from the Bi-cultural Commission on the Treaty of Waitangi. The same recommendation requested that each diocese set up its own committee, to work with the Provincial Commission to devise programmes to develop, 'a better understanding of the meaning and practice of partnership and bi-cultural development as basic principles of race relations for the Church in this country.'<sup>61</sup> Although the two Commissions communicated, and also met together on two occasions, tensions subsequently developed as a result of differing perceptions of their roles and different understandings of bi-cultural development.

The recommendation establishing the Commission on the Revision of the Constitution, required it to have regard to the report and recommendations of the Commission on the Treaty of Waitangi, particularly that Commission's response to the submission from Te Runanga. Considerable emphasis was therefore placed, by the Commission, on the findings of the report of the Commission on the Treaty of Waitangi, which had been published with additional material, as *Te Kaupapa Tikanga Rua*. The Commission on the Treaty of Waitangi had supported the Runanga submission, 'that the Bishopric must be given greater autonomy, freedom

---

<sup>60</sup> Kinder Library Archives, Auckland. Provincial Bi-cultural Commission on the Revision of the Constitution, Secretary's Papers, 1986-1992. ANG 139/1/1, Minutes, submissions and correspondence, Paterson to Rt. Rev. Sigqibo Dwane, Bishop of the Order of Ethiopia, 25 Sep 1986.

<sup>61</sup> *Te Kaupapa Tikanga Rua*, p.27.

and responsibility for the oversight of Christ's mission among Maori people.<sup>62</sup> It had also agreed that the constitution would need to be changed to reflect this, and to ensure that Te Pihopa was seen as, 'tangata whenua throughout the Province not as manuhiri.'<sup>63</sup> The Commission on the Treaty of Waitangi also believed that Te Pihopatanga should be financially independent of General Synod, and that Te Pihopa should have responsibility for the selection and deployment of clergy as well as the freedom to appoint assistant bishops and other staff. It was acknowledged that General Synod as it currently functioned, with a one person, one vote system, was contrary to the principle of partnership as the Commission had identified it, and did not allow Maori equal rights in decision making because the majority of members were Pakeha. However, the Commission had been unable to reach sufficient agreement to enable it to commend any specific model. Three possible models were therefore offered for further discussion.

The Commission on the Revision of the Constitution, believing that the adoption of the report of the Commission on the Treaty of Waitangi signified general acceptance of its findings, decided to take relevant material from the report and expand the concepts presented. This included attempting to further clarify the definitions of bi-cultural development and partnership, particularly as opposed to bi-culturalism. The understanding of these principles was crucial to the drawing up of the new constitution, and there is evidence that the Commission's interpretations were neither fully understood, nor supported in the wider Church. The Commission planned to develop the three possible structural models offered, and John Towle's suggested draft revision of the constitution, then draw some implications for church government and seek a response from the various diocesan bi-cultural committees. Professor Winiata was asked to prepare a paper expanding the three models and sharpening the definitions of bi-cultural development and bi-culturalism contained in *Te Kaupapa Tikanga Rua*.

---

<sup>62</sup> *ibid.*, p.31.

<sup>63</sup> *ibid.*, p.31.

The three possible models required significantly different changes to the structures and constitution of the Church. Model 1, submitted by Te Runanga o Te Pihopatanga o Aotearoa required very significant changes, whereas Model 3 required fewer changes, and Model 2 only relatively minor changes. The Bi-cultural Commission on the Treaty of Waitangi had not supported the view of Te Runanga that the text of the Treaty of Waitangi should be placed within the Fundamental Provisions, instead suggesting the agreed principles of partnership and bi-cultural development, should be entrenched within the Constitution. On the basis that Model 3 might eventually be the preferred option, the Bi-cultural Commission on the Treaty of Waitangi had prepared an 'Outline of Restatement of the Constitution', to entrench the two principles and generally to update the historical perspective. This first suggestion for a new constitution gave little intimation of the extent of the changes to the Church's structure which were to take place. With its references to the *Church of England Empowering Act 1928* and the numbers of various clauses of the existing constitution, it would have been largely incomprehensible to people without access to a copy of the constitution and some knowledge of the *Act*.

Model 1, proposed by Te Runanga o Te Pihopatanga o Aotearoa, applied to the Church the Runanga o Raukawa proposal for national government. This model replaced General Synod with three other bodies, two runanga of equal authority, one Maori and one Pakeha, each responsible for their own organisation and the promotion and proclamation of the Gospel to their respective tikanga, and a runanga tikanga rua, equivalent to the Senate in the Raukawa proposal. The replacement of General Synod presented a difficulty in terms of the Fundamental Provisions, which established General Synod as the governing body of the Church. Models 2 and 3 were similar in attempting to provide machinery to ensure that all decisions made at General Synod received support from the majority of Te Pihopatanga as well as the dioceses. However Model 3 limited this power of veto to matters relating to partnership and bi-cultural development.

When the Commission met again in Wellington on 10<sup>th</sup> February 1987, Professor Winiata presented the paper requested at the previous meeting. However, rather than expanding all three models, he had further developed Model 1 to which he remained committed, making comparisons with the other two models. The paper stressed that the Treaty of Waitangi was signed between two partners, but as Pakeha now outnumbered Maori, the system of one person one vote meant the Maori vote had become impotent. Professor Winiata noted, 'The restoration of the principle of one people/one vote (or 50/50 Maori/Pakeha sharing) in the major institutions and offices of Aotearoa (including the Church) is envisaged by Te Pihopatanga.'<sup>64</sup>

Model 1, abolishing General Synod and creating a Senate of 10 elected members, five Maori and five Pakeha, and two legislative Runanga, one Maori one Pakeha, was presented at length. The functions of the runanga would be defined to ensure that Maori people had a substantial influence over their own affairs and were free to conduct their legislative work according to tikanga Maori. There would be a mechanism to ensure that the two Runanga would consult fully, and a requirement that the upholding of the doctrine of Christ would be facilitated, as well as effective promotion and proclamation of the Gospel. The proposed Senate would function as in the Runanga o Raukawa model, ensuring that all legislation coming from the two runanga was consistent with the Treaty of Waitangi, reconciling such legislation and ensuring that full consultation and discussion between the two runanga had occurred. The adoption of this model, which would give, 'more scope for the pursuit of bi-cultural development and expression of bi-culturalism than the others because it allows for a runanga based on tikanga Maori to be able to debate issues free from the domination of tikanga Pakeha',<sup>65</sup> would ensure that the principle of one people/one vote would be embodied in the, 'most senior and influential bodies of the Province.'<sup>66</sup>

---

<sup>64</sup> Kinder Library Archives, Auckland. ANG 139/1/1, Winiata to the Commission, 9 Feb 1987.

<sup>65</sup> *ibid.*

<sup>66</sup> *ibid.*

Model 2 did not require the abolition of General Synod, but voting and decision making procedures would be changed to acknowledge the principle of one people/one vote. This would be provided for by ensuring that the passing of any vote in General Synod would require a majority of representatives of both Te Pihopatanga and the dioceses. Unlike Model 1, there was no provision for discussion and debate according to the different cultures of the two tikanga, and as Pakeha would still be the majority in General Synod, the language and procedures would continue to be those of Pakeha. In Professor Winiata's view this would mean tikanga Maori continuing to be, 'relegated to minor appearances'.<sup>67</sup>

The third model also retained General Synod, but with a modified voting system which would acknowledge the one people/one vote principle on bi-cultural issues and matters relating to partnership. Unlike Model 2, which required a majority vote of Te Pihopatanga on all occasions, this model only called for a majority of Te Pihopatanga on matters of partnership and bi-cultural development, and it would be necessary to develop a suitable mechanism to identify exactly what these would be. Any change to voting systems created difficulties for the Commission in respect to the fifth Fundamental Provision of the existing constitution, which bound the Church to the system of voting in the three orders of bishops, clergy and laity.

In debating Professor Winiata's paper Commission members identified that Model 1, Te Pihopatanga's preferred model, could potentially lead to two separate mono-cultural institutions and that the importance of partnership could be diminished in the emphasis on bi-cultural development. The principle of tino rangatiratanga was seen to be somewhat compromised in the proposal to allow equal voting rights to two runanga. The possible involvement of the Diocese of Polynesia was seen to be a significant factor in this respect, and the possibility was raised of three provincial runanga, Maori, Pakeha and Polynesian. The runanga would be merely consultative on Provincial matters, but legislative in domestic matters.

---

<sup>67</sup> *ibid.*

In an effort to clarify the significant principles for the structures of the Church the Commission compiled two lists of principles.<sup>68</sup> After considerable discussion it was decided to accept list B, which focussed more specifically on Maori and Pakeha rather than a wider cultural diversity.

A

Oneness in the Body of Christ.  
Within the oneness cultural diversity.

Structures must safeguard and promote both oneness and diversity.

Many cultural streams contribute to the Church of the Province of New Zealand but within these there is a bi-cultural uniqueness between Maori and Pakeha This relationship is to be expressed in terms of partnership and bi-cultural development.

B

Oneness in the Body of Christ.  
Though secondary, cultural differences and especially the bi-cultural uniqueness between Maori and Pakeha must be recognised.

Structures and procedures must safeguard and promote those principles – expressed through partnership and bi-cultural development.

Two further principles were also suggested, that the interests of minorities must be protected in the structures and procedures of the Church, and that all bishops should have equality, the autonomy and jurisdiction of each only being limited by what they jointly agreed.

Bruce Davidson suggested a further possible model, which retained General Synod as in Model 2, but incorporated the two tikanga meeting separately in Conference at

---

<sup>68</sup> Kinder Library Archives, Auckland. ANG 139/1/1, Minutes of the second meeting of the Commission on the Revision of the Constitution, 10 Feb 1987.

the time of General Synod. Te Pihopatanga would form a Tikanga Maori Conference and a Tikanga Pakeha Conference would consist of the seven dioceses. There would be a president and chairman for each conference, the president being the bishop of a diocese with Te Pihopa as his deputy. It was suggested that this could also possibly provide a model for co-chairing General Synod. The Diocese of Polynesia was tentatively included as a third group directly linked to General Synod. Subsequently the Wellington members of the Commission considered Bruce Davidson's proposal in relation to the two additional agreed principles. It was suggested that the two tikanga system would operate at all levels, diocese, archdeaconry and parish, with the same basic aim – the promotion of the Gospel. Election to General Synod would be from the Maori and Pakeha Conferences rather than direct from the dioceses. This discussion identified a number of issues requiring further examination, but the proposal was not proceeded with.

At the third meeting, on March 10<sup>th</sup> 1987 in Wellington, it was agreed that a hui should be arranged to enable the Commission to meet with members of the various diocesan bi-cultural committees and chancellors, and the Provincial Bi-cultural Education Commission. This would provide a sounding board for the Commission's ideas and an opportunity to keep key groups in the Church informed.

The Commission met for a fourth time on 11<sup>th</sup> April, but made no progress on the proposed structures. Instead, the meeting discussed the appointment of the Rt Rev. Hapai Winiata, brother of Professor Winiata, as assistant Bishop of Wellington, and the implications of this appointment for bi-cultural development in the Province. The appointment had highlighted the fact that no constitutional provision existed to ensure the adequate involvement of, or consultation with, either Te Pihopa, or Te Runanga o Te Pihopatanga, in the process of nomination and election to such offices. According to John Paterson the appointment was also perceived, 'by many people as Wellington subverting what the Maori Church was trying to do.'<sup>69</sup> The appointment of a Maori bishop to a Pakeha diocese represented a form of bi-

---

<sup>69</sup> Elizabeth Beatson, Interview with the Rt. Rev. John Paterson, 26 Sep 2001, p.6.

culturalism, as opposed to the bi-cultural development being sought by Te Pihopatanga. No written record was kept of this meeting.

At the next meeting on 23<sup>rd</sup> July 1987, Bishop Bennett drew attention to a number of current issues which potentially impinged on the work of the Commission. These included the implications of the appeal by a number of Maori people against the Police in Gisborne; national criticism of Maori language programmes; the need to find a common ground, in which the two cultures could meet as equals; and probably most significantly, the implication of the Appeal Court decision in the case brought by the New Zealand Maori Council on the transfer of land to state owned enterprises, which identified the principle of partnership as Maori and Pakeha acting together in utmost good faith and reasonableness. Bishop Bennett emphasised the need for the Commission to find the common ground in the Church, by identifying those things such as the Prayer Book, Orders, the constitution and the mission of the Church which were held in common throughout the Province.

Concern was also expressed at this meeting about the general lack of understanding of the terms bi-culturalism and bi-cultural development. The Commission considered that wider discussion of the definitions of bi-culturalism, bi-cultural development and partnership was needed, and planned to hold a joint hui for bi-cultural committees and a small group of selected people with a specific interest or knowledge of the issues. It was anticipated that this hui could consider the principles from *Te Kaupapa Tikanga Rua*, looking at what was currently happening in the dioceses, and also at future directions. It was vital for the development of the new constitution and church structure that the Commission's interpretation of the principles of partnership and bi-cultural development was understood and accepted. The hui would enable a wider group to be made aware of the ongoing thinking of the Commission, and enable them to develop their own thinking along similar lines. The joint hui was held at St John's College on September 11<sup>th</sup> and 12<sup>th</sup>, 1987.

The Commission acknowledged that the procedures of General Synod, based on the Westminster system of an adversarial form of debate, was a Pakeha system which

Maori found culturally inappropriate and some Pakeha also found difficult. Bruce Davidson perceived a need for General Synod to provide a more conference-style structure, as opposed to the formal synodical structure.

The Commission then considered four possible alternatives:<sup>70</sup>

- The continuation of the present situation in the Province with some slight amendments;
- The creation of Te Pihopatanga as an ethnic diocese;
- Changing the development of Te Pihopatanga into 'Nga Kahui Tapu', with regional bishops, or
- to return to Professor Winiata's scheme.

The Commission returned to Professor Winiata's scheme as a basis for its proposals.

### **3.3 Draft Constitution Presented to the 1988 General Synod.**

The Commission reported back to the General Synod held in Napier in May 1988. The report included a 'Mission Statement' which it was hoped would help clarify the Commission's task and place in context any structural, constitutional and canonical amendments which might result from its work. This statement, in a slightly altered and re-ordered form, subsequently became the opening clauses of the preamble to the new constitution.

- 1 The Church, believing that God is one and yet is revealed as Father, Son and Holy Spirit – a holy Trinity – exists to be the agent and sign of the Kingdom. It is called to offer worship and service to God in the power of the Spirit. It also exists for the sake of those who do not belong.
  - \*Christ is the head
  - \*All baptised persons are the members.This provides the "community of faith" – our common ground.
2. The mission of the Church is:
  - \*To proclaim the Good News of the Kingdom
  - \*To teach, baptise, and nurture new believers
  - \*To respond to human needs by loving service
  - \*To seek to transform unjust structures of society.
3. To carry out this mission, the Church orders its affairs, manages its property, promotes discipline for its members, safeguards and develops its doctrine, and seeks to increase its membership.

---

<sup>70</sup> Kinder Library Archives, Auckland. ANG 139/1/1, Minutes of Meeting of the Commission on the Revision of the Constitution, 23 Sep 1987.

4. When the Church seeks to pursue its mission in a particular cultural ethos, certain methods and structures require adaptation or replacement, in order to give effect to the tasks in (3) above.
5. In the Aotearoa/New Zealand setting this indicates:
  - \*That the Church will organise its affairs within each of the Tikanga [Tikanga Pakeha – all things Pakeha; Tikanga Maori – all things Maori] of the two founding partners of the Treaty of Waitangi, or within Tikanga Rua.
  - \*Diligence in prescribing and in keeping open all avenues leading to the common ground.
  - \*Maintaining the right of every person to choose any particular cultural expression of the faith.
6. The Church in this way remains One, because it has only one Head.  
 The Church remains holy, because it is guided by the Holy Spirit, and provides a powerful spiritual home for any cultural expression of its faith.  
 The Church remains catholic because it proclaims the whole faith to all people in a great variety of ways.  
 The Church remains apostolic because it presents the faith of the apostles, and is sent to all the world.<sup>71</sup>

The Commission considered that, given agreement on the Mission Statement, there were two reasons why the Church should seek to advance the mission within the two respective tikanga. This would be consistent with the principles of partnership and bi-cultural development, as the Commission believed them to be embodied in the Treaty of Waitangi, and the risk of cross-cultural error would be avoided. It was important that the unity of the Church be visibly maintained by a Constitution which could be agreed to by both Pakeha and Maori members, and from which the rules of internal government would be derived.

The Report stressed that partnership itself was a relationship, ‘not an "ism" or belief system.’<sup>72</sup> The common ground for the partnership would be in the Mission Statement and the ‘common adherence to the "rules" as expressed in the Constitution and Canons by which our relationships are governed and to which we all submit as volunteers i.e. the voluntary compact.’<sup>73</sup>

The Commission presented a draft constitution to the 1988 General Synod as a Schedule to Bill No.38, *“A Statute to Revise and Amend the Constitution and to*

---

<sup>71</sup> Church of the Province of New Zealand, Proceedings of the 48<sup>th</sup> General Synod, Napier, May 22-28, 1988, Report of the Bi-cultural Commission to Revise the Constitution, p. R191-192.

<sup>72</sup> *ibid.*, p. R192.

<sup>73</sup> *ibid.*, p. R192.

*Incorporate the Principles of Partnership and Bicultural Development as set out in the Treaty of Waitangi/Te Tiriti o Waitangi.*” (Appendix 3) Although the Commission was not unanimous at this point, it proceeded partly in the expectation of the Bill being passed, but also hoping that, even if not accepted, it would provide a basis for discussion on the way ahead. The Bill was moved by Bruce Davidson and John Paterson and it was agreed by Synod, ‘That the relevant Standing Orders be suspended to enable Bill No.38 to lie on the table.’<sup>74</sup> The draft constitution differed considerably from that finally adopted, for the preamble only briefly touched on the history of the Church, and the Treaty of Waitangi was referred to as recognising and establishing the ‘principles of partnership between Maori and Pakeha and of bicultural development for their respective cultures.’<sup>75</sup> The Fundamental Provisions, although in essence remaining the same as 1857, were reworded to include some of the provisions subsequently covered in Part B of the 1992 constitution. The structure advocated was that of Te Pihopatanga’s preferred Model 1. Clause 4 of the Fundamental Provisions establishing General Synod was reworded to provide for General Synod to, ‘reflect the equality of the two partners and wherein Maori and Pakeha shall be equally represented.’<sup>76</sup> This provision of 50/50 equal representation was one of the main stumbling blocks for the Church in terms of acceptance of this version of the constitution. It was also one of the areas on which the Commission itself was divided. In a letter to John Paterson in November 1988, Professor Winiata referred to a meeting of himself, Bruce Davidson and John Towle in which Towle and Davidson voiced serious reservations about the, ‘concept, workability and acceptability of the 50/50 proposal.’<sup>77</sup> As an alternative, Winiata suggested that Hinota Whanui/General Synod might consist of the Standing Committee of General Synod and te Runanga o te Pihopatanga, providing for the leadership of each tikanga to come together. This initial draft of the constitution did not provide for any vote other than by Houses of Bishops, Clergy and Laity. In the same letter Winiata referred to Bruce Davidson as

---

<sup>74</sup> Church of the Province of New Zealand, Proceedings of the 48<sup>th</sup> General Synod, Napier, May 22-28 1988, p. 34.

<sup>75</sup> *ibid.*, p. 145.

<sup>76</sup> *ibid.*, p. 146.

<sup>77</sup> Kinder Library Archives, Auckland. Provincial Bi-cultural Commission on the Revision of the Constitution, Secretary’s Papers, ANG 139/1/2, File, Winiata to Paterson, 16 Nov 1988.

suggesting a 'veto/census' arrangement, whereby, in the event of a division being called at General Synod, a vote by each side would be required.

Clause 20 of the draft constitution established a Synodical Conference for the dioceses which created the equivalent of a Pakeha House. This was eventually to become the Inter-Diocesan Conference, established by canon, with the ability to move into Synodical Conference if wished. Te Runanga o Te Pihopatanga became the Maori House, General Synod effectively becoming the Senate. Clause 27 allowed for the appointment of a Presiding Bishop, Clause 28 an Archbishop, and Clause 29 a Tumuaki from the bishops within Te Pihopatanga. Clause 5 of the Fundamental Provisions stated, 'The General Synod/Te Hinota Whanui shall have no power to change any part of this Constitution or any Canon which exists to implement or protect the principles of partnership and bicultural development above mentioned except with the consent of those to be affected.'<sup>78</sup> The constitution made only one tentative mention of the Diocese of Polynesia, as an associated missionary diocese.

The General Synod debate acknowledged that the relationship between Maori and Pakeha within the Church was changing. However, for those attempting to oppose the proposals there were some difficulties within the synodical forum, particularly in the prevailing climate of political correctness. Rev. Dr Ken Booth, a part time lecturer in church history, described his frustration at attempting to present some well researched criticism, 'it felt to me ... that I'd made the mistake of trying to lecture General Synod,'<sup>79</sup> a body he considered to be more comfortable debating motions than, 'deeper intellectual debate about the nature of constitutions'.<sup>80</sup> Booth believed that Pakeha did not want to hear what he was saying, but were, 'willing to assume that when you talk about the Treaty it is for Maori to interpret the Treaty.'<sup>81</sup> In the case of General Synod, Maori authority was represented by Bishop

---

<sup>78</sup> Church of the Province of New Zealand, Proceedings of the 48<sup>th</sup> General Synod, Napier, May 22-28 1988, p.146.

<sup>79</sup> Elizabeth Beatson, Interview with Rev. Dr Ken Booth, 13 May 2002, p.6.

<sup>80</sup> *ibid.*, p.6.

<sup>81</sup> *ibid.*, p.3.

Whakahuihui Vercoe and Professor Winiata, and the legal authority and status of John Towle and Bruce Davidson was also accepted by many without question.

A press release from the Anglican Communications Office on the constitutional debate during General Synod noted that the, 'proposed structure was strongly supported by Maori members of both the Runanga o te Pihopatanga o Aotearoa, and speakers from the Diocese of Polynesia.'<sup>82</sup> The press release quotes the following 'vigorous' statement of how Bishop Vercoe viewed the issue,

You say we are breaking the unity of the Church, ... but you broke it in 1857 when you did not include us in the Constitution of the Church. Te Pihopatanga stands for options, not requirements; for sharing of oversight, not domination; for education of both races, not just one; and for strengthening the relationship of Maori and pakeha based on the Treaty of Waitangi and the Gospel.<sup>83</sup>

Dr Ken Booth is quoted, comparing the Treaty of Waitangi provisions with the proposed changes: 'There is some extraordinary mythologising of the Treaty of Waitangi which ignores the facts. ... The biculturalism in this proposal is duomonoculturalism. The only thing I can see for the proposals is a divided church.'<sup>84</sup>

Booth's concerns were echoed by Canon Garry Darlington of Nelson who said, 'This proposal impoverishes the Church and creates two distinct ones, ... I will not live in separate houses, with doors through which we can pop now and then when it suits us.'<sup>85</sup> Norris Collins, a Wellington layman who consistently opposed the proposals, and continued to do so until his death in March 2000, continued the criticism: 'Neither Maori nor pakeha culture is superior to the other. ... We have made mistakes in the past, but this is not the way forward. The Church could be buried in structures and organisations; it could kill mission. I accept the principles, but their application worries me.'<sup>86</sup>

---

<sup>82</sup> Church of the Province of New Zealand, Anglican Communications Office, Press Release 25 May 1988.

<sup>83</sup> *ibid.*

<sup>84</sup> *ibid.*

<sup>85</sup> *ibid.*

<sup>86</sup> *ibid.*

After some five hours of debate the following motion, Motion 71, was put by Bruce Davidson and Professor Winiata.

That Bill Number 38 together with an explanatory paper to be prepared by the Bi-Cultural Commission on Revision of the Constitution be referred to the dioceses and Te Pihopatanga o Aotearoa for study and comment.

- (i) That the Bi-Cultural Commission on the Revision of the Constitution consult widely on Bill 38 (and the explanatory paper) and report with proposals to a combined meeting of the General Synod and Te Runanga o Te Pihopatanga o Aotearoa in 1989.
- (ii) That
  - a) the membership of the Commission be as follows:
    1. The Most Rev B.N. Davis
    2. Mr J.E. Towle
    3. Mr B.N. Davidsonand three persons to be appointed by Te Runanga Whaiti o Te Pihopatanga o Aotearoa.
  - b) Two co-convenors be selected by the Commission, and
  - c) The Provincial Secretary be a consultant to and Secretary of the Commission,
- (iii) That funding for the work of the Commission be provided by the General Synod and Te Runanga o Te Pihopatanga in equal amounts.
- (iv) That the cost of the proposed joint hui in 1989 be shared equally between the General Synod and Te Runanga o Te Pihopatanga o Aotearoa.<sup>87</sup>

It was then moved by Bishop Peter Atkins and Mr C.R. Baker, that Synod go into Committee to consider Motion 71. When Synod came out of Committee an amendment to the motion was moved by John Towle, seconded by Mr M.C. Wynyard that in section (iii) the words, 'and Te Runanga o Te Pihopatanga in equal amounts'<sup>88</sup> be deleted, requiring the work of the Commission to be totally funded by General Synod. The amended motion was agreed to. Unlike 1986, when all members of the Commission were named in the motion, on this occasion only the three Pakeha members were named, with Te Pihopatanga to appoint three members independently. Te Runanga Whaiti appointed two new members, the Venerable T. W. Marsden and Canon (later Bishop) G. H. D. Connor, and reappointed Professor Winiata.

---

<sup>87</sup> Church of the Province of New Zealand, Proceedings of the 48<sup>th</sup> General Synod, Napier, May 22-28 1988, p.34.

<sup>88</sup> *ibid.*, p.35.

Dr Ken Booth, in his criticism of the proposals at General Synod, and subsequently in his submission to the Commission, *Partnership and Bi-cultural Development: the Constitutional Proposals*, did not oppose some form of autonomy for Te Pihopatanga, but questioned the proposed method of providing such autonomy. He identified the definition of bi-cultural development as a form of separate development and opposed the historical perspective being presented, arguing that the Treaty was not signed between two equal partners. He also disputed the theological basis of the proposal. Booth argued that kawatanga would have been understood by Maori in 1840 as governorship and in Article 2 of the Treaty of Waitangi Maori ceded this to the British Crown while still retaining rangatiratanga over their lands, estates, fisheries and forestry. This situation creates a tension within the Treaty, which when taken as a whole does not produce a partnership, and certainly not a 50/50 division of power between Maori and Pakeha. The Treaty itself provides no way of solving the tension, neither does it provide a basis for the concept of one culture, one vote. Booth suggested that any partnership envisaged by the Treaty is about the relationship between the nation as a whole, as represented by the British Crown, and the Maori tribes as a particular group within the nation who have had, 'certain rights and privileges reserved to them'.<sup>89</sup> Booth also provided an alternative structure which included Te Pihopatanga as an equal diocese.

John Paterson responded to Booth's submission, noting that he respected it as a positive and helpful piece of work. He regretted that Booth had not been able, 'to join the debate'<sup>90</sup> at the time of the original Commission in 1984-86 and continued, 'We have moved from a literal interpretation of the treaty into considering some of the spirit and you rightly remind us of some important details.'<sup>91</sup> Booth considers that his submission was largely ignored in 1988, but the records indicate it had a wide circulation. A letter from Rev. Dr Allan Davidson, St John's College, to John Paterson commenting on the, 'second edition'<sup>92</sup> of Booth's paper, noted Booth's

---

<sup>89</sup> Kinder Library Archives, Auckland. Provincial Bi-cultural Commission on the Revision of the Constitution, Secretary's Papers, 1986-1992. ANG 139/1/3, Ven. Dr K.N. Booth, *Partnership and Bi-cultural Development: the Constitutional Proposals*, 1988.

<sup>90</sup> Kinder Library Archives, Auckland. ANG 139/1/6, Paterson to Booth [Jul 1988].

<sup>91</sup> *ibid.*

<sup>92</sup> Kinder Library Archives, Auckland. ANG 139/1/6, Davidson to Paterson, 3 Sep 1988.

strong opposition to the proposals. However, Davidson also suggested Booth's alternative proposal, which he believed allowed cultural diversity, yet retained a balance between diversity with autonomous dioceses, and unity through General Synod, merited 'serious consideration.'<sup>93</sup> Davidson also made the significant comment that the way the past was perceived was critical to the debate, noting that it was questionable how far notions of bi-cultural development and partnership should influence understandings of the past. However, he acknowledged that Booth had taken a literalistic approach which did not recognise the wider dynamic of the Treaty as it was currently being recognised.

Rev. Peter Stuart, Canon Theologian of the Wellington Diocese, who had been a part time tutor in history at Victoria University, wrote to John Paterson of his substantial agreement with the historical and theological analysis of Booth's paper.<sup>94</sup> Professor Winiata responded to Booth's paper by commenting that Booth knew little of tikanga Maori.<sup>95</sup> He believed the paper was an example of how strong opposition could be to suggestions of Maori power sharing.

Norris Collins wrote to the Commission in July 1988<sup>96</sup> expressing his personal concerns about the proposals, and noting that others who had previously remained silent were expressing concerns more openly. Collins did not believe the Church's constitution should be shaped by a secular Treaty, and believed that the Church would not prosper if Maori and Pakeha were separate. Nor did he believe it was appropriate for Maori to have equal votes in General Synod when there was only one Bishopric but seven dioceses and Maori were only 10% of the population. While Collins' submission lacked the depth of Booth's, it was probably an accurate reflection of the views of many of the church members who were aware of the proposals.

---

<sup>93</sup> *ibid.*

<sup>94</sup> Kinder Library Archives, Auckland. ANG 139/1/6, Stuart to Paterson, 7 Sep 1988.

<sup>95</sup> Kinder Library Archives, Auckland. ANG 139/1/6, Winiata response to Booth paper, n.d.

<sup>96</sup> Kinder Library Archives, Auckland. ANG 139/1/6, Collins to the Commission, 17 Jul 1988.

John Paterson believes that the Diocese of Polynesia had some influence in slowing down the process. He recalls a strong feeling at the 1988 General Synod that representatives and supporters of the Diocese of Polynesia were saying that they were not on board. Paterson remembers the Diocese presenting their case with some graphic cartoon type illustrations such as, an obviously Polynesian person swimming out after an outrigger canoe, well off shore with a couple of spare seats in it.<sup>97</sup>

Bishop Peter Mann, Chairman of the Commission on the Relationship of the Diocese of Polynesia with the Province, in a letter to the Commission in February 1989, refers to his belief that it was a resolution from the Commission on the Relationship of the Diocese of Polynesia with the Province which, 'compelled the Bi-cultural Commission on the Revision of the Constitution to have a fresh look at the proposals.'<sup>98</sup>

At a meeting in October 1988, the Commission received resolutions from a Special Meeting of Hui Amorangi held at Otiria Marae earlier in the month. The resolutions supported the establishment of a Maori Province to stand equal to the combined seven dioceses, with both equally represented in a body similar to General Synod. Some Commission members were concerned at the use of the word 'province', believing it suggested a, 'degree of division and separation theologically untenable, and seemed to deny the possibility of real partnership and sharing of resources within one Church.'<sup>99</sup> Other members considered the resolutions were consistent with what Te Pihopatanga had sought for some years, separate development in order to grow before partnership in the longer term was possible. The Commission discussed whether, in fact, its work was being superseded by developments within Te Pihopatanga and whether it might be appropriate for it to be discontinued until both partners were in a position to negotiate a new set of constitutional arrangements. It was decided, however, to proceed with preparing material for the Hui proposed for March 1989.

---

<sup>97</sup> Elizabeth Beatson, Interview with the Rt. Rev. John Paterson, 26 Sep 2001, p.3.

<sup>98</sup> Kinder Library Archives, Auckland. Commission to Consider the Relationship of the Diocese of Polynesia with the Province, Papers of the Chairman, 1986-1990. ANG 054/1/2, Mann to the Commission, 23 Feb 1989.

<sup>99</sup> Kinder Library Archives, Auckland. ANG 139/1/6, Meeting of the Commission on the Revision of the Constitution, 25-26 Oct 1988, St Stephen's House, Parnell, p.1.

### **3.4 Revised Draft Constitution presented to a Hui of Standing Committee of General Synod and Te Runanga Whaiti o Te Pihopatanga, March 1989**

Following the 1988 General Synod, the newly constituted Commission consulted widely throughout the Church as instructed. It was decided, however, that the proposed full meeting of General Synod and Te Runanga Whaiti o Pihopatanga in March 1989, would be premature. John Paterson's memory of the situation was that the Commission had been made aware that, if a full meeting was held at this point they would 'probably lose the case. That General Synod would not have been ready and prepared to go with it.'<sup>100</sup> However, following further consideration of the implications of Bill 38, the Commission wanted to hear from a smaller, representative gathering of the whole Church, to obtain guidance at provincial level as to which proposals were generally acceptable and which needed further work. The Commission itself was still not unanimous on all aspects of the draft revision, but felt it was necessary for those not convinced about the proposals to hear how some opinions were changing in the dioceses. The Commission also considered it important to provide an opportunity for opposition voices to be heard. Therefore a joint hui, between the Standing Committee of General Synod and Te Runanga Whaiti o Te Pihopatanga o Aotearoa, was held on 10-12 March 1989 at Te Wananga o Raukawa in Otaki, of which Professor Winiata was founder and chief executive. All members of the Commission were present, as were members of the Commission on the Relationship of the Diocese of Polynesia to the Church in New Zealand and four members of the Bi-cultural Education Commission. Provincial Communications staff attended as reporters, but no media representatives were present.

Debate at the hui was taped and subsequently transcribed.<sup>101</sup> Apart from General

---

<sup>100</sup> Elizabeth Beatson, Interview with Rt Rev. John Paterson, 26 Sep 2001.

<sup>101</sup> Kinder Library Archives, Auckland. ANG 139/1/6, Transcript of Joint Hui between the Standing Committee of General Synod and Te Runanga Whaiti o Te Pihopatanga held at Wananga o Raukawa 10-12 Mar 1989. The transcript is missing tape 2, side 2, which appears to be a detailed debate of the concept of Te Pihopatanga rather than Province, and part of tape 4 at the change from side 1 to side 2.

Synod this hui was the only occasion on which Maori and Pakeha were able to jointly debate the issues. Because the constitution was the specific focus of the hui and possibly because of the smaller number of Pakeha present, debate was rigorous to the point of being heated on occasion. Differing cultural perspectives to the debate were evident. Maori, having considered the draft constitution on a clause by clause basis argued from broad principles, Pakeha, appeared uncomfortable with Maori rhetoric and adopted a literalistic approach, appearing to be more confident with detailed consideration of wording.

A wide diversity of views on Bill 38 had been gathered from dioceses during the consultation following General Synod and the lack of a unified Pakeha view was evident at the hui. This contrasted with the apparently unified view of Maori, leading Professor Winiata to state that, while no diocese had clearly voiced an opinion on the proposals, Te Pihopatanga had declared its unanimity and could state its position. John Paterson, however, has said that, while Maori presented a unanimous view to the wider Church, the debate 'in the Maori world was quite intense and not everybody was convinced.'<sup>102</sup> The lack of a unified Pakeha position caused one speaker at the hui to wonder whether a meeting of the General Synod Standing Committee should be convened, to allow Pakeha to do the work which Maori had already done. Invited to comment on the proposals, Bishop Jabez Bryce of Polynesia said the Diocese had not yet considered the document, and that the first priority was to clarify the Maori and Pakeha relationship.<sup>103</sup>

A draft revision of the constitution, which differed significantly from that tabled at the 1988 General Synod as a Schedule to Bill 38, was presented to the hui. The preamble was completely rewritten, 'so as to reflect the history of the Church in New Zealand since the coming of the first missionaries'<sup>104</sup>, and closely resembled that of the final constitution. A reference to the Treaty of Waitangi transferring

---

<sup>102</sup> Elizabeth Beatson, Interview with Rt. Rev. John Paterson, 26 Sep 2001, p.5.

<sup>103</sup> Kinder Library Archives, Auckland. ANG 139/1/6, Transcript of Joint Hui between the Standing Committee of General Synod and Te Runanga Whaiti o Te Pihopatanga held at Wananga o Raukawa 10-12 Mar 1989.

<sup>104</sup> Kinder Library Archives, Auckland. ANG 139/1/6, Redraft of Schedule to Bill 38 – Revised Constitution, (Revision dated 9 Mar 1989), p.3.

Maori sovereignty over Aotearoa to the Queen of England was subsequently deleted. The Fundamental Provisions were included in their original form, rather than the reworded form of the earlier draft. The requirement for Maori and Pakeha to be equally represented at General Synod was removed. However, in addition to the consent of the three Orders to any Act of General Synod, there was also a requirement for assent 'by a majority of members representing the several Dioceses and by a majority of the members representing Te Pihopatanga o Aotearoa',<sup>105</sup> effectively a veto provision. The requirement for the dioceses to meet biennially in Synodical Conference had been altered to allow the dioceses to meet only if they wished.

At the beginning of the hui on Friday, March 10<sup>th</sup>, Bruce Davidson outlined the work of the Commission, noting that as a result of the consultations since General Synod, the following priorities had been identified: the size and composition of General Synod, the nature of Te Pihopatanga as 'more than a diocese',<sup>106</sup> issues of partnership and unity, and the need to look at common goals and sharing of work and resources.

The most controversial issue of the hui was the Maori demand for a separate Province. On the first evening, Bishop Whakahuihui Vercoe, stressing the need to affirm Maori sovereignty, called for the acknowledgment and acceptance of the early beginnings and roots of the Maori Church. He considered the nature and cost of partnership was loaded against Maori, claiming Te Pihopatanga was not a diocese, but was inclusive of a people, equal to a province, and Maori sought a separate province. Asking, 'Where in the legislation are Pakeha a partner to seven others?'<sup>107</sup> Vercoe stated that the partnership Maori wanted was between Maori and Pakeha, not between Maori and the seven dioceses. This led Norris Collins to ask

---

<sup>105</sup> *ibid.*, p.7.

<sup>106</sup> Kinder Library Archives, Auckland. ANG 139/1/6, Transcript of Joint Hui between the Standing Committee of General Synod and Te Runanga Whaiti o Te Pihopatanga held at Wananga o Raukawa 10-12 Mar 1989.

<sup>107</sup> *ibid.*

whether the meeting was to consider the draft constitution the Commission had prepared, 'or some other two province model'.<sup>108</sup>

The following day, Professor Winiata reported that the draft constitution, tabled at General Synod, had been presented to Komiti Maori around the country and adopted by Te Runanga at Auckland in December 1988. The Maori position was agreement with the General Synod decision of 1986. This raises the question of how Maori perceived that decision. The 1986 General Synod accepted the Report of the Commission on the Treaty of Waitangi and established the new Commission, which was to revise the constitution, ensuring that Te Pihopa and Te Pihopatanga were involved, 'in the same way as Diocesan Bishops and Synods',<sup>109</sup> and to have regard to the Report and Recommendations of the Commission on the Treaty of Waitangi; 'in particular to consider that Commission's response to the submission from Te Runanga'.<sup>110</sup> Possibly Maori leaders believed that acceptance of the report implied acceptance of the Te Runanga constitutional model. Winiata continued, saying that Maori supported the establishment of two provinces to be equal in all respects, plus a body similar to General Synod with equal representation from each Province. This was a necessary part of the process to allow Maori to state their independence in order to move towards the Commission's model. Winiata noted that Maori church members had requested that Te Pihopa and Te Runanga should plan and implement the development of te Haahi Mihinare, established by Ruatara and Samuel Marsden in 1814, within tikanga Maori and under the mana and whakahaere of Te Pihopatanga o Aotearoa. Alternatively, Maori endorsed the present constitutional model proposed by the Commission, providing for two legislatures with an equal number from each in General Synod/Hinota Whanui. However a suggestion of 40/80 membership in Hinota Whanui, allowing leaders to be in partnership, would be acceptable. Maori disliked veto models, and were not happy with the tribunal concept which existed in secular society, where any matter to do with two cultures was referred to a tribunal.

---

<sup>108</sup> *ibid.*

<sup>109</sup> *Te Kaupapa Tikanga Rua*, p.26.

<sup>110</sup> *ibid.*, p.26.

Having stated the Maori position as being agreement with the 1986 General Synod decision, Professor Winiata was to say later in the hui that,

In terms of how constrained we might be by terms of reference given to the Commission in 1986, my reading of the motion of 1988, which was the directive to the Commission then formed for the next two years, is that really we are not constrained by the 1986 wording of that motion. The Commission has very considerable scope open to it. ... unlimited scope in coming forward with proposals.<sup>111</sup>

George Connor explained that the draft constitution represented a point where the Commission had reached consensus, but did not represent what Te Pihopatanga o Aotearoa had asked for as a result of its meetings. Te Pihopatanga o Aotearoa wanted the Commission to write into the constitution those things which both Maori and Pakeha held in common, but that each tikanga would design for itself the most appropriate rules and canons. Te Pihopatanga had gone through every clause asking if each was necessary for the common life of the Church.

Bishop Vercoe, acknowledging concerns about representation, advised that Maori were not worried about numbers in General Synod, Te Pihopatanga would send the voice that represented the people, even if it was only one voice. He suggested that the word 'Province' was creating barriers and, in contradiction of his statement of the previous day, said that Te Pihopatanga did not want to be a province. He suggested that people use the word 'Te Pihopatanga' because the principle behind Te Pihopatanga was the same as a province. Later in the hui, Bishop Vercoe, during discussion on the assent of a Bishop when voting by Orders, stated with some frustration, 'Here again we have Te Pihopatanga being equated with a diocese when we have already said it should be equated with a Province, Tikanga Pakeha is contained within a Province, Tikanga Maori within Te Pihopatanga. Perhaps we should insist you use your word Province, so you understand.'<sup>112</sup> He also emphasised that Maori were not advocating separation, the breaking up of the Church, or having two Anglican Churches in New Zealand. He believed that two churches existed at present, created by the voluntary compact of 1857, in which the

---

<sup>111</sup> Kinder Library Archives, Auckland. ANG 139/1/6, Transcript of Joint Hui between the Standing Committee of General Synod and Te Runanga Whaiti o Te Pihopatanga held at Wananga o Raukawa 10-12 Mar 1989.

<sup>112</sup> *ibid.*

settler church separated itself from te Haahi Mihinare to which Maori had remained faithful. The Maori demand for a separate Province was a means of reinforcing the concept of autonomy and partnership. Bruce Davidson, in a letter as co-convenor of the Commission, to members of Standing Committee of General Synod, Te Runanga Whaiti, 'and others attending the hui'<sup>113</sup> noted that the Commission had considered, 'strong expressions of support'<sup>114</sup> for a separate, internal province for Maori. Davidson did not support the concept, believing that in many ways it was an argument, 'about names or titles, not about substance and reality'.<sup>115</sup> He did not believe it was desirable, necessary, or within the Commission's mandate to support the concept. The Commission had also considered the concept of an ethnic diocese, but considered 'tikanga' was a wider issue that transcended ethnicity and race.

Peter Mann, Chairman of the Commission on Closer Relationships with Polynesia, in response to the welcome from the Commission, spoke of how his growing awareness of history had led him to see that the unity sometimes claimed for Maori Pakeha relations in New Zealand was, 'a little empty'.<sup>116</sup> He also had identified two strands in the church. Maori people had responded to the teaching of the Church Missionary Society missionaries, then evangelised and taught their own people, and this was the situation which Bishop Selwyn inherited. Following the drawing up of the 1857 constitution the influence of the Maori voice diminished and was excluded.

Other Pakeha speakers either supported the Maori speakers, or acknowledged that they were moving towards agreement. However, Norris Collins spoke of a great, and growing, concern throughout New Zealand over the implications of the proposals as they were currently being understood, pointing out that they were being questioned by both historians and theologians, and many people were concerned about compartmentalizing the church into Maori and Pakeha. Collins believed the Commission's proposals were fundamentally wrong and did not allow true

---

<sup>113</sup> Kinder Library Archives, Auckland. ANG 139/1/6, Davidson to Members of Standing Committee of General Synod, Te Runanga Whaiti and others attending the March 1989 Hui, 2 Mar 1989.

<sup>114</sup> *ibid.*

<sup>115</sup> *ibid.*

<sup>116</sup> *ibid.*

partnership because of the veto provision, nor did he believe that partnership and biculturalism were fundamental to the Gospel. He also questioned whether the proposals reflected the intention of the Treaty of Waitangi. He did not believe the proposals met the needs of the church and called them a 'fuse to our social and political bomb.'<sup>117</sup> Collins also claimed that the Church was multi-cultural and that there was inadequate mention of the Diocese of Polynesia in the present proposal. Dioceses had clearly stated that they did not want the biennial Synodical Conference which effectively formed the Pakeha legislature. At least one other speaker acknowledged that they had heard these concerns expressed.

The biennial Synodical Conference, or Inter-Diocesan Conference, was a controversial subject which gave rise to a heated exchange between Professor Winiata and a Pakeha speaker who made it clear that there was no support among Pakeha for the concept. The idea had been originally proposed to the Commission by Professor Winiata, and reflected his concern that much of General Synod business was to do with tikanga Pakeha and was not relevant to Te Pihopatanga. The Inter-Diocesan Conference was to be the equivalent of Te Runanga o te Pihopatanga, as there needed to be some mechanism to enable Pakeha to come together and decide how they would manage their affairs as tikanga Pakeha.

Archbishop Brian Davis, always concerned about a lack of scriptural basis to the proposals, spoke about unity, claiming that while he totally supported bicultural development of mission structures within two tikanga, the church was called to be a sign to the nation of the reconciling power of God's love. Two expressions of faith could not be two separate identities but must witness to an essential unity. The test which must be applied to everything the church did was whether it would facilitate the mission of the church, and be a more effective sign for the reconciling love of Christ for the nation, as well as the Church.

The hui spent considerable time debating and amending the draft constitution clause

---

<sup>117</sup> *ibid.*

by clause. There was also discussion on the term Pakeha and on identifying who were Maori and Pakeha. Matters left for the Commission to consider and, if necessary, seek further opinion, included the preamble; principles of representation and the numbers to be present from each tikanga at General Synod; whether the Inter-Diocesan Conference was acceptable or necessary; the qualifications for General Synod representatives; minimum requirements for decision making; the official name of the Church; and the relationship with the Diocese of Polynesia. The presence of members of the Commission on the Relationship of the Diocese of Polynesia to the Province had given the Commission, 'new impetus to ensure that its efforts to revise the constitution included the membership of the Diocese of Polynesia in the most appropriate way.'<sup>118</sup>

At the close of the hui, agreement appeared to have been reached on a number of principles.

- That there were at least two cultures in partnership in the Anglican Church in New Zealand;
- That those partners were to be structurally expressed within the Church as Te Pihopatanga (tikanga Maori) and the dioceses (tikanga Pakeha);
- That the Diocese of Polynesia would enter as another partner in the relationship if it wished;
- That in General Synod any voting should be by tikanga as well as by houses;
- That the role of General Synod was to deal with those things common to both tikanga;
- That the detailed process of decision making in Te Pihopatanga and the dioceses would be decided by each tikanga in accordance with its own custom.

By July 1989, the Commission was able to present a report to the Church. Commonly known as the *Blue Book*, the report, with explanatory material and draft constitutional changes, was distributed to the Dioceses, Te Pihopatanga and the

---

<sup>118</sup> Church of the Province of New Zealand, Proceedings of a Special Session of the 49<sup>th</sup> General Synod, Wellington, 15-18 Nov 1990, p.S.30.

Diocese of Polynesia, as a base document for study and comment. However members of the Commission were still not unanimous. 'Individual members have reserved the right to debate and question some of the key issues, and to present a minority view point if necessary.'<sup>119</sup> Members of the Commission travelled widely during late 1989 and 1990 to special synods, archdeaconry meetings, vestries and other bodies to introduce the material in the *Blue Book*, and to listen to the views of a wide cross section of the church, 'to answer questions and to extend the understanding of the bi-cultural journey on which the Church had so tentatively embarked in 1978, but which gathered strength and resolution, particularly as a result of the decisions of General Synod in 1984 and 1986.'<sup>120</sup>

The differences within the Commission appear to have become more pronounced during 1989, leading Rev. Taki Marsden to write to Commission members in July, noting that at its last meeting, the Commission, 'had come to something of an impasse, even to points of substantial conflict. He humbly appealed to the members to, 'sit down, sit still for a while and really hear the mamai/pain of the Maori partner and likewise to really hear the concern of the Pakeha partner.'<sup>121</sup> Marsden then listed seven concerns in order of priority including, definitive numerical representation; the Te Pihopatanga or Province understanding; assent of the majority of the representatives at General Synod; assenting to the formularies; the election of bishops; sanctioning of Episcopal nominations, and provisions for restructuring Te Pihopatanga.

### **3.5 Reaction of the Dioceses**

During 1990, following distribution of the *Blue Book*, diocesan synods debated the revised draft constitution, sometimes in Special Session. In Christchurch, a Special Session of the Synod in July moved to proceed to partnership along the lines being

---

<sup>119</sup> Kinder Library Archives, Auckland. ANG 139/1/6, Report of the Commission on the Revision of the Constitution, Jul 1989.

<sup>120</sup> Church of the Province of New Zealand, Proceedings of a Special Session of the 49<sup>th</sup> General Synod, Wellington, 15-18 Nov 1990, p.S.30.

<sup>121</sup> Kinder Library Archives, Auckland. Provincial Bi-cultural Commission on the Revision of the Constitution, Bruce Davidson co-convenor's papers, 1989-1992. ANG 139/2/1, File. Marsden to Commission, 5 Jul 1989.

proposed by the Commission on the Revision of the Constitution. However, a letter was also forwarded to the Commission outlining a number of issues raised at the meeting. These included concern about two provinces equalling separate development, and referred to a comment made by the Bishop of Capetown when Te Pihopatanga was originally established, warning, 'we should beware lest this bring about its own form of apartheid.'<sup>122</sup> It was considered that while Te Pihopatanga needed time for self development, the proposed changes could, 'set in concrete long term separation.'<sup>123</sup>

At the Dunedin Synod, two motions regarding the constitution were put and discussed in committee. Both were largely supportive of the draft new constitution but the second, moved by Dr A.E.J. Fitchett and seconded by Dr Ken Booth, suggested among other things, that the vote by tikanga be limited to amendments to the constitution and changes to the formularies and such a voting method should be for the protection of freedom of action, not for controlling the Church. The motion also suggested, 'A revised Constitution must serve the ongoing development of the Church's mission, and that in relation to the evolution of partnership in that development each Diocese should function in partnership with Te Pihopatanga, and Te Pihopatanga with each Diocese'.<sup>124</sup> The motion also stated that Te Pihopa o Aotearoa and Te Runanga o Te Pihopatanga should be involved in General Synod in the same way as diocesan bishops and synods, as required in the 1986 recommendation to General Synod. General Synod legislation on the constitution or formularies, sent to dioceses and Te Pihopatanga for assent, should require assent only from a majority of the synods and Te Runanga oTe Pihopatanga. These aspects of the motion, limiting Te Pihopatanga to being equal to a diocese, were removed and, after discussion in committee, an amended detailed motion supporting the proposed revision of the constitution was passed.

---

<sup>122</sup> Kinder Library Archives, Auckland. Provincial Bi-cultural Commission on the Revision of the Constitution, Secretary's Papers, 1986-1992. ANG 139/1/5, File. Diocese of Christchurch, Report of a Special Session of Synod, 28 Jul 1990.

<sup>123</sup> *ibid.*

<sup>124</sup> Church of the Province of New Zealand, Diocese of Dunedin, *Yearbook*, Proceedings of the 1<sup>st</sup> Session, 46<sup>th</sup> Synod, 10-12 Aug 1990, p.66.

When the Wellington Synod considered the proposed new constitution, Te Hui Amorangi Whaiti withdrew from the discussion, rejoining the Synod at the end of the following day. After what has been described as, 'wide ranging debate and procedural wrangling'<sup>125</sup> the Synod affirmed the principle, 'that every people being transformed by the Gospel is called to embody that Gospel in religious forms and church structures drawn significantly from their own culture.'<sup>126</sup> While the Synod supported the Maori wish to express their faith within tikanga Maori, and acknowledged the defects of the existing constitution, they were unable to accept the constitution proposed by the Commission. The Synod called for, 'the formation of a full Maori Diocese, or Dioceses, to be proportionately represented on the General Synod of the Province with the principle of voting according to tikanga as a part of General Synod's ways of proceeding.'<sup>127</sup> There were six further motions on the matter which were not considered, but it was agreed that the Standing Committee of Synod and Te Hui Amorangi Whaiti would meet together in a session, open to all synod representatives, to discuss details arising from Synod. A subsequent report to the Commission<sup>128</sup> advised that the Synod had twice rejected the revised constitution. Concerns included: the proposed composition and voting of General Synod; the place offered Te Pihopatanga in the intended life of the Church, and disagreement about the Treaty's application to the Church. There had been little attention given to Te Pihopatanga as a separate province, but comments made were not supportive. Synod saw a need for change but was unable to decide what was needed and there was general confusion. The report considered Synod a very important educational forum to enable some members to appreciate Maori feelings about powerlessness, and the way in which the existing structures of the Church aggravated this.

In his presidential address to the 1990 Synod, the newly appointed Bishop of Nelson, Derek Eaton, spoke of the need for the parts of the church to listen to each

---

<sup>125</sup> *Diolog*, No.63. Jul 1990, p.6.

<sup>126</sup> Church of the Province of New Zealand, Diocese of Wellington, Proceedings of a Special Session of Synod to Consider Proposals to Revise the Church's Constitution, 15-16 Jun 1990, p.95.

<sup>127</sup> *ibid.*

<sup>128</sup> Kinder Library, Auckland. ANG 139/1/5, Comments on a Special Session of Wellington Synod, 15-16 Jun 1990.

other, he stated, 'I do not really believe that we have found the way ahead ... no answer that leaves out the Gospel of reconciliation will be permanent.'<sup>129</sup> At a Special Session of Synod in July 1990, with Bruce Davidson and Dr Ken Booth in attendance, a motion was passed (Appendix 6) which concluded: 'That this Synod while recognising the defects and shortcomings of the present Constitution, in both content and history, is unable to accept the changes proposed by the Bi-cultural Commission in their report dated July 1989.'<sup>130</sup> No record was kept of the discussion.

The Synod of the Waikato Diocese made a nine point submission to the Commission on the Revision of the Constitution expressing concern that the proposed partnership between Te Pihopatanga and the Dioceses could lead to 'diminished involvement of the tikanga Maori with the rest of the Dioceses'.<sup>131</sup> A speaker at the Synod also warned, 'We will not serve this country well if we put cultural sensitivities ahead of Gospel principles, ... that separation on ethnic lines would send out a signal that could easily be read as spiritual apartheid.'<sup>132</sup> The Synod also requested the Commission to reconsider the principle behind Te Pihopatanga being the same as a province, and did not accept that partnership required equity of votes or resource sharing.

The Auckland Diocese endorsed the draft constitution but noted three matters requiring further attention, consideration of joint membership of both tikanga, appropriate provisions for the Diocese of Polynesia, and the possible need for some form of Inter-Diocesan Conference.

---

<sup>129</sup> Church of the Province of New Zealand, Nelson Diocese, *Yearbook*, Proceedings of the 1<sup>st</sup> Session, 48<sup>th</sup> Synod, 21-24 Sep 1990, p.38.

<sup>130</sup> Diocese of Nelson, *Yearbook*. Proceedings of a Special Session of the 47<sup>th</sup> Synod of the Diocese of Nelson, 14 Jul 1990, p.204.

<sup>131</sup> Church of the Province of New Zealand, Waikato Diocese, *Yearbook*, Proceedings of the 2<sup>nd</sup> Session, 25<sup>th</sup> Synod, 13-15 Jul 1990, p.47.

<sup>132</sup> *Church Alive*, Aug 1990, Synod edition. p.2.

### 3.6 Approval of the Revised Draft Constitution November 1990

The Commission presented a Supplementary Report, dated February 1990, to the General Synod in Suva in April 1990. The Report was received, and it was moved that the Commission's final proposals (Appendix 5) be presented to a combined meeting of General Synod and Te Pihopatanga in November 1990. It was also moved that the Commission's terms of reference be widened to provide for the dioceses to create and work through regions, or other subdivisions, and appoint bishops for their oversight.

A Special Session of the 49<sup>th</sup> General Synod was subsequently held in Wellington on 15<sup>th</sup> to 18<sup>th</sup> of November 1990, to receive the final Report of the Commission, meet in General Conference with Te Runanga o Te Pihopatanga to consider the Report and proposals, and if appropriate, to pass Bills to give effect to the recommendations. This was the first occasion on which the proposals were presented, 'with the unanimous and unreserved support of all members of the Commission.'<sup>133</sup> In addition to the five General Synod representatives from Te Pihopatanga, there were 46 members of Te Runanga present in the General Conference. There were some 72 clergy and laity from the seven dioceses, three diocesan secretaries, members of the Provincial Bi-cultural Education Unit and a representative of the Conference of Churches in Aotearoa. Archbishop Brian Davis presided at the General Synod, with Kevin O'Sullivan as Chairperson of Committees. The Synod adjourned, to become a General Conference for the purpose of receiving the Report, presented by the co-convenors Bruce Davidson and Ven. Taki Marsden. The Conference was jointly chaired by Mrs Margaret Mulgan, Chief Human Rights Commissioner; Rev. Dr John Tamahori and Tupa'i Se Apa. The Commission's report identified its underlying guiding principles as, the scriptural basis for the proposals; the instruction from General Synod; the Treaty of Waitangi principles of partnership and bi-cultural development as developed by the Commission on the Treaty of Waitangi, and provision for the Diocese of Polynesia. Although consideration of the *Blue Book* throughout the Church had indicated some

---

<sup>133</sup> Church of the Province of New Zealand, Proceedings of a Special Session of the 49<sup>th</sup> General Synod, Wellington, 15-18 Nov 1990, p.S.27.

aspects of the proposals which required further amendment and reconsideration, the Commission believed that across the, 'broad body of the Church there was recognition of the validity and purpose of the journey on which we had embarked and the tasks on which we were engaged.'<sup>134</sup>

The 16<sup>th</sup> and 17<sup>th</sup> of November were spent in detailed consideration of the draft revised constitution, mostly in plenary session but also in tikanga caucuses and small groups. A number of amendments and alterations were considered and referred to the Commission, which reported back to the Conference with a revised draft, which was agreed to. General Synod resumed on 18<sup>th</sup> November.

The continued opposition to equal Maori, Pakeha representation in General Synod was finally recognised and changed from the provision in the *Blue Book* that, 'Te Pihopatanga shall be entitled to elect the same numbers of each Order as the Dioceses in the aggregate to elect.'<sup>135</sup> to the final provision, that Te Pihopatanga and the Diocese of Polynesia were able to nominate the number of their General Synod representatives, with the number established for the Dioceses by the constitution. The vote by tikanga was still provided for, but only on request, not a requirement as in the *Blue Book*. A provision for abstentions was also now included. Membership of a tikanga had also changed from Clause 31 of the *Blue Book*, 'Within this Church Te Pihopatanga o Aotearoa has responsibility for the provision of ministry to and among Maori including not only persons with Maori ancestry but all others who wish to be ministered to within tikanga Maori.'<sup>136</sup> The new provision allowed church members in New Zealand to choose the tikanga from which they wished to receive ministry. The Diocese of Polynesia was responsible for ministry to those within that Diocese. The provision of choice of tikanga enabled the Commission to respond to criticism that the proposed structure established apartheid within the Church. The Commission argued that apartheid was defined as forced racial

---

<sup>134</sup> *ibid.*, p.S.30.

<sup>135</sup> Church of the Province of New Zealand, Provincial Bi-cultural Commission on the Revision of the Constitution. *Report to the Dioceses in New Zealand, Te Pihopatanga o Aotearoa and the Diocese of Polynesia*, (The *Blue Book*). Jul 1989, Clause 18. p.19.

<sup>136</sup> *ibid.*, p.25.

separation whereas the latest proposal allowed for freedom of choice. The sanctioning of bishops had also been a contentious issue. The new provisions allowed each Diocese and Te Pihopatanga to establish their own procedures for the nomination of bishops but all nominations were to be sanctioned by General Synod. This was in response to the concern that bishops were bishops of the whole Church and therefore must be sanctioned by General Synod. The Commission believed that its proposals, 'now presented with the unanimous and unqualified support of all members of the Commission – provide a framework and structure to enable the Church, in all its diversity to go out and meet the challenges of the present and the future in confidence.'<sup>137</sup>

Following the death of John Towle in February 1990, the Commission had invited Mrs Elizabeth Tipping to fill the vacancy, but she was unable to accept the invitation. Mrs Margaret Mulgan, the Chief Human Rights Commissioner, was then approached but was unable to accept because of clashes with her work timetable, as was Sir Kenneth Keith, a previous member of the Commission. The Commission therefore had to complete its work with a vacancy in its membership.

The Special Session of General Synod adopted the proposals presented as Statute 509, with acclamation, and without dissent, on the third reading of the Bill. The proposals were then referred to all the Dioceses in New Zealand, Te Pihopatanga and the Diocese of Polynesia for agreement, prior to adoption at the General Synod in 1992.

### **3.7 Final Adoption of the Constitution at General Synod 1992**

From November 1990, following the Special Session of General Synod, the Commission continued its work on the basis that the revised constitution would be adopted. Taki Marsden resigned in November 1990, due to ill health, Professor Winiata replaced him as co-convener, and Rev. David Williams joined the Commission from Te Pihopatanga. From tikanga Pakeha, Rev. Harry Hicks

---

<sup>137</sup> Church of the Province of New Zealand, Proceedings of a Special Session of the 49<sup>th</sup> General Synod, Wellington, 15-18 Nov 1990, p. S.38.

replaced John Towle in 1991 and, as Archbishop Brian Davis did not wish to be involved with drafting the legislation, Edgar Bradley also became a member in 1991. In November 1991, it was decided that, assuming final approval in May 1992, the new constitution 'must be made to work immediately ... or much of the point will be lost on the Church and we will continue as we have done in the past without due regard to partnership and bi-cultural development.'<sup>138</sup> It was therefore necessary for the Commission to revise the Canons to be consistent with the new constitution.

Following approval and ratification by the dioceses, the revised constitution was presented to the 50<sup>th</sup> General Synod held in 1992, as Bill No.1, Statute 510, *To Amend the Constitution*. In his address to the Synod, Archbishop Davis spoke of the acceptance of the constitution as offering the Church, 'the possibility of modelling to the nation and even the wider world, a new form of cultural partnership and interdependence as we seek to respond to our common vocation of being God's mission people as one community of faith.'<sup>139</sup> Bishop Whakahuihui Vercoe, reported as being, 'initially amazed that the church accepted the draft of the new constitution,'<sup>140</sup> was 'exhilarated and excited at the change ... We Maori are now responsible for the conduct of the church's business in our own tradition and customs. The task is now to forge this new relationship so that we don't go off a tangent from the other tikanga.'<sup>141</sup> Bishop Vercoe also 'denied suggestions that the new structure reflected separatism, saying it actually meant true unity in the church.'<sup>142</sup>

The new constitution also provided a new name for the Church, now to be known as the Anglican Church in Aotearoa, New Zealand and Polynesia.

---

<sup>138</sup> Kinder Library Archives, Auckland. Provincial Bicultural Commission on the Revision of the Constitution, Bruce Davidson co-convenor's Papers, 1989-1992. ANG 139/2/2, File, Meeting of the Commission 29 Nov 1991.

<sup>139</sup> Anglican Church in Aotearoa, New Zealand and Polynesia, Proceedings of the 50<sup>th</sup> General Synod-Te Hinota Whanui, Hamilton, 10-15 May 1992, p.8.

<sup>140</sup> *Challenge Weekly*, May 21, 1992, p.5.

<sup>141</sup> *ibid.*

<sup>142</sup> *ibid.*

## Diocese of Polynesia

The Diocese of Polynesia had been part of the Church of the Province of New Zealand since 1925, as a missionary diocese under Clause 18 of the 1857 constitution, and as defined by the Church of England (Missionary Dioceses) Act 1955. The Diocese consisted of more than 12 independent nations, working mainly in Samoa, Tonga and Fiji. It considered itself, 'an integrated multi-racial diocese in which Biblical oneness in Christ has governed diocesan policy and development.'<sup>143</sup> In 1986, as Polynesia was no longer entirely dependent on the Church in New Zealand, General Synod established a Commission to consider the relationship of the Diocese with the Province. The Commission reported back to the 1988 General Synod with a request to continue for a further two years.

Following the presentation of the draft constitution at General Synod in 1988, Bishop Peter Mann, Chairman of the Commission, wrote to Bishop Jabez Bryce of Polynesia seeking an opportunity to talk privately about the implications of the constitutional changes. Mann believed there would be a need to think through, 'even more carefully'<sup>144</sup> the place of Polynesia in the new arrangement. He continued, 'Many of us remain unconvinced that the proposal is the best way of meeting the needs of the Maori people',<sup>145</sup> but he himself was unable to offer any alternative. It is also evident from correspondence between the Commission on the Revision of the Constitution and the Commission on Closer Relationship of the Diocese of Polynesia with the Province, that there was concern about the possibility of misunderstanding between them.

In November 1988 the Commission on Closer Relationship of the Diocese of Polynesia with the Province was expressing, 'grave misgivings'<sup>146</sup> about the draft constitution, believing that it would be forced to relate to either, 'the Maori or

---

<sup>143</sup> Kinder Library Archives, Auckland. ANG 054/1/2, Meeting of the Commission 24 Nov 1988.

<sup>144</sup> *ibid.*, Mann to Bryce, 6 Oct 1988.

<sup>145</sup> *ibid.*

<sup>146</sup> *Province to Parish*, News Sheet No. 4, 1989.

Pakeha Province when its own principles and instincts would call for a full relationship with both.’<sup>147</sup> If the draft constitution presented to the 1988 General Synod proceeded, the Diocese believed it had two alternatives, to associate with another Pacific Province, either Melanesia or Papua New Guinea, or to become an autonomous Province.

By 1989 the Commission on Polynesia had reached a decision to recommend placing the Diocese on the same footing as every other diocese in the Province of New Zealand. Legislation would be required to establish the boundaries and recognise the freedom the Diocese needed to work within its diverse cultural, racial and linguistic traditions. However, there was still concern about how this could be fitted into the new structure.

At the March 1989 Hui of Standing Committee and Te Runanga Whaiti o Te Pihopatanga members, Bishop Jabez Bryce was moved to request, ‘that Maori and Pakeha alike refrain from manoeuvring Polynesia to suit the situation.’<sup>148</sup> Bishop Peter Mann, Chairman of the Commission on Polynesia outlined the history of Polynesia as a missionary diocese and stated that the Commission wanted to ensure that the Diocese was a, ‘full partner with every other diocese in the Province and has a place in its councils and in all its life.’<sup>149</sup> This included making a contribution to the Provincial budget. At a meeting on 12<sup>th</sup> March 1989, immediately following the Hui, the Commission noted the determination of Te Pihopatanga to set up the new structure. Polynesian representatives commented that Maori speakers appeared well prepared and presented clear arguments, while Pakeha appeared unable to present alternative proposals. The Polynesian representatives also believed themselves to be perceived as Pakeha by Maori who rejected the concept of multi-culturalism and spoke only of bi-culturalism. The Commission considered that the New Zealand Church had always, in fact, been a Pacific Province with responsibilities initially for

---

<sup>147</sup> *ibid.*

<sup>148</sup> Kinder Library Archives, Auckland. ANG 139/1/6, Transcript of Joint Hui between the Standing Committee of General Synod and Te Runanga Whaiti o Te Pihopatanga held at Wananga o Raukawa 10-12 Mar 1989.

<sup>149</sup> *ibid.*

Melanesia and then Polynesia. While some members considered that Maori and Pakeha should sort out the bi-cultural argument first, others thought that Polynesia and the multi-cultural aspect should have been considered from the beginning of the revision of the constitution. The meeting agreed that the Chairman should advise the Commission on the Revision of the Constitution that Polynesia should be seen as being equal to every other diocese in the Province, and should be involved in the formulation of the new constitutional proposals. In September 1989, correspondence from Bishop Mann spoke of 'very clear unhappiness in Polynesia with the current state of constitutional reform.'<sup>150</sup>

At the 1990 General Synod in Suva, it was resolved that Polynesia would relinquish its missionary status and become a full diocese. Although the more detailed constitutional proposals available had indicated a much clearer awareness of the need to make provision for the unique nature of Polynesia, the Diocese considered there was still further work to be done.

While the Diocese of Polynesia had concerns about its place in the new structure, Maori were also concerned about the involvement of a group which was not part of the Treaty of Waitangi partnership. At a Special Session of Te Runanga o Te Pihopatanga, in November 1990, Mira Szaszy questioned the fairness of including the Diocese of Polynesia for whom the principles of bi-cultural partnership under the Treaty had no relevance.<sup>151</sup> Kevin O'Sullivan remembers, 'Maori were very disturbed when there was a cry from Polynesia. ... they were very resistant to it for a while.'<sup>152</sup>

The inclusion of the Diocese of Polynesia created some difficulties for the Commission on the Revision of the Constitution. There is mention of its inclusion in the structure from 1987, but the focus on bi-cultural development, the Treaty of

---

<sup>150</sup> Kinder Library Archives, Auckland. ANG 054/1/2, Mann to Rev. Noel Derbyshire 8 Sep 1989.

<sup>151</sup> Kinder Library Archives, Auckland. Te Pihopatanga o Aotearoa: Administrative Records, 1882-1994. ANG 141/1/47, Te Runanga Whaiti Hui, Agenda and Minutes, Proceedings of a Special Session of Te Runanga o Te Pihopatanga o Aotearoa, Wellington, 14-18 Nov 1990, p.2.

<sup>152</sup> Elizabeth Beatson, Interview with Kevin O'Sullivan, 12 Sep 2001, p.7.

Waitangi, and equal partnership meant there was difficulty finding a place for a third party in the proposals. The principle of recognising and accepting cultural diversity meant the Diocese could hardly be included simply as an eighth diocese in partnership with Te Pihopatanga. The development of the Diocese as a full diocese in 1990, coupled with the withdrawal from the concept of an equal Maori/Pakeha General Synod, finally enabled a solution to be reached. It was the acceptance of Polynesia as a third tikanga, adding a multi-cultural element to the structure, which enabled some members of General Synod, previously opposed to the proposals, to support them in 1990.

## 5 The Contemporary Context

### 5.1 The Treaty of Waitangi

From 1975, the Treaty of Waitangi emerged as a significant issue for government. During the 1980s, Maori developed a greater awareness and more unified respect for the Treaty and it started to become a point of dissension between Maori and many Pakeha. In February 1984, two events focussed on the Treaty. Geoffrey Palmer, Justice spokesman and deputy leader of the Labour Party, announced Labour's policy on the Treaty, and at Ngaruawahia, a Treaty of Waitangi Hui developed proposals for separate Maori political institutions and economic independence. According to Bishop Whakahuihui Vercoe, 'The Maori have always kept faith with the Treaty. And this is an invitation to the partner in that Treaty to also be a participant and to revive the spirit of the Treaty within our structure of life here in New Zealand.'<sup>153</sup>

The Treaty was beginning to be considered a sacred contract defining Maori rights, and a standard of justice between Maori and Pakeha. Its role in relation to constitutional reform and personal rights and freedom was coming under increasing scrutiny. In April 1985, Geoffrey Palmer, now Minister of Justice, tabled a White Paper on the implications of a Bill of Rights for New Zealand, a concept to which he had a strong personal commitment. If adopted, the Bill would place new limits on the powers of governments, holding them to a set of standards to ensure greater accountability, and guaranteeing the protection of fundamental values and freedoms. Palmer believed the Bill would acknowledge the foundation of the nation by recognising and protecting the rights of Maori under the Treaty of Waitangi. Maori, however, claimed that the Treaty itself was a Maori Bill of Rights and strongly opposed its incorporation into the proposed Bill.

The Treaty had also taken on a new legal significance by its incorporation into the *Treaty of Waitangi Act 1975*, and inclusion as a schedule to the *Waitangi Day Act*

---

<sup>153</sup> Waitangi Action Committee (ed.), *Te Hikoi ki Waitangi 1984*, Otara: The Committee, 1984, p.53.

1976. Subsequently, the *Environment Act 1986*, the *State Owned Enterprise Act 1986* and the *Conservation Act 1987*, contained specific provisions requiring them to be interpreted in such a way as to comply with the Treaty. The Treaty was also part of the *Maori Language Act 1987* which made Maori an official language. The most significant legislation however, came about as the result of the restructuring of the state sector and the development of State Owned Enterprises. In 1986, while enquiring into the Muriwhenua Claim, the Waitangi Tribunal became aware that Crown land, transferred to State Owned Enterprises under the *State Owned Enterprise Bill*, might not be available for return to Maori owners if so recommended by the Tribunal. In an effort to meet Maori concerns that the Bill might prejudice future Maori land claims, two new sections were added, Section 9, stating that nothing in the *Act* would allow the Crown to act in a manner inconsistent with the principles of the Treaty of Waitangi, and Section 27, allowing only claims lodged before 18 December 1986 to remain subject to the claim after transfer of land to a State Owned Enterprise. In March 1987, Sir Graham Latimer and the New Zealand Maori Council sought a judicial review, on the basis that Sections 9 and 27 of the Act were contradictory. The Court of Appeal ruled in their favour, concluding that the Treaty partners were to act towards each other reasonably and in good faith, and the principles of the Treaty were to override everything else in the Act. The case acknowledged the fundamental constitutional character of the Treaty.<sup>7</sup> Subsequently, negotiations between the Crown and the New Zealand Maori Council, resulted in the *Treaty of Waitangi (State Owned Enterprises Act) Act 1988* which provided the required safeguards for claims.

Following the 1984 General Election, difficulties in the transfer of power exposed weaknesses in New Zealand's existing constitutional provisions, indicating a need for constitutional reform. The obscurity of the existing statutory law led to the establishment of an Officials Committee on Constitutional Reform, to examine the situation and make proposals for change. A member of the Church's Commission on the Revision of the Constitution, Professor Ken Keith, was a member of this Committee. The Officials Committee was not asked to propose a constitution, but to review all existing constitutional provisions and draw them together in a single Act.

The title of the proposed Bill was *An Act to reform the constitutional law of New Zealand, to bring together into one enactment certain provisions of constitutional significance, and to repeal the New Zealand Constitution Act 1852 of the United Kingdom Parliament*. The Committee's Report and Draft Bill,

dealt only with what might be called the European side of our constitutional law. That implies no judgment about the place of the Treaty of Waitangi in our polity. But we suspect that to attempt to meld the treaty into the sort of Constitution Act we have been asked to propose would be likely to please nobody. Furthermore, the draft Bill of Rights proposes to recognise the Treaty as part of the supreme law of New Zealand. If this approach proves acceptable it would give the Treaty a higher place than as part, even a prominent part, of a Constitution Act dealing with the particular institutions of government.<sup>154</sup>

During the 1980s, as the new history of Maori oppression and Pakeha injustice became more widely known, and debate on the Treaty of Waitangi increasingly public, the National Council of Churches joined the argument as a prophetic voice on issues of justice. Church people dominated protests at Waitangi Day celebrations in 1983 with eleven arrests, and this incident caused more conservative Maori, particularly from the far north, to question the role of the Anglican Church in the debate on the Treaty. Their concerns, raised at the Hui Amorangi in Auckland and subsequently taken to Te Runanga o Te Pihopatanga, became the catalyst for the motion put forward to the 1984 General Synod to establish the Bi-cultural Commission on the Treaty of Waitangi. Within the Church, continuing Maori concerns about equity of responsibility and resources reflected the political and secular debate of the time.

For the Anglican, Roman Catholic and Methodist Churches, which had been directly involved with the signing of the Treaty of Waitangi, there was an added sense of responsibility for the Treaty, which led them, not only to become involved in the public debate and education programmes, but also to consider the Treaty in relation to themselves, and initiate church programmes for the development of bi-culturalism. This was particularly true of the Anglican Church with its significant role in the translation of the Treaty and encouragement of the Maori chiefs to sign. However, it was not the first to establish a Bi-cultural Commission, in 1983 the

---

<sup>154</sup> New Zealand. Department of Justice, *Constitutional Reform: Reports of an Officials Committee*, [Wellington]: Department of Justice, 1986, p.28.

Methodist Church established a Bi-cultural Committee to encourage the development of a bi-cultural Methodist Church. The Methodists considered the Treaty to be a sacred document, 'which stands alongside the biblical covenants we honour'<sup>155</sup> and the Committee worked on the principle, 'of Maori and Pakeha as the partners in the prime bicultural relationship in Aotearoa, New Zealand having equal voices in the direction being taken by the Church.'<sup>156</sup> The Committee also recommended establishing a specific group to monitor bi-cultural process and progress, and suggested that this model be followed by Government. In 1985, the Roman Catholic Church Commission for Evangelisation, Justice and Development produced a discussion booklet of Lenten studies based on the Treaty of Waitangi, *New Hope for our Society*. The first Roman Catholic Maori Bishop, Bishop Takuiriri Mariu, was appointed in 1988.

In 1986, the Labour Prime Minister, David Lange, advocated a dialogue between Maori and Pakeha. In response, the National Council of Churches and the New Zealand Catholic Evangelisation Justice and Development Commission, joined other community groups to begin a process of public education known as Project Waitangi. A Project Waitangi submission to the Royal Commission on Social Policy suggested that, for Pakeha, the Treaty of Waitangi was 'an invitation to share this land with Maori in equal partnership'.<sup>157</sup> The National Council of Churches programme, *Beyond Guilt* identified Pakeha Treaty dealings as a matter of shame, advocating that Pakeha should acknowledge their guilt, then overcome it to work for a better world. Some church people found themselves alienated by the National Council of Churches' insistence on guilt, and this was reflected in some of the submissions made to the 1984 Bi-cultural Commission on the Treaty of Waitangi. In spite of such opportunities for education and debate, Pakeha ignorance of the Treaty was not easy to break down. The New Zealand Catholic Evangelisation Justice and Development Commission, in 1983, 'told a Parliamentary Committee dealing with the Waitangi Tribunal's findings in the *Te Atiawa Report* of, "culpable

---

<sup>155</sup> New Zealand. Royal Commission on Social Policy, *April Report*, Vol.iii, pt. 1, *Future Directions: associated papers*, Wellington: The Commission, 1988, p.123.

<sup>156</sup> *ibid.*

<sup>157</sup> *ibid.*, p.126.

ignorance [about the Treaty] on a major scale” among the Pakeha populace.’<sup>158</sup> On Waitangi Day 1988, the New Zealand Maori Council placed full page advertisements in all major newspapers, which included the Treaty of Waitangi, acknowledging that for most people it had little relevance.

At a New Zealand Law Society Seminar on the Treaty, in April 1989, Paul Temm said in his introduction, ‘The place of the Treaty of Waitangi in New Zealand society is like beauty, it depends upon the eye of the beholder ... From the Maori standpoint its role and status has never changed, it was and is now a transaction of sublime importance and was embarked on most solemnly by the Maori participants.’<sup>159</sup> Bishop Bennett, as a consultant to the Royal Commission on Social Policy, called it ‘a stand alone document, a supreme point of reference for the nation’s affairs.’<sup>160</sup> Such sentiments confused many Pakeha and increased hostility to Maori demands for Treaty recognition. ‘Many denied the Treaty and Treaty rights, asserted a different history, and repudiated entirely the Maori claims to reparations for past wrongs.’<sup>161</sup> Of the many issues which the Royal Commission on Social Policy researched, Maori and Pakeha opinion differed to a significant degree only on Treaty and land issues. The Royal Commission on Social Policy also noted Pakeha ignorance and apathy regarding the Treaty, in particular the Pakeha view that the Treaty was a ‘Maori thing’.<sup>162</sup> It was a common argument, particularly among Pakeha, that the Treaty of Waitangi was ancient and outdated. Between October 1986 and December 1987, an ‘Attitudes and Values’ survey was carried out by the Department of Statistics for the Royal Commission on Social Policy. The survey found that while 78% of those respondents who identified as Maori believed the Treaty should be honoured, this fell to 57% for those who identified as

---

<sup>158</sup> Andrew Sharp, *Justice and the Maori: Maori Claims in New Zealand Political Argument in the 1980s*, Auckland: Oxford University Press, 1990, p.109.

<sup>159</sup> *New Zealand Law Society Seminar: the Treaty of Waitangi*, Apr 1989, [Wellington]: New Zealand Law Society, [1989], p.1.

<sup>160</sup> *April Report*, Vol.ii, *Future Directions*, p.39.

<sup>161</sup> Sharp, p.73.

<sup>162</sup> *ibid.*, p.109.

Maori/European, and 44% for Pakeha.<sup>163</sup> In July 1988, a *New Zealand Herald-National Research Bureau* survey of 1,000 men and 1,000 women over the age of 16, selected at random in 20 main population centres, found 62% of respondents were dissatisfied with the Treaty, 34% wanted it renegotiated and 28% wanted it abolished.<sup>164</sup>

The interpretation of the Treaty also caused confusion. Internationally, courts were interpreting treaties with regard to the principles intended, seeking the spirit of the treaties, cultural meaning of words, and the contemporary context, rather than the strict terms. The Waitangi Tribunal, in the *Motonui Waitara Report* of 1983, stated that the, 'spirit of the Treaty transcends the total of its component written words and puts narrow and literal interpretations out of place.'<sup>165</sup> Earlier debate about the translation and meaning of various words gave way to discussion of the principles, and from 1984, the concept of the principles of the Treaty became a significant aspect of government policy.

Maori had always considered that the principles referred to the spirit of the Treaty, *te tino rangatiratanga*, but this view was also changing. The Waitangi Tribunal opposed the rigidity of a statement of Treaty principles, preferring to establish principles on a case by case basis. Shonagh Kenderdine, at a New Zealand Law Society Seminar on the Treaty of Waitangi in 1989, identified 12 principles,<sup>166</sup> and noted that Professor Orr had identified seven, including partnership, based on Waitangi Tribunal case law. The New Zealand Maori Council argued that the text of the Treaty, particularly the Maori text, constituted the principles with a further ten implied. The third of these referred to, 'a relationship like a partnership'.<sup>167</sup> However by 1989 the Treaty was losing significance for the government, and as it

---

<sup>163</sup> *ibid.*, p.111.

<sup>164</sup> *New Zealand Herald*, 26 Jul 1988, S1, p.1.

<sup>165</sup> New Zealand. Department of Justice, Waitangi Tribunal, *Motonui Waitara Report*, Wellington: Department of Justice, Waitangi Tribunal, 1983, 10.1.

<sup>166</sup> *New Zealand Law Society Seminar: the Treaty of Waitangi*, Apr 1989, [Wellington]: New Zealand Law Society, [1989], pp.50-53.

<sup>167</sup> *April Report*, Vol.iii, pt. 1, *Future Directions: associated papers*, p.104.

attempted to restore some order to Treaty policy there was increasing demand for the principles to be clearly defined. Five 'Principles for Crown Action on the Treaty of Waitangi' were developed, the principles of government or *kawanatanga*; self management or *rangatiratanga*; equality, co-operation and redress.<sup>168</sup>

At the Wellington Synod of September 1988, and in a subsequent submission to the Commission, the Rev. Peter Stuart challenged the proposition that the signing of the Treaty in 1840 committed the twentieth century Church to a two sided partnership based on one people/one vote, as defined by the Commission on the Treaty of Waitangi. He suggested the Treaty only committed the Church to encouraging the Crown to observe the Treaty, and only committed Church members to act as good citizens of a nation in which the Treaty, 'exercises moral and legal influence'.<sup>169</sup> Stuart believed linking the Treaty of Waitangi and the Church constitution could not succeed, and he stated a growing unease about the potential separatism of the Commission's proposals, 'We are in grave danger of seeking to correct one wrong by committing another.'<sup>170</sup>

The appeal to the Treaty of Waitangi was a phenomenon that developed particularly in the 1980s. The Treaty had not been invoked during previous debates on greater autonomy for Maori in the Church, even by the Commission on the Church's Work among the Maori People of 1976-78 which established the Bishopric of Aotearoa, in spite of that Commission including the Rev. Whakahuihui Vercoe, Bishop Manu Bennett and Professor Winiata.

The Commission on the Treaty of Waitangi established that the principles of partnership and bi-cultural development were implied in the Treaty and were relevant to the Church. As a result the recommendation establishing the Commission on the Revision of the Constitution required that the two principles be

---

<sup>168</sup> Jane Kelsey, *A Question of Honour? Labour and the Treaty 1984-1989*, Wellington: Allen & Unwin, 2000, pp.259-260.

<sup>169</sup> Kinder Library Archives, Auckland. ANG 139/1/6, Stuart to Paterson, 7 Sep 1988.

<sup>170</sup> *ibid.*

entrenched and expressed in the revised constitution. The Commission on the Treaty of Waitangi, in *Te Kaupapa Tikanga Rua*, provided detailed definitions and explanations of bi-cultural development, bi-culturalism and partnership, and the Commission on the Revision of the Constitution remained committed to these definitions in the redrafting of the constitution.

## 5.2 Partnership

Partnership was widely considered to be a principle of the Treaty of Waitangi, but with no specific definition, until the finding of *New Zealand Maori Council v. Attorney General 1988* that the Treaty signified a partnership which required the Maori and Pakeha partners to act towards each other reasonably and in good faith. Claudia Orange believed the influence of the United Nations work on human rights from the 1970s had given the issue of partnership, 'a new dimension which, though often related to the Treaty, is not necessarily dependent on it or its interpretation. In short, an indigenous race, no matter what the original agreement of 1840, has certain rights to full participation in their land on a footing of equality.'<sup>171</sup>

The Bi-cultural Commission on the Treaty of Waitangi identified the principle of partnership as involving, 'co-operation and interdependence between distinct cultural or ethnic groups within one nation.'<sup>172</sup> The Commission further defined partnership, in Appendix D of *Te Kaupapa Tikanga Rua*, in terms of valuing and respecting one another and sharing equally in decision making and resources. Within the Church, the Commission considered the principle of partnership to mean each cultural group being, 'accorded the same dignity in Christ,'<sup>173</sup> therefore able to make their own distinctive contribution to the common life of the Church, as well as supporting and encouraging each other. While acknowledging that homogenisation could be a possible consequence of partnership, the Commission did not believe this was an acceptable policy goal and stated that, 'Healthy social development is most likely to occur when there is respect and trust between the partners, where there is

---

<sup>171</sup> Kinder Library Archives, Auckland. ANG 139/1/2, Orange to Rev. David Moxon, 9 Dec 1988.

<sup>172</sup> *Te Kaupapa Tikanga Rua*, p.34.

<sup>173</sup> *ibid.*

creative interaction and communication, and where the pressures to conform to any particular culture are minimised.<sup>174</sup> The requirement that neither partner be forced to conform to a particular culture was further supported by the Commission's definition of bi-cultural development.

The reality of partnership, particularly as expressed by Maori during the revision of the constitution, was the concept of total equality between Maori and Pakeha, described variously in terms of 50/50 sharing, and one people/one vote (as opposed to one person/one vote). Professor Winiata, on a number of occasions, stated the view that the Treaty of Waitangi was signed between two peoples, Maori and Pakeha. He saw the structure proposed in the Runanga o Te Pihopatanga model embodying the principle of one people/one vote, or in effect, equal Maori Pakeha partnership in the most influential body of the Church. Those speaking for Maori considered the essence of partnership to be respect and trust between two partners, allowing each freedom of development and action with consultation and mutual approval. The Rev. Muru Walters, in an address at Putiki on 8<sup>th</sup> April 1988, gave an example of partnership, as opposed to separatism, as being, 'when Te Pihopatanga seeks an Aotearoa province for itself based on its own tikanga. Te Pihopatanga hopes that the Pakeha partner will approve it, recognizing and acknowledging that Pihopatanga can do its mission to Maori much better than they can.'<sup>175</sup> However, the wish for autonomy, articulated in the Maori desire for two provinces, was also perceived as leading to a form of separation.

Dr Ken Booth, in 1988, and subsequently in his Selwyn Lecture of 1996,<sup>176</sup> disagreed with Professor Winiata's view that the Treaty was signed between two equal Maori and Pakeha partners. Booth argued that the Treaty was signed by the representatives of the British Crown and, 'some 500 independent tribes, hapu and iwi'.<sup>177</sup> He suggested that in 1840, Maori did not perceive themselves as a single

---

<sup>174</sup> *ibid.*

<sup>175</sup> Te Runanga o Te Pihopatanga o Aotearoa. Address by Muru Walters at Torere, 8 Apr 1988.

<sup>176</sup> K.N. Booth, 'A Pakeha Perspective on Tino Rangatiratanga', in *Church and State: Te Tino Rangatiratanga: 1996 Selwyn Lectures*, Auckland: College of St John the Evangelist, 1998.

<sup>177</sup> Kinder Library Archives, Auckland. ANG 139/1/3, Correspondence and Papers, Ven. Dr K.N. Booth, *Partnership and Bi-cultural Development: The Constitutional Proposals*, p.7.

people, but identified with their tribe. It was tribal sovereignty Maori ceded, to create a new situation in which they were accorded the rights and privileges of British citizens, and Maori and Pakeha equally were subject to the sovereignty of the British Crown. Booth considered that the Treaty produced a tension between the sovereign rights of individuals and the state, going on to say, 'In itself the Treaty provides no guidelines for solving the tension. On the other hand it provides no basis for any cultural or Maori/Pakeha partnership, and ideas of, "one culture one vote" cannot be founded in the Treaty and should be treated as nonsensical.'<sup>178</sup>

In Booth's view, any partnership envisaged in the Treaty was a partnership between the whole nation (as represented by the Crown), and the Maori tribes within it, and this interpretation raised considerable doubt about the relevance of the Treaty to the Church.

The Pakeha are not the Crown, and nor is General Synod. While some of the debates between the tribes and the Crown over land and other matters have implications for the Church, it is not easy to see a direct application of the Treaty to the internal structures of the Church. Nevertheless it would not be inconsistent with the Treaty to allow a significant degree of autonomy to the Maori people by devolution.<sup>179</sup>

The contemporary view of the Treaty of Waitangi as a 'living document', and the Waitangi Tribunal's focus on interpreting the principles in relation to particular circumstances, enabled the Commission on the Treaty of Waitangi to present the Church with a specific interpretation of the principle of partnership. Although many church members were uncomfortable with the principle as defined, there was some reluctance to voice criticism. This was due to a lack of adequate knowledge of the Treaty, prevailing attitudes of political correctness, and a fear of being perceived as racist. A product of late twentieth century attitudes, the Commission's interpretation is at some variance with Henry Williams' perception of the terms of the Treaty in 1840. Williams' understanding of the relationship between Maori and Pakeha, created by the Treaty, is explained in the following entry from his journal:

We gave them but one version, explaining clause by clause, showing the advantage to them of being taken under the fostering care of the British Government, by which act they would

---

<sup>178</sup> *ibid.*, p.9.

<sup>179</sup> *ibid.*, p.11.

become one people with the English in the suppression of wars and of every lawless act; under one Sovereign, and one Law, human and divine.<sup>180</sup>

The Commission appeared to arrive at its definitions with no reference to the historical context of the Treaty. Walter Christie, in his book *Treaty Issues*, considers, 'that there could be no possibility that the Treaty of Waitangi of 1840 formed a sovereignty partnership.'<sup>181</sup> Christie bases his argument on Colonial Office correspondence, and instructions to William Hobson including, 'treat with the aborigines of New Zealand for the recognition of Her Majesty's sovereign authority over the whole, or any part of those Islands which they may be willing to place under Her Majesty's dominion.'<sup>182</sup>

### 5.3 Bi-culturalism and Bi-cultural Development

The Bi-cultural Commission on the Treaty of Waitangi understood the meaning of bi-cultural development as, 'the process whereby two cultures grow and develop within one nation in a spirit of mutual respect and responsibility.'<sup>183</sup> The definition, further developed in Appendix D of *Te Kaupapa Tikanga Rua*, related specifically to Maori and Pakeha cultures which would be encouraged, 'to develop as integral entities but also to interest [sic] and overlap.'<sup>184</sup> It was also recognised that the majority culture was required to take positive steps to protect and encourage the interests and needs of the minority. Within the Church, the Commission stated in *Te Kaupapa Tikanga Rua*, bi-cultural development meant ensuring that, 'the Gospel of Christ takes root in, and is expressed through two different cultural forms within the one provincial or national Church.'<sup>185</sup> John Paterson has subsequently described the Commission on the Revision of the Constitution's understanding of bi-cultural development as two railway tracks going together in the same direction but, 'separated by sleepers',<sup>186</sup> so always apart. Whatarangi Winiata in a paper on mana

---

<sup>180</sup> Hugh Carleton, *Life of Henry Williams Archdeacon of Waimate*, Revision of 1873-77 original, J. Elliott (ed), Wellington: Reed, 1948, pp.313-314.

<sup>181</sup> Christie, Walter, *Treaty Issues*, Christchurch: Wyvern Press, 1995, p.13.

<sup>182</sup> *ibid.*, p.14.

<sup>183</sup> *Te Kaupapa Tikanga Rua*, p.25.

<sup>184</sup> *ibid.*, p.34.

<sup>185</sup> *ibid.*

<sup>186</sup> Elizabeth Beatson, Interview with Rt. Rev. John Paterson, 26 Sep 2001. p.9.

within tikanga in 1987 wrote, 'Bi-cultural development is not the situation where every New Zealander is able to say Kia Ora and not much more. That situation is a potentially dangerous thing at one end of the scale of biculturalism.'<sup>187</sup>

The Bi-cultural Commission on the Treaty of Waitangi considered bi-culturalism to be the, 'theory that it is beneficial for two cultures to exist within one nation.'<sup>188</sup> It was further described as the opposite of integration or assimilation and the Commission considered apartheid to be a distorted form of bi-culturalism. The Commission believed that the Treaty of Waitangi, 'laid the foundation for the existence together of two main cultural groups – Maori and Pakeha – within one nation.'<sup>189</sup> While acknowledging the presence of other cultures within New Zealand and the legitimacy of speaking of the country as a multi-cultural society, the Commission was concerned that multi-culturalism could be, 'used to mask the primary reality expressed in the Treaty of Waitangi, and the obligation to live by its principles.'<sup>190</sup> The Commission also defined bi-culturalism as the ability of a person to embrace two cultures and stated, 'Up until recently, bi-culturalism in this sense has been forced on Maori people but not expected of Pakeha people.'<sup>191</sup> Te Pihopa o Aotearoa, Whakahuihui Vercoe, referred to bi-culturalism in this sense following the acceptance of the Report and recommendations of the Commission on the Treaty of Waitangi at the 1986 General Synod, when he stated, 'There was a determination to make New Zealand as Maori as possible – but the important thing was the 'sharing of the burden' of being bi-cultural.'<sup>192</sup>

While members of the Commission on the Revision of the Constitution understood the definitions of bi-culturalism and bi-cultural development in the context of their task, considerable confusion and misunderstanding existed among church members. For many people, bi-cultural development as defined by the Commission, appeared

---

<sup>187</sup> Kinder Library Archives, Auckland. ANG 139/1/1, Whatarangi Winiata, 'Some thoughts on mana within tikanga Maori', 7 Dec 1987.

<sup>188</sup> *Te Kaupapa Tikanga Rua*, p.33.

<sup>189</sup> *ibid.*

<sup>190</sup> *ibid.*

<sup>191</sup> *ibid.*

<sup>192</sup> 'As Maori as Possible', *New Envoy*, No.55, Aug 1986, [p.3].

to be a form of separate development, some referred to it as apartheid. Dr. Ken Booth, in his submission, called it, 'duo-monoculturalism'.<sup>193</sup> For others it was difficult to separate, or understand the difference between, bi-culturalism and bi-cultural development. They heard the concern of Maori that only Maori were expected to be bi-cultural, and as a result, believed that the demand was for Pakeha to become more Maori, or at least more familiar with Maori language and culture. A Hastings parish, in a submission to the Commission on the Revision of the Constitution considered there was a need for more bi-lingual priests and bi-cultural schools, 'and that Pakeha needed to be more positively challenged to appreciate Maoritanga.'<sup>194</sup> The Provincial Bi-cultural Education Commission and diocesan bi-cultural education committees, which had been established to assist Church members to understand the issues, possibly added to the confusion by establishing discussion groups and providing material which encouraged Pakeha to learn more about Maori and their culture. Some churches incorporated Maori language and aspects of Maori culture within their services, and many church members viewed the production of diglot services of worship as a step towards bi-culturalism. Te Pihopatanga was less concerned with having English liturgies translated into Maori, than with developing Maori liturgies, 'which properly reflected Maori attitudes and ways of expression.'<sup>195</sup> While these moves were related to the development of bi-culturalism, they did not assist in developing understanding of the principle of bi-cultural development the Commission was attempting to entrench within the constitution. Pakeha Church members saw themselves being required to develop a greater understanding of Maori culture, while at the same time Maori appeared to be withdrawing from the Church.

At the fifth meeting of the Commission, on 23<sup>rd</sup> July 1987, members discussed the misunderstanding of the terms. Archbishop Brian Davis expressed concern over the use of the term bi-culturalism as he had experienced it at the Wellington Diocesan

---

<sup>193</sup> Kinder Library Archives, Auckland. ANG 139/1/3, Correspondence and Papers, Ven. Dr K.N. Booth, *Partnership and Bi-cultural Development: The Constitutional Proposals*, p.4.

<sup>194</sup> Kinder Library Archives, Auckland. ANG 139/1/4, St James Parish, Hastings, Submission to the Commission on the Revision of the Constitution, 24 Jan 1989.

<sup>195</sup> *Te Kaupapa Tikanga Rua*, p.27.

Synod of 1987, noting that people were focusing on bi-culturalism without a proper understanding of the definition, rather than using the words partnership and bi-cultural development. Professor Winiata thought there was a need to shift the emphasis from bi-culturalism and bi-cultural development to partnership, which involved respect for each other as demonstrated by the Court of Appeal hearing in regard to State Owned Enterprises. Winiata believed that the working out of the details of partnership would enable bi-cultural development to follow more easily. However, the confusion continued, causing John Towle to state, at the March 1989 Hui in Otaki, that while the Commission on the Treaty of Waitangi had defined bi-cultural development, people had continued to use a variety of interpretations, 'I think people in the pews do not know what we mean by those definitions.'<sup>196</sup>

It is evident that not only individual church members were confused about bi-cultural development and bi-culturalism. A response from the Auckland Diocese to a questionnaire from the Standing Committee of General Synod in 1988, indicated the willingness of the Diocese to adopt the Report of the Diocesan Boundaries Committee, 'provided that this Synod is not thereby deprived of its Maori members and the opportunities for developing bi-cultural understanding provided by their presence.'<sup>197</sup> Nor was the confusion limited to Pakeha church members. At a Te Pihopatanga presentation, at St. Michael's Marae in February 1988, among questions drafted by small groups of Maori church members were a number regarding partnership and bi-cultural development, which were perceived by some as growing closer to the Pakeha Church rather than separating from it. Concern was expressed at losing contact with the Pakeha Church, about the division of the Church along racial lines, and whether a separate Maori province would, 'damage attempts at bi-cultural partnership and development in Church and society.'<sup>198</sup>

---

<sup>196</sup> Kinder Library Archives, Auckland. ANG 139/1/6, Transcript of Joint Hui between the Standing Committee of General Synod and Te Runanga Whaiti o Te Pihopatanga held at Wananga o Raukawa 10-12 Mar 1989.

<sup>197</sup> Church of the Province of New Zealand, Proceedings of the 48<sup>th</sup> General Synod, Napier, 22-28 May, 1988, p.R.23.

<sup>198</sup> Kinder Library Archives, Auckland. ANG 139/1/6, Questions drafted by small groups in response to a presentation by Te Pihopatanga at St Michael's Marae, 25 Feb 1988.

Also at the July 1987 meeting of the Commission, Bishop Manu Bennett stated his view that the bi-cultural development initiative, set in place by General Synod in 1986, appeared to be 'slipping'. John Paterson believes that the Provincial Bi-cultural Committee, by not appreciating the particular definitions of bi-cultural development being used, failed to fully support the Commission on the Revision of the Constitution.<sup>199</sup> The Bi-cultural Education Commission on their part did not consider their role to be advocacy of the new constitution. In its report to General Synod in 1988, the Bi-cultural Education Commission reported:

The Commission learnt from its visits that the journey to bi-cultural development and partnership was, and will continue to be, a life-long process which cannot be hurried. There is both fear and uncertainty between Maori and Pakeha regarding the value of bi-cultural development and partnership. Some Pakeha fear involvement with Maori culture because they are frightened of doing the wrong things. Some Maori claimed that they may well need time to develop their cultural and spiritual resources in order to re-engage the Pakeha as an equal partner.<sup>200</sup>

Dr. Ken Booth, in his address to General Synod in 1988, and subsequent submission to the Commission, correctly identified the Commission's concept of bi-cultural development and questioned whether this was in fact what was implied in the Treaty of Waitangi. He believed bi-cultural development in this form divided the Church and the nation into 'them' and 'us'. 'It leads in the end not to a mutual enriching of all of us, but to the development of separation, leading to what I have called "duo-monoculturalism"'.<sup>201</sup> Booth argued that both Maori and Pakeha culture were more complex and less static than the concept implied.

---

<sup>199</sup> Elizabeth Beatson, Interview with Rt. Rev. John Paterson. 26 Sep 2001.

<sup>200</sup> Church of the Province of New Zealand, Proceedings of the 48<sup>th</sup> General Synod, Napier, 22-28 May 1988, p.R.98.

<sup>201</sup> Kinder Library Archives, Auckland. ANG 139/1/3, Ven. Dr K.N. Booth, *Partnership and Bi-cultural Development: the Constitutional Proposals*, 1988, p.4.

## 6 The Theological Debate

The theological debate on the revision of the Church's constitution focussed on the acceptance of cultural diversity while still retaining unity within the Church. The Commission recorded its understanding, 'that the Church in its constitutional and organisational arrangements, quite consistently with scripture and indeed because of it, can recognise cultural diversity within the people of God.'<sup>202</sup> However, apart from the work of Archbishop Brian Davis, there appear to have been little serious consideration given to the theological basis of the proposals which have the appearance of merely justifying the decisions already made on cultural and political grounds. In September 1988, Rev. Peter Stuart, in a letter to John Paterson, expressed concern about the way, 'changes in the Church are being justified, not by the traditional appeal to scriptures, tradition and sound learning but to authorities such as the Treaty of Waitangi.'<sup>203</sup>

Ken Booth, in his 1996 Selwyn Lecture, questioned whether adequate thought had been given to the theological implications of the new constitution, particularly in terms of unity and diversity. Booth considered that the new constitution had effectively created a situation where the three tikanga met in unity at General Synod, but the Church as a whole lived separate lives in their tikanga at all other levels. Booth noted that a model of diversity within unity had always existed in the Church, where although a wide diversity could be found within a diocese, all members were united under one bishop.

In its report to the Special Session of General Synod in November 1990, the Commission on the Revision of the Constitution noted that the Church's constitutional and organisational arrangements needed to be, 'based on and consistent with scriptural truths and understandings.'<sup>204</sup> However, the Commission

---

<sup>202</sup> Church of the Province of New Zealand, Proceedings of a Special Session of the 49<sup>th</sup> General Synod-te Hinota Whanui, 15-18 Nov 1990, p.S.32.

<sup>203</sup> Kinder Library Archives, Auckland. ANG 139/1/6, Stuart to John Paterson, 7 Sep 1988.

<sup>204</sup> Church of the Province of New Zealand, Proceedings of a Special Session of the 49<sup>th</sup> General Synod-te Hinota Whanui, 15-18 Nov 1990, p.S.27.

was aware that many people found difficulty accepting that cultural diversity could be recognised within the ideal of unity within the Christian church. The Commission members stated their belief that all people are part of God's creation, and referred to the following scripture texts as examples of the worth of all people.

The God who made the world and everything in it is the Lord of heaven and earth and does not live in temples built by hands. And he is not served by human hands, as if he needed anything, because he himself gives all men life and breath and everything else. From one man he made every nation of men, that they should inhabit the whole earth; and he determined the times set for them and the exact places where they should live. God did this so that men would seek him and perhaps reach out for him and find him, though he is not far from each one of us. *Acts 17:24-27*

You are worthy to take the scroll and to open its seals, because you were slain, and with your blood you purchased men for God from every tribe and language and people and nation. You have made them to be a kingdom and priests to serve our God, and they will reign on the earth. *Revelations 5:9-10*

The Commission noted that *Matthew 28:19-29*, the Great Commission, and *Acts 1:8*, 'But you will receive power when the Holy Spirit comes on you; and you will be my witnesses in Jerusalem, and in all Judea and Samaria and to the ends of the earth.' required the Church to proclaim the Gospel to all people. The Commission referred to *Galatians 3:28*, 'There is neither Jew nor Greek, slave nor free, male nor female, for you are all one in Christ Jesus.' as the basis for accepting differences, and being received equally within the Church, claiming that the proposed model of partnership created such equality. *Galatians 3:28* was the most frequently quoted text in the submissions to the Commission on the Treaty of Waitangi, as well as during the revision of the constitution, and many quoted the verse as opposing the separation of the Church on racial or ethnic lines, interpreting it to mean that being Christian transcended race. Booth refers to the verse in this context in his 1996 Selwyn Lecture.<sup>205</sup> Booth was concerned that the Church had focussed on diversity of style, at the cost of unity of decision making for the life of the whole church. Instead, he believed, diversity of style had been used to justify independence of structure. Speaking of unity and diversity and the new constitution Booth states,

If I ask myself how this came about in a Christian church that believes in a gospel of our common humanity in Christ, I can only reflect that a lot of what happened in the 1980s had little to do with a grasp of the gospel, and more to do with cultural and ethnic identity. The cultural, economic and social pressures that drove the reconstruction of the constitution were real pressures and genuine expressions of historic grievances and desires, but I am not

---

<sup>205</sup> K.N. Booth, 'A Pakeha Perspective on Te Tino Rangatiratanga', p.16.

cultural, economic and social pressures that drove the reconstruction of the constitution were real pressures and genuine expressions of historic grievances and desires, but I am not convinced that we really thought about them very deeply in a theological context. So it seems to me the whole move was pushed more by cultural and ethnic factors than the demands of the gospel.<sup>206</sup>

*Te Kaupapa Tikanga Rua* contained an appendix entitled ‘Cultural relations – a theology’. Written by Archbishop Brian Davis, the member of the Commission least convinced of the scriptural basis of the proposals, the article reflected his concern. It explored the possible theological justification for accepting the Treaty of Waitangi and the principles of partnership and bi-cultural development as significant to the Church in the 1980s. It accepted that the Treaty was significant to the Church because it shaped the society in which the Church existed, because it was of moral and spiritual importance to Maori, and because of the injustices that followed it. ‘Of critical significance for the Church, however, is the extent that the principles of the Treaty are consistent with Gospel principles. For it is the Gospel that shapes the Church.’<sup>207</sup> Davis concluded that the Treaty was an enlightened document, consistent with, ‘Christian beliefs about the dignity of people’,<sup>208</sup> because it gave Maori equal rights with the colonisers and recognized the need to protect Maori land and culture. ‘It promised bi-cultural development’<sup>209</sup> and, ‘expressed the hope that Maori would live together harmoniously in a spirit of partnership.’<sup>210</sup> Davis considered the unity of the Church was seen to exist in the overcoming of racial and cultural barriers, ‘In Christ, those divided by race or culture become one.’<sup>211</sup> As a community of faith, church members, ‘are meant to enjoy a unity that transcends racial differences.’<sup>212</sup> While missionary and church growth efforts during the nineteenth and twentieth centuries supported the concept of ethnic churches, it was pointed out that Pauline theology provided no encouragement for establishing churches for different cultural groups, ‘within the Body of Christ there is a new unity which transcends racial and cultural differences.’<sup>213</sup> Like Booth, Davis

---

<sup>206</sup> *ibid.*, p.31.

<sup>207</sup> *Te Kaupapa Tikanga Rua*, p.35.

<sup>208</sup> *ibid.*

<sup>209</sup> *ibid.*

<sup>210</sup> *ibid.*

<sup>211</sup> *ibid.*, p.36.

<sup>212</sup> *ibid.*

<sup>213</sup> *ibid.*, p.37.

Province or Diocese, and in the ministry of a Bishop. Davis considered there was obvious concern about how far the development of ethnic separation could go without denying the 'reconciling Gospel of Christ.'<sup>214</sup> 'A "Maori Church" with its own Bishops, provincial structure, and local pastorates may offer the best opportunity for the vitality and integrity of Gospel among Maori people. But whatever structure is adopted it must not undermine the essential unity of the Church of the Province.'<sup>215</sup>

Dr Ken Booth, again in his 1996 Selwyn Lecture, posed the question, 'With our new constitution, have we really succeeded in keeping the unity of the church in more than name?'<sup>216</sup> He stated that he knew of no analysis of the ecclesiology of New Zealand Anglican structures apart from that contained in *Te Kaupapa Tikanga Rua*. 'We have let ourselves be carried along on the grounds that we have done what seemed good to the Holy Spirit and to us, and have not really considered the theological implications of our new constitution.'<sup>217</sup> In his argument Booth looked back to the early church, made up of diverse groups, where, as a community of faith all were equal, and differences became essentially unimportant. This unity in the early church was demonstrated in the community gathered round one bishop. At the 50<sup>th</sup> General Synod in 1992, the *Report of the Provincial Commission on Doctrine and the Theology of the Episcopacy* included the following statement. 'The bishop and the bishop's people are a model and symbol of the oneness of the body of Christ, of the one body that we are in all our diversity. The oneness of the bishop becomes the symbol of church as a body where there is no slave or free, no male or female, no Jew or Greek.'<sup>218</sup> The proposed church structure meant there would be both a Pakeha and a Maori Bishop in the same geographic area and Booth considered this created a situation where, 'the bishop is no longer the focus of unity

---

<sup>214</sup> *ibid.*

<sup>215</sup> *ibid.*

<sup>216</sup> K.N. Booth, 'A Pakeha Perspective on Te Tino Rangatiratanga', p.29.

<sup>217</sup> *ibid.*, pp.25-26.

<sup>218</sup> The Anglican Church in Aotearoa, New Zealand and Polynesia, Proceedings of the 50<sup>th</sup> General Synod-Te Hinoa Whanui, Hamilton, May 10-15 1992, p.R.74.

for all the Anglicans in the one location.<sup>219</sup> Rather than the Church interacting as a number of diverse groups it had become an interaction of two distinct groups.

---

<sup>219</sup> K.N. Booth, 'A Pakeha Perspective on Te Tino Rangatiratanga', p.30.

## 7 The Maori Perspective

For many years Maori had sought a more active role and greater responsibility within the church. In the 1920s, the Maori cultural resurgence leading to the development of the Ratana movement, caused the Church to refocus on Maori, and in 1925 General Synod appointed a Commission to report on, 'the growing manifestation of a desire on the part of Maori Christians for a greater degree of self-expression, both in the services of the Church and the control and government of the work of the Church amongst them.'<sup>220</sup> It was considered that one body co-ordinating the work would encourage greater Maori involvement in the Church. However, some Maori Anglicans saw the establishment of a Maori Bishopric as a form of racial discrimination. Maori wanted a Maori leader, who in a time of, 'Maori social dislocation and unease with Pakeha culture could draw Maori together.'<sup>221</sup> Pakeha clergy preferred to appoint a man whom they considered to have the education and experience suited to a Bishop. A further difficulty arose in regard to a Bishop without a specific see. A second Commission, appointed to work out the details of the proposal, recommended that a small area, possibly Te Aute, become the Diocese of Aotearoa, and a statute to this effect was passed at a Special Session of General Synod in December 1925. Advice had been sought from the Archbishop of Canterbury on the constitutional appropriateness of this action, and he replied in early 1926, drawing attention to the fact, 'that successive Lambeth Conferences had stressed, "the importance of the principle that the Church's unity overrides racial distinctions ... I own that I should regret the necessity, if it be a necessity, of your making such arrangements, but I do not go further than that."<sup>222</sup> As a result of this opinion the statute previously passed was not enacted.

Maori, however, persisted, and in 1928 the first Maori Bishop, F.A. Bennett, was appointed as a Suffragan Bishop in the Waiapu Diocese, with episcopal oversight of

---

<sup>220</sup> Morrell, p.175.

<sup>221</sup> Justine Garthwaite, *The Anglican and Methodist Reaction to the Ratana Movement 1919-1929*, A dissertation submitted for the degree of BA(Hons) in Political Studies and History, Otago University, 1991, p.75.

<sup>222</sup> Morrell, p.176.

the Maori in Waiapu, and in any other diocese subject to the permission of the diocesan bishop. Te Pihopa had a seat in General Synod with the right to speak, but could vote only if elected as a clerical representative of the Waiapu Diocese. It was not until 1964 that te Pihopa gained a seat on General Synod with the full rights of a bishop.

In 1976, General Synod appointed a Commission on the Church's Work among the Maori People with the following terms of reference:

1. To consider and recommend a programme for the work of the church among the Maori people both for the present and for the future.
2. To recommend what changes, if any, should be made in the administration and direction of the church's work amongst the Maoris.
3. To consider the future role and function of the office of the Bishop of Aotearoa within the context of such a programme.
4. To consider the matter of Maori representation on General Synod and to make recommendations thereon to General Synod.<sup>223</sup>

The Commission sought greater responsibility, status and resources for Maori, to enable, 'the Maori people themselves, in co-operation with the whole Church'<sup>224</sup> to determine their own future. The Bishop of Aotearoa's Advisory Council had also recommended that General Synod establish a Commission to again consider the, 'whole question of Maori work',<sup>225</sup> particularly the office of Bishop as 'other than a suffragan.'<sup>226</sup> The Council's report also recommended that the Bishop's base be relocated to enable easier ministry to the larger Maori population, that the Bishop's Advisory Council have the power to nominate a clerical and lay representative to General Synod, and that legislation be presented to General Synod to enable the Maori people to nominate future Bishops of Aotearoa. Professor Winiata, Bishop Manu Bennett and Rev. Taki Marsden were all members of the 1976 Commission. The Commission on the Church's Work among the Maori People sought

---

<sup>223</sup> Church of the Province of New Zealand, Proceedings of the 43<sup>rd</sup> General Synod, Auckland, 2-7 Apr 1978, p.71.

<sup>224</sup> *ibid.*, p.72.

<sup>225</sup> *ibid.*, p.71.

<sup>226</sup> *ibid.*, p.71.

submissions and consulted widely throughout the dioceses, presenting two Bills to the 1978 General Synod noting that:

These bills are intended to give more freedom and authority to the office of the Bishop of Aotearoa by associating the office with the Primate rather than a diocesan bishop, while at the same time they attempt to safeguard the position of the diocesan bishops. They provide the Bishop of Aotearoa with a Council elected by the pastorates and this Council approximates to a Diocesan Synod for the support of the Bishop. It also has the responsibility of nominating future Bishops of Aotearoa in the same way as diocesan bishops are now elected and it will also elect representatives to General Synod.<sup>227</sup>

The passing of the Bills gave the Bishop of Aotearoa new status, and equality with diocesan bishops in the oversight of the Maori people, as well as establishing the Aotearoa Council as the equivalent of a diocesan synod. This was a significant step which would enable a structure to evolve allowing a cohesive Maori voice to be heard and, it was hoped, the misunderstandings of the past recognised. However there were those who had reservations, and in 1983, Bishop Edward Norman of Wellington, who had chaired the Commission on the Church's Work among the Maori People, was to write of the establishment of the Bishopric, 'without the implications being really examined the Bishop of Aotearoa was given the "status" of a bishop but with no jurisdiction. ... The difficulties for the Bishop placed in this position are now being experienced. ... Unless great care is exercised the Church will suffer and the relationship between racial groups will deteriorate as tensions grow.'<sup>228</sup>

The Report of the Commission on the Church's Work among the Maori People noted that, although a majority of the submissions sought an autonomous Diocese of Aotearoa, the possibility that the concept of the Bishopric of Aotearoa should be abandoned was also raised. The proposals put forward were considered a middle course and the Commission hoped, 'that in the light of the greater understanding of cultural and racial tensions today, its recommendations will be acceptable to this Synod even if they were not acceptable in the past.'<sup>229</sup> Comparing the approach of

---

<sup>227</sup> *ibid.*, p.72.

<sup>228</sup> E.K. Norman, 'Bishopric of Aotearoa', in *He Toenga Whatiwhatinga: Essays Concerning the Bishopric of Aotearoa*, John Paterson (ed.) Ngaruawahia: Diocese of Aotearoa, 1983, p.93.

<sup>229</sup> Church of the Province of New Zealand, Proceedings of the 43<sup>rd</sup> General Synod, Auckland, 2-7 Apr 1978, p.72.

this Commission, and contemporary cultural understanding and racial tensions, to that of the 1984 Bi-cultural Commission on the Treaty of Waitangi, it is clear that a considerable change in Maori confidence and politicisation had occurred during the intervening eight years, both nationally and within the Church. The Report of the Commission on the Church's Work among the Maori People made no mention of the Treaty of Waitangi, partnership or bi-cultural development. The establishment of Te Pihopatanga, the emergence of the Treaty of Waitangi as a living document and the ability to invoke its principles, placed Maori in a strong position to seek greater autonomy and to lead the debate from 1984.

In 1986, the Commission on the Revision of the Constitution was required, as part of the revision, to ensure that Te Pihopa o Aotearoa and Te Runanga o Te Pihopatanga o Aotearoa were involved in the Church in the same way as Diocesan Bishops and Synods. However, from at least 1987, Maori were speaking of wanting, not a diocese, but a separate Province of Aotearoa. Even as early as 1985 Bishop Vercoe is recorded as suggesting that if General Synod was unable to adapt, the Bishopric should withdraw and build on what it had as a body of Maori Anglicans.<sup>230</sup> In October 1988, Hui Amorangi resolved to support a separate province and advised the Commission on the Revision of the Constitution of this.

Not all Maori Anglicans were convinced about the concept of a separate province, or the proposed constitutional changes. At a meeting of Maori church members at St Michael's Marae in February 1988, a number of questions drafted by small groups indicate the concerns being expressed, particularly regarding the establishment of a separate Province of Aotearoa. A number of the questions related to the necessity for two provinces and whether this would be seen as divisive, or could lead to eventual separation from the Pakeha Church. Clarification was sought about the advantages of establishing a separate Province rather than an autonomous diocese within the Province, and concern was expressed about how this division of the

---

<sup>230</sup> Kinder Library Archives, Auckland. Te Pihopatanga o Aotearoa, Administrative Records, Administrative Files 1882-1994. ANG 141/1/44, Te Runanga Reports, Meeting of a group to draft submissions to the Waitangi Commission, 23 Sep 1985.

Church along racial lines would be perceived by those outside the Church. The theological basis of the constitutional proposals was questioned and also whether the view being presented was that of the majority of Maori. The questions asked, even without the responses and the context of the meeting, indicate that some Maori Anglicans were as confused about the proposals, and particularly the interpretation of the principles of partnership and bi-cultural development, as Pakeha. Even as late as 1990 questions were still being raised, and at a meeting of Te Runanga it was decided that Te Runanga needed to prepare sample answers and to speak with conviction, maturity and logic. 'Te Pihopa affirmed that it was imperative that those speaking support the one voice that is the voice of our Maori members of the Commission.'<sup>231</sup>

In 1991, Jenny Kaa and Muru Walters, Maori members of the Provincial Bi-cultural Education Commission, spoke of concerns expressed to them by Maori Anglicans. Many Maori who worshipped within the dioceses believed they were being forced to make a choice between Tikanga Pakeha and Te Pihopatanga, something they were reluctant to do. Kaa and Walters considered this indecisive stance, and lack of understanding of the role of Te Pihopatanga, threatened to undermine the right of Maori Anglicans to assume responsibility for managing their own affairs. Within Te Pihopatanga there was frustration at the perceived treachery of Diocesan Maori Anglicans, but there was uncertainty as to how to deal with it and promote the potential of Te Pihopatanga. The Bi-cultural Education Commission had found that the educational efforts following *Te Kaupapa Tikanga Rua* had not always been helpful to Maori. Much Maori confusion could be attributed to the bi-cultural education process which had focussed on the need for Pakeha to understand, and respond to, the history of injustice. Diocesan Maori Anglicans tended to support and reassure Pakeha confused by this, rather than supporting the stance of Te Pihopatanga. By doing this Diocesan Maori Anglicans were encouraging the strategy of a dominant Pakeha group, to encourage division within a minority trying

---

<sup>231</sup> Kinder Library Archives, Auckland. ANG 141/1/52, Proceedings of Te Runanga o Te Pihopatanga o Aotearoa, 1<sup>st</sup> Meeting of 6<sup>th</sup> Aotearoa Council, Wainuiomata, 31 May-3 Jun 1990, p.52.

to assert its independence, and were also inhibiting Maori self-determination within the Church. 'How else could Te Pihopatanga, the only authentically Maori Anglican Church organisation, which is unquestionably dedicated to nurturing and caring for all Maori Anglicans, have been ignored, derided and misunderstood for so long by those for whom it was originally created?'<sup>232</sup>

From 1984, Te Pihopatanga was clearly the driving force behind the development of a new structure and the revision of the constitution. While Pakeha response was muted by lack of understanding, post colonial guilt and prevailing attitudes of political correctness, Maori leaders focussed on reparation for past injustices, current inequality, the principles of the Treaty of Waitangi, and the need for freedom for Maori to express their faith and worship in their own culture. They presented a view of church history identifying Te Haahi Mihinare as the original Church of England in New Zealand, to which Maori had always remained loyal but from which the settler church had separated in 1857. This interpretation of church history, included in the preamble to the new constitution, described the Church developing in New Zealand from Ruatara's introduction of Samuel Marsden to the Maori people, first as a missionary church under the guidance of the Church Missionary Society, and secondly, amongst the settlers after the arrival of Selwyn. This approach focussed specifically on the development of the Anglican Church in New Zealand, disregarding Marsden's initiatives in persuading the Church Missionary Society to send missionaries to this country. That this was a 'new' view of church history was acknowledged by Professor Winiata, 'The Anglican Church in New Zealand will write into its constitution a view of Church history since 1814 that reflects the new insights on this period gained through the work done by the Waitangi Commission.'<sup>233</sup>

Maori Church leaders had close connections with national Maori organisations and as a result were well informed about the national debate on the Treaty, and Maori

---

<sup>232</sup> Kinder Library Archives, Auckland. ANG 141/1/47, 'E Ahu Ana Tatou ki Hea?' Jenny Kaa and Muru Walters, Maori members of the Provincial Bi-cultural Education Commission, 1991.

<sup>233</sup> 'New Constitution', *Diolog*, No.41, May 1986, p.6.

issues generally. Judge E.T.J. Durie, Chairman of the Waitangi Tribunal from 1981, and Chief Judge of the Maori Land Court from 1980 to 1989, was a member of the Aotearoa Council of the Maori Bishopric, as was Sir Graham Latimer, President of the New Zealand Maori Council from 1973 and also a lay member of General Synod. Professor Winiata was a member of the New Zealand Maori Council. Maori leaders also had the advantage of a comparatively small group to inform and convince about the proposals. They presented an interpretation of church history which focused on Pakeha injustice and in the contemporary climate was readily accepted by many Maori. Unlike the dioceses, Te Pihopatanga presented a unified Maori view to the Church as a whole.

## 7.1 Reinterpretations of History

Maori were consciously attempting to rewrite New Zealand history from a Maori point of view, with a particular perspective aimed at supporting contemporary aspirations, rather than recapturing past reality.

One example of the history presented to Maori Anglicans is found in an address by the Rev. (now Bishop) Muru Walters, at Torere in April 1988. Introducing the Bi-cultural Education Commission's resource kitset, Walters offered a view of what it meant for Maori. The kitset contained four resources: *Te Kaupapa Tikanga Rua*; a video featuring Anglican bi-cultural issues which contained a discussion between the Rev. John Paterson and Professor Winiata; a study guide to *Te Kaupapa Tikanga Rua* and *Resources for Bi-cultural Development* a list of bi-cultural resources including videos, books and articles. Focusing on the question of partnership and the role of Te Pihopatanga, Walters pointed out that, in terms of the findings of the Bi-cultural Commission on the Treaty of Waitangi, Maori Anglicans had had to choose between abolishing Te Pihopatanga, separating from Pakeha Anglicans or working in partnership with Pakeha. This is misleading, not only in light of the Commission's bi-cultural membership and consultation process, but also in view of the requirement of its second recommendation, that the Commission on the Revision of the Constitution, 'have regard to the Report and Recommendations of the Bi-cultural Commission on the Treaty of Waitangi; and in particular to consider the

Commission's response to the submission from te Runanga'.<sup>234</sup> Walters said Maori had chosen partnership, which meant strengthening the relationships between Maori and Pakeha on the basis of the Treaty of Waitangi and the Gospel. He stressed that Te Pihopatanga was the only 'Bishopric' commissioned to, 'work towards a close integration of Maori and Pakeha Church life and towards a better mutual understanding and appreciation',<sup>235</sup> and its Standing Committee the only one, 'charged to "promote and work for harmonious relations between the Maori and other peoples."'”<sup>236</sup> Other 'Bishoprics', meaning the dioceses, could choose to ignore these things. Maori had been charged with the requirement to be bi-cultural, in the sense of sharing their culture, in a way that Pakeha were not.

Speaking about the future mission of Te Pihopatanga, Walters recalled the mission story of the past, noting incorrectly, that in 1807 the policy for Maori mission was based on the Three Self Movement of self determination, self propagation and self support and that in 1814, Marsden and some Maori converts had continued this policy. This error also occurs in the 'Brief History of the Maori Church' contained in *Te Kaupapa Tikanga Rua*.<sup>237</sup> The concept of the Three Self Movement was developed by Henry Venn, son of John Venn, founder of the Church Missionary Society, and was a policy of the 1850s, particularly related to the missionary situation in Africa. Colonisation was not an issue in Africa where missionaries were expected to move on once an area had been evangelised and an indigenous church established.

Of the 17 signatories to the New Zealand Church constitution in 1857, five were Church Missionary Society missionaries representing the Maori Church. Although perceived in the 1980s as a deliberate exclusion of Maori, this reflected the paternalistic attitude which prevailed in the mid nineteenth century. There were, at the time no Maori clergy, and although there were able Maori laymen, the

---

<sup>234</sup> *Te Kaupapa Tikanga Rua*, p.26.

<sup>235</sup> Kinder Library Archives, Auckland. ANG 139/1/1, Runanga o Te Pihopatanga o Aotearoa. Address by Muru Walters at Torere, 8 Apr 1988, p.2.

<sup>236</sup> *ibid.*

<sup>237</sup> *Te Kaupapa Tikanga Rua*, p.3.

involvement of lay people in the government of the Church was a new and radical innovation. It should be noted that the Waiapu Diocese, in the early days of the colonial church, had a largely Maori membership and diocesan synods were held in the Maori language until at least 1865.

Walters continued,

In 1842, Selwyn, the first Pakeha Bishop for New Zealand was installed. He scrapped the Maori mission policy and substituted instead, church government control without Maori representation, a constitution without Maori participation, and the creation of 7 diocese[s] which ignored Maori tribal boundaries.<sup>238</sup>

In 1857, two dioceses existed in New Zealand; four further dioceses were created in 1858, the Diocese of Dunedin was established in 1869 and the Diocese of Waikato in 1925.

The establishment of the Bi-cultural Commission on the Treaty of Waitangi in 1984, 'to investigate the relevance of the Treaty of Waitangi for the Anglican Church'<sup>239</sup> is noted in his next statement, that in 1986, 'some' of the Commission's recommendations were agreed to. In fact, of the 18 recommendations, 16 were adopted at the 1986 General Synod, with the final recommendation being referred to the Standing Committee of General Synod due to lack of time for further debate. Recommendation 6, that the services of worship for the Church be produced in diglot form, was not discussed after Te Pihopa advised that Te Pihopatanga was 'not too concerned with a diglot version of the Prayer Book which would be basically a translation of English language services',<sup>240</sup> Maori were working on liturgies which 'properly reflected Maori attitudes and ways of expression.'<sup>241</sup>

Walters stated that the 1988 General Synod would consider among other things, 'a Province of Aotearoa under Te Pihopatanga control and management'.<sup>242</sup> In regard

---

<sup>238</sup> Kinder Library Archives, Auckland. ANG 139/1/1, Runanga o Te Pihopatanga o Aotearoa. Address by Muru Walters at Torere, 8 Apr 1988, p.3.

<sup>239</sup> *ibid.*

<sup>240</sup> *Te Kaupapa Tikanga Rua*, p.27.

<sup>241</sup> *ibid.*

<sup>242</sup> Kinder Library Archives, Auckland. ANG 139/1/1, Runanga o Te Pihopatanga o Aotearoa. Address by Muru Walters at Torere, 8 Apr 1988, p.4.

to Maori in the Church, Walters reiterated that in the early life of the Church, mission to Maori was central but was subsequently replaced by Pakeha mission and marginalised. He noted the concern expressed in 1978, when Te Pihopa gained Episcopal oversight of Maori, that Te Pihopatanga could only reach its members through Komiti Maori in the various dioceses. If Komiti Maori chose to remain within the dioceses the Maori mission would continue to be peripheral. 'Only together can the Maori mission policy of self determination, self propagation and self support set in 1807, 181 years ago by some well meaning Pakeha missionaries to benefit Maori be fulfilled.'<sup>243</sup> In summary, Walters suggested partnership would be demonstrated by New Zealand Anglicans allowing the development of a Maori Province of Aotearoa based on tikanga Maori and the continuation of the Province of New Zealand for Pakeha in their own tikanga.

Te Pihopatanga stand for tikanga Maori. Te Pihopatanga talk about tikanga rua and not racism. It is mainly the Pakeha who talk racism. Te Pihopatanga talk about whanaungatanga not power. It is mainly the Pakeha who talk power. Te Pihopatanga talk about building harmonious relationships not separatism. It is mainly the Pakeha who talk separatism. Te Pihopatanga talk about the value of being He Tangata! and not feminism. It is mainly the Pakeha who talk feminism. The difference between Maori and Pakeha tikanga is that, Maori tikanga focus on the whole, the holistic concept, so as to keep the traditions and the parts from breaking apart. It seems that Pakeha tikanga focus on the parts, so the parts can be isolated, and torn down, and substituted or replaced with new parts. The Maori tikanga is not the only way for the Church to follow but it is right for Maori.<sup>244</sup>

Undoubtedly, as European settlement increased, Maori had found themselves part of a Church system which did not serve them well and in which they were increasingly marginalised. The report of the Commission on the Revision of the Constitution noted in 1990, 'The pain and anguish, the aspirations and hopes, of the Maori people in the Church are well chronicled by the numerous Commissions and Reports considered by General Synod over the years, particularly over the period 1925-28, and in the early 1960's.'<sup>245</sup>

---

<sup>243</sup> *ibid.*, p.4.

<sup>244</sup> *ibid.*, p.5.

<sup>245</sup> Church of the Province of New Zealand, Proceedings of a Special Session of the 49<sup>th</sup> General Synod, Wellington, 15-18 Nov 1990, Report of the Bi-cultural Commission on the Revision of the Constitution, p.S.27.

## 8 The Pakeha Perspective

While Maori justified the need for a new Church structure by recourse to a long history of injustice, the experience of cultural change and racial unease was relatively recent for Pakeha New Zealanders. From the 1950s, Maori had begun to move into urban areas in increasing numbers and by the mid 1970s social problems among Maori, particularly in country towns such as Pukekohe and Ruatoria, had become evident. A new history was being written, identifying Pakeha aggression and manipulation during the early colonial years. In 1981, the Springbok Tour increased awareness of racial tensions within New Zealand, and from 1982 Maori political activity and talk of Maori sovereignty began to increase. Pakeha were particularly uncomfortable with the idea of Maori privilege, which received negative comment in both press and talkback radio during the 1970s–80s. In addition, increasing tension surrounded Waitangi Day celebrations, and the 1984 Labour Government's Treaty Policy and debate on the proposed Bill of Rights, brought Maori issues considerable publicity. Many Pakeha, hearing of Maori concerns and grievances for the first time, were confused and irritated at what they perceived to be the actions of a minority group of 'radicals'. Many were particularly alienated by the attitudes of Maori activists and their Pakeha sympathisers who spoke of Pakeha, 'as individual materialists, blind to the past, exploiters of the land which they regarded as a commodity, and heedless of the claims of future generations.'<sup>246</sup> The churches within the National Council of Churches, were also becoming involved in the debate, particularly after 1978, when the Council responded to the Bastion Point settlement with the claim, 'that God's justice, and thus the making of laws which will obtain that justice, are major concerns of Christian churches'.<sup>247</sup>

A combination of these factors led to the debate on the Church's constitution, and John Paterson believes it was surprising that the Commission on the Revision of the Constitution was able to go as far as it did in the light of prevailing attitudes. He

---

<sup>246</sup> Sharp, p.66.

<sup>247</sup> Sharp, p.100.

believes the Commission took a prophetic stand in identifying the direction that needed to be taken, then leading the Church in that direction. Paterson's opinion is that, 'It was done in spite of, rather than because of what was happening in the nation.'<sup>248</sup> He acknowledges that many Church members, in particular the 'main givers', were not sympathetic to the proposals.

During the consultation undertaken by the Commission on the Treaty of Waitangi, many of the concerns and frustrations, as well as the ignorance of Pakeha about Maori issues, were evident, and although these were acknowledged in *Te Kaupapa Tikanga Rua*, they appeared not to have been fully accepted by the Commission. The membership of the Commission on the Revision of the Constitution, being almost identical to the Commission on the Treaty of Waitangi, could not have been impartial in their approach. Certainly in the initial stages the Commission believed that conclusions about the way forward had been reached, and the major task consisted of the detail of establishing a structure and rewriting the Constitution. Growing awareness that the results of *Te Kaupapa Tikanga Rua* had not been fully accepted led the Commission to make greater efforts to educate and convince people, rather than to reconsider the basis of the proposals. In August 1988, Bruce Davidson wrote to John Paterson, 'There is obviously a great deal of misunderstanding about in the Church at large, and it becomes more and more evident that *Te Kaupapa Tikanga Rua* has not been read, or taken on board, in large areas of the Province'<sup>249</sup> He continued, 'Moves and statements in the political world, and the advertising of John Martin<sup>250</sup> and his foundation, are not helping – indeed positively destructive.'<sup>251</sup> It is perhaps significant that, even though aware of changing political attitudes, the Commission remained committed to the concepts of partnership and bi-cultural development contained in *Te Kaupapa Tikanga Rua*.

---

<sup>248</sup> Elizabeth Beatson, Interview with Rt Rev. John Paterson, 26 Sep 2001, p.11.

<sup>249</sup> Kinder Library Archives, Auckland. ANG 139/1/1, Davidson to Paterson 12 Aug 1988.

<sup>250</sup> Possibly refers to Bob Martin, President of the Federation of Commercial Fishermen, who sought a national referendum in response to the Muriwhenua claim to the Waitangi Tribunal asking for the Government to hold debates on the Treaty of Waitangi and over the whole concept of separatist policies.

<sup>251</sup> *ibid.*

Only 0.15% of Church members had been involved in what had been considered wide consultation by the Commission on the Treaty of Waitangi. For many Pakeha the Treaty was seen as a Maori issue. For some, the debate raised fears of racism, and for others, it appeared to be a secular debate, and not relevant to the church where all should be united as equals regardless of racial or cultural differences. The constitution was even more irrelevant to most Church members, a fact which had not escaped some members of the Commission on the Revision of the Constitution. John Towle, at the March 1989 Hui in Otaki, while justifying the inclusion of the Fundamental Provisions in their original form, remarked, 'Who is going to use the Constitution of the Church once we get through all this and put it behind us and get on with the mission of the Church? ... It will be read by lawyers when you get into matters to do with the formularies, but it is not a day to day thing'.<sup>252</sup>

Pakeha Anglican ignorance was reflected in many ways. In the South Island, with a small Maori population, the issue generally aroused little interest, and some comments imply that, what was perceived as a Maori agenda, was irrelevant. In 1991, Bishop Penny Jamieson, in her first address to the Dunedin Synod, referred to the new constitution as making changes in the way the church related to Te Pihopatanga, 'some of this will seem at times to be an agenda imported from the North Island, but in as far as we are part of the wider church it is our agenda too'.<sup>253</sup>

Attitudes to, and understandings of, the Commission's proposals varied from diocese to diocese. Diocesan bishops, as members of General Synod, were among those most involved in the debate. However, many remained ambivalent, supporting the principle of greater autonomy for Maori in 1988, but less confident of the *Blue Book* proposals in 1990. To some degree influenced by geographic and social factors, the attitudes also reflected the confusion of Pakeha generally. In Christchurch, in 1988, Bishop Maurice Goodall, in his presidential address, welcomed the opportunity for

---

<sup>252</sup> Kinder Library Archives, Auckland. ANG 139/1/6, Transcript of Joint Hui between the Standing Committee of General Synod and Te Runanga Whaiti o Te Pihopatanga held at Wananga o Raukawa 10-12 Mar 1989.

<sup>253</sup> Church of the Province of New Zealand, Diocese of Dunedin, *Yearbook*, Proceedings of the 2<sup>nd</sup> Session, 46<sup>th</sup> Synod, 9-11 Aug 1991, p.40.

the synod to debate the, 'proposals submitted by the Maori Church'.<sup>254</sup> He referred to the motion, promoted by African bishops at the Lambeth conference, recognising the importance of all cultures, and drawing attention to the fact that Christianity had too often been presented in a, 'western cultural package.'<sup>255</sup> He spoke of the failure of the Church to listen to Maori over the years, and of Selwyn's church constitution which, 'took no account of the fact that the majority of Christians in New Zealand in 1857 were Maori.'<sup>256</sup> The Church was being asked to consider new forms of representation, and Pakeha had to acknowledge that token Maori representation on Church bodies had failed, as Maori attended meeting after meeting only to be finally outvoted. He then quoted the Hon. Mike Moore, who in parliamentary debate had referred to the race issue as the nuclear bomb of politics saying. 'It's a time of epic opportunity and of maximum perils. This issue, of how we treat each other, and how our two cultures tolerate and work together, is the most important issue we face. If we get this wrong, every other issue – of inflation, employment, industrial reconstruction, education – is pointless and meaningless.'<sup>257</sup> Goodall concluded by saying that for the first time in New Zealand's history, the country was, 'facing the reality of relationship between our two cultures and our two races. ... We must do this first within our Church, but we must also give support to people of both races who are willing to walk the lonely path of moderation and yet give a very definite commitment to bi-culturalism'.<sup>258</sup> Christchurch in 1990 supported the *Blue Book* proposals, with reservations.

In Dunedin, Bishop Peter Mann, in his 1988 presidential address, acknowledged a possible gap in understanding of the proposals between those who had been involved with General Synod and those who had not. He was aware some members of synod felt that the matter of the new constitution should be taken more slowly, but he himself felt the issues were becoming increasingly urgent. Mann suggested synod should reaffirm the Church's commitment to bi-cultural development, 'Indeed

---

<sup>254</sup> Church of the Province of New Zealand, Diocese of Christchurch, *Yearbook*, Proceedings of the 1<sup>st</sup> Session, 44<sup>th</sup> Synod, 30 Sep-3 Oct 1988, p.35.

<sup>255</sup> *ibid.*

<sup>256</sup> *ibid.*

<sup>257</sup> *ibid.*

<sup>258</sup> *ibid.*, p.36.

Anglicans never had the luxury of doing otherwise. We are the heirs of Karuwha (Henry Williams) and the others who advised Maori people to enter into the partnership which the Treaty has ever since symbolised for them.<sup>259</sup> In his address the following year, Bishop Mann stated that although he accepted the principles of bi-culturalism, he remained uneasy about invoking the Treaty of Waitangi as the main ground for the proposal for the Church's structure, and while the Commission believed the concept of partnership was implicit in the Treaty, Mann himself did not necessarily agree.

Indeed, the principles of the Treaty are being invoked in this country in matters which the document never attempted to address. The fact of the matter is that while the Treaty purported to deal with an existing situation which was becoming grave enough to call for some far reaching agreement between the Maori Chiefs and the representatives of the British Crown, it is not in any sense a Christian manifesto any more than it is a complete statement of social policy, except in respect to justice, peace and security.<sup>260</sup>

Mann continued by welcoming the involvement of the Diocese of Polynesia in the debate.

At the Wellington Synod in 1988, Archbishop Brian Davis, in his presidential address as Bishop of Wellington, spoke of the new draft constitution saying 'In the cause of justice the Church must look to its own house if it is to be in any sense a light to the nation'.<sup>261</sup> Wellington, like the Nelson Diocese, did not accept the *Blue Book* proposals.

The Commission on the Revision of the Constitution was aware of the general lack of understanding and support for the proposals among Pakeha Anglicans, and although church members were generally apathetic, Bruce Davidson warned the Commission in 1989 that the Church and its structures were, 'essentially sustained by the free will offerings of the faithful week by week. ... The structures have to be

---

<sup>259</sup> Church of the Province of New Zealand, Diocese of Dunedin, *Yearbook*, Proceedings of the 1<sup>st</sup> Session, 45<sup>th</sup> Synod, 25-27 Jul 1988 p.39.

<sup>260</sup> Church of the Province of New Zealand, Diocese of Dunedin, *Yearbook*, Proceedings of the 2<sup>nd</sup> Session, 45<sup>th</sup> Synod, 7-9 Aug 1989, p.34.

<sup>261</sup> Church of the Province of New Zealand, Diocese of Wellington, *Yearbook*, Proceedings of the 2<sup>nd</sup> Session, 44<sup>th</sup> Synod, 27-29 Sep 1988, p.94.

sustainable by the support of the faithful, and if we offer structures they do not support they will show it with their feet and their pocket book.<sup>262</sup>

Although Norris Collins and Dr Ken Booth were the members of General Synod most publicly critical of the constitutional proposals, there were many others who privately supported their views, but view voiced their concerns. Two dioceses, Wellington and Nelson independently found the 1989 draft constitution unacceptable, but there appeared to be no effort on the part of the dioceses to jointly consider the proposals and share their concerns, or offer an alternative. This apparent apathy reflected Pakeha ignorance of the Treaty, confusion about racial issues and resentment of suggestions of Maori privilege, all of which were typical of the 1980s. At the same time, the loss of Maori members from diocesan synods was regretted. Booth spoke of the departure of Maori from the Dunedin Diocese as an 'enormous loss',<sup>263</sup> even Standing Committee of General Synod recorded their concern and sense of loss at no longer having tikanga Maori represented.<sup>264</sup>

---

<sup>262</sup> Kinder Library Archives, Auckland. ANG 139/1/6, Davidson to the Commission, 12 Jun 1989.

<sup>263</sup> Elizabeth Beatson, interview with Rev. Dr Ken Booth, 13 May 2002, p.14.

<sup>264</sup> Kinder Library Archives, Auckland. ANG 141/1/47, Minutes of a meeting of Standing Committee of General Synod, 25-26 Sep 1990.

## 9 Conclusion

The 1857 constitution of the Church of England in New Zealand was a product of the paternalistic and assimilationist attitudes of the mid nineteenth century, and reflected the uncertainties of establishing the Church in a new situation. It was also radical in including laity in the government of the Church. The 1992 constitution was equally a product of its time. It was the result of increased Maori confidence within the Church, and reflected national attitudes, the secular debate on the Treaty of Waitangi, and Maori demands for self determination. It was also the result of late twentieth century interpretations of mid nineteenth century history which reflected contemporary political aspirations rather than a realistic view of the past.

The debate on the Treaty of Waitangi within the Church, which subsequently led to the development of the constitution, was initiated by Te Pihopatanga and gained momentum under the particular Maori leadership which existed in the Church at the time. The development of Te Pihopatanga had given Maori greater confidence and cohesion within the Church, and although debate within Te Pihopatanga was intense, a unified Maori position invoking the principles of the Treaty and identifying Pakeha injustice, was presented to the whole Church. A Report and Discussion Paper on the Revision of the Constitution, prepared for Te Pihopatanga by Rev. Taki Marsden and Professor Winiata, following meetings of Hui Amorangi in Auckland and Komiti Maori in Wellington in October 1988,<sup>265</sup> referred to the lack of understanding evident at Pakeha diocesan synods and the small amount of time given to the constitutional issues. This was compared to the greater amount of time given to the proposals by Komiti Maori, the emphasis on principles and Maori ability to understand alternative proposals.

For Pakeha, the new history of Pakeha injustice following the signing of the Treaty and the evidence of genuine Maori grievance, frequently created feelings of

---

<sup>265</sup> Kinder Library Archives, Auckland. ANG 139/1/6, Report and Discussion Paper on the Revision of the Constitution, prepared by Rev. T. Marsden and Professor W. Winiata, 30 Nov 1988.

resentment and guilt. Pakeha were also confused about Maori aspirations to self determination and the resulting confusion meant there was a reluctance to become involved in the debate. Some Church members considered the Treaty to be a secular document and the issues irrelevant to the Church, others ready to accept guilt for past Pakeha actions, were reluctant to oppose the Maori assertions. The irrelevance of the constitution to the everyday life of church members led to apathy and considerable ignorance about the proposals. As a result, the debate was largely between senior clergy, and a few lay members of General Synod. Dr Ken Booth presented a well researched and considered submission opposing the proposals and Norris Collins, equally opposed, voiced the opinions of many who were reluctant to speak out. There was no attempt on the part of the Pakeha Church to come together to offer alternative proposals, or unite in either opposition or support.

The Bi-cultural Commission on the Treaty of Waitangi defined the Treaty principles of partnership and bi-culturalism quite specifically, but these were not fully understood or accepted throughout the Church. The issue of equal Maori/Pakeha partnership caused considerable conflict, as did the proposal of the vote by tikanga. Bi-cultural development was also interpreted as a form of separatism, even apartheid. Bishop Vercoe, in spite of stating that if General Synod could not adapt Maori Anglicans should withdraw from the Church, and his subsequent demands for a separate province, said in 1990, 'Sufficient to say that there seems to some misunderstanding amongst some people that this is a special Pihopatanga proposition to divide and separate the Anglican Church in this country. I wish to state clearly and simply that this belief is incorrect and has no basis of truth.'<sup>266</sup>

The Commission itself was unable to reach agreement until 1990, in fact, had some major conflicts including equal Maori/Pakeha representation on General Synod and the concept of the Inter Diocesan Conference, and the constitution finally adopted was in many ways a compromise. The equal bi-cultural relationship between Maori and Pakeha was substantially altered by the addition of the Diocese of Polynesia as a

---

<sup>266</sup> Kinder Library Archives, Auckland. ANG 141/1/52, Te Runanga o Te Pihopatanga o Aotearoa. Meeting at Wainuiomata Marae 31 May-6 Jun 1990.

third tikanga. It was the inclusiveness, and multi-cultural nature of the structure at this point which enabled some members of General Synod, who were previously strongly opposed, to vote for the adoption of the constitution in 1990. Although the initial requirement of the Commission was to include Te Pihopa and Te Pihopatanga on the same basis as Diocesan Bishops and Synods, the proposals from 1988 were consistently wider than that brief. Te Pihopatanga was finally included as something more than a diocese, being equal to the combined seven Pakeha Dioceses. As this recognised the concept of equal partnership between Maori and Pakeha it gained Maori acceptance.

Throughout the debate there was reference to modelling the proposed structure and relationship to the nation, and this was an ongoing ambition of Professor Winiata's. In 1996, General Synod established a Commission as the result of a motion from Professor Winiata, to consider present constitutional arrangements in Aotearoa/New Zealand and report back with recommendations and constitutional proposals which could be debated, 'within and outside the Church.'<sup>267</sup> The Commission presented an extensive report to the 1998 General Synod with four possible constitutional models. Model 1, the 'Te Pihopatanga Model', is based on the original Runanga o Raukawa model of 1984. There was little support from tikanga Pakeha. A Hui was held at Te Wananga o Raukawa, in Otaki in November 2001 to consider the proposed constitutional arrangements. This resulted in a motion to General Synod-te Hinota Whanui in 2002 which included, 'Reaffirming the Treaty of Waitangi as the founding document of the Nation, a just, moral and spiritual compact between its partners, and part of its social fabric. ... Encouraging the Government of New Zealand to continue to include in legislation the requirement to give effect to the Treaty of Waitangi.'<sup>268</sup>

---

<sup>267</sup> The Anglican Church in Aotearoa, New Zealand and Polynesia, Proceedings of the 52<sup>nd</sup> General Synod-te Hinota Whanui, Rotorua, 12-17 May 1996, Report of the Commission on Constitutional Arrangements, p.R.128.

<sup>268</sup> The Anglican Church in Aotearoa, New Zealand and Polynesia, Statement from the Hui on the Constitution/te Pouhere held at te Wananga-o-Raukawa, Nov 2001. p.2.

The 1992 constitution is still being tested. At General Synod there appears to be active partnership and open and robust debate, although there is sometimes difficulty identifying which issues are relevant to the whole Church and which specific to each tikanga. At other levels of the Church, things are even less clear, and the Commission on Constitutional Arrangements, having sought comment from the Church in 1998, asked 'But have we moved from a mono-structural model to two mono-cultural models? Despite all the good news, is the life of each Tikanga running along parallel lines with no convergence? Are we listening politely to each other but not intending to learn from each other let alone recommit ourselves to partnership of an interactive kind?'<sup>269</sup>

---

<sup>269</sup> The Anglican Church in Aotearoa, New Zealand and Polynesia, Proceedings of the 53<sup>rd</sup> General Synod-te Hinota Whanui, Auckland, 10-16 May 1998, Report of the Commission on Constitutional Arrangements, p.R.132.

# Bibliography

## Primary Sources

### Manuscript

Anglican Church of Aotearoa, New Zealand and Polynesia, Statement from the Hui on the Constitution/te Pouhere held at te Wananga-o-Raukawa, November 2001.

Church of the Province of New Zealand, Anglican Communications Office. Press Release, 25 May 1988.

Kinder Library Archives, Auckland. Bi-cultural Commission on the Treaty of Waitangi: Records, Secretary's Papers, 1984-86. ANG 045/1/1, Correspondence.

Kinder Library Archives, Auckland. Bi-cultural Commission on the Treaty of Waitangi: Records, Secretary's Papers, 1984-86. ANG 045/1/2, Submissions and Summaries of Submissions to the Commission.

Kinder Library Archives, Auckland. Commission to Consider the Relationship of the Diocese of Polynesia with the Province, Papers of the Chairman, 1986-1990. ANG 054/1/1.

Kinder Library Archives, Auckland. Commission to Consider the Relationship of the Diocese of Polynesia with the Province, Papers of the Chairman, 1986-1990. ANG 054/1/2.

Kinder Library Archives, Auckland. Provincial Bi-cultural Commission on the Revision of the Constitution, Secretary's Papers, 1986-1992. ANG 139/1/1, Minutes, submissions and correspondence.

Kinder Library Archives, Auckland. Provincial Bi-cultural Commission on the Revision of the Constitution, Secretary's Papers, 1986-1992. ANG 139/1/2, File.

Kinder Library Archives, Auckland. Provincial Bi-cultural Commission on the Revision of the Constitution, Secretary's Papers, 1986-1992. ANG 139/1/3, Correspondence File.

Kinder Library Archives, Auckland. Provincial Bi-cultural Commission on the Revision of the Constitution, Secretary's Papers, 1986-1992. ANG 139/1/4, Correspondence and papers.

Kinder Library Archives, Auckland. Provincial Bi-cultural Commission on the Revision of the Constitution, Secretary's Papers, 1986-1992. ANG 139/1/5, File.

Kinder Library Archives, Auckland. Provincial Bi-cultural Commission on the Revision of the Constitution, Secretary's Papers, 1986-1992. ANG 139/1/6, Submissions.

Kinder Library Archives, Auckland. Provincial Bi-cultural Commission on the Revision of the Constitution, Bruce Davidson co-convenor's papers, 1989-1992. ANG 139/2/1, File.

Kinder Library Archives, Auckland. Provincial Bi-cultural Commission on the Revision of the Constitution, Bruce Davidson co-convenor's papers, 1989-1992. ANG 139/2/2, Correspondence, meeting notes and related papers.

Kinder Library Archives, Auckland. Te Pihopatanga o Aotearoa, Administrative Records, 1882-1994. ANG 141/1/44, Te Runanga Reports.

Kinder Library Archives, Auckland. Te Pihopatanga o Aotearoa: Administrative Records, 1882-1994. ANG 141/1/47, Te Runanga Whaiti Hui, Agenda and Minutes 1990.

Kinder Library Archives, Auckland. Te Pihopatanga o Aotearoa: Administrative Records, 1882-1994. ANG 141/1/52, Te Runanga o Te Pihopatanga o Aotearoa, Agenda and Minutes, 1990.

### **Interviews**

Mr Kevin O'Sullivan, lawyer and past member of General Synod. General Synod Chairman of Committees 1990. 12 September 2001.

Rt Rev. John Paterson, Bishop of Auckland, Primate of New Zealand, Secretary to the Commission on the Revision of the Constitution, 1986-1992. 26 September 2001.

Rev. Dr Ken Booth, Director, College House Institute of Theology 1997-. Vicar of Roslyn 1985-1997, Archdeacon of Dunedin 1986-1995. 13<sup>th</sup> May 2002.

Transcripts of interviews held by Elizabeth Beatson.

## Church Reports

Anglican Church in Aotearoa, New Zealand and Polynesia, Code of Canons, 2000.

Anglican Church in Aotearoa, New Zealand and Polynesia, Constitution, 1992.

Anglican Church in Aotearoa, New Zealand and Polynesia, Proceedings of the 50<sup>th</sup> General Synod-te Hinota Whanui. Hamilton, 10-15 May 1992.

Anglican Church in Aotearoa, New Zealand and Polynesia, Proceedings of the 52<sup>nd</sup> General Synod-te Hinota Whanui. Rotorua, 12-17 May 1996.

Anglican Church in Aotearoa, New Zealand and Polynesia, Proceedings of the 53<sup>rd</sup> General Synod-te Hinota Whanui. Auckland, 10-16 May 1998.

Bi-cultural Commission of the Anglican Church on the Treaty of Waitangi, *Report of the Bi-Cultural Commission of the Anglican Church on the Treaty of Waitangi, te Kaupapa Tikanga Rua*, [Christchurch]: Provincial Secretary of the Church of the Province of New Zealand, 1986.

Branch of the United Church of England and Ireland in New Zealand, Proceedings of the 1<sup>st</sup> General Synod, Wellington, 8 March 1859.

Church of the Province of New Zealand, Proceedings of the 43<sup>rd</sup> General Synod, Auckland, 2-7 April 1978.

Church of the Province of New Zealand, Proceedings of the 46<sup>th</sup> General Synod, Christchurch, 6-11 May 1984.

Church of the Province of New Zealand, Proceedings of the 47<sup>th</sup> General Synod, Rotorua, 6-12 April 1986.

Church of the Province of New Zealand, Proceedings of the 48<sup>th</sup> General Synod, Napier, 22-28 May 1988.

Church of the Province of New Zealand, Provincial Bi-cultural Commission on the Revision of the Constitution. *Report to the Dioceses in New Zealand, Te Pihopatanga o Aotearoa and the Diocese of Polynesia, (The Blue Book)*, July 1989.

Church of the Province of New Zealand, Proceedings of the 49<sup>th</sup> General Synod, Suva, 22-27 April 1990.

Church of the Province of New Zealand, Proceedings of a Special Session of the 49<sup>th</sup> General Synod, Wellington, 15-18 November 1990.

Church of the Province of New Zealand, Diocese of Auckland, *Yearbook*, Proceedings of the 2<sup>nd</sup> Session, 44<sup>th</sup> Synod, 13-16 July 1984.

- Church of the Province of New Zealand, Diocese of Auckland, *Yearbook*,  
Proceedings of the 3<sup>rd</sup> Session, 44<sup>th</sup> Synod, 2-4 August 1985.
- Church of the Province of New Zealand, Diocese of Auckland, *Yearbook*,  
Proceedings of the 1<sup>st</sup> Session, 45<sup>th</sup> Synod, 18-21 July 1986.
- Church of the Province of New Zealand, Diocese of Auckland, *Yearbook*,  
Proceedings of the 2<sup>nd</sup> Session, 45<sup>th</sup> Synod, 9-12 July 1987.
- Church of the Province of New Zealand, Diocese of Auckland, *Yearbook*,  
Proceedings of the 1<sup>st</sup> Session, 46<sup>th</sup> Synod, 7-10 September 1989.
- Church of the Province of New Zealand, Diocese of Auckland, *Yearbook*,  
Proceedings of the 3<sup>rd</sup> Session, 46<sup>th</sup> Synod, 12-15 September 1991.
- Church of the Province of New Zealand, Diocese of Auckland, *Yearbook*,  
Proceedings of the 1<sup>st</sup> Session, 47<sup>th</sup> Synod, 10-13 September 1992.
- Church of the Province of New Zealand, Diocese of Christchurch, Report of the  
Commission of Synod on the Revision of the Church Constitution, 1864.
- Church of the Province of New Zealand, Diocese of Christchurch, *Yearbook*,  
Proceedings of the 1<sup>st</sup> Session, 44<sup>th</sup> Synod, 30 September-3 October 1988.
- Church of the Province of New Zealand, Diocese of Christchurch, *Yearbook*,  
Proceedings of a Special Synod 28 July 1989.
- Church of the Province of New Zealand, Diocese of Christchurch, *Yearbook*,  
Proceedings of the 2<sup>nd</sup> Session, 44<sup>th</sup> Synod, 29 September-2 October 1989.
- Church of the Province of New Zealand, Diocese of Christchurch, *Yearbook*,  
Proceedings of the 3<sup>rd</sup> Session, 44<sup>th</sup> Synod, 28 September-1 October 1990.
- Church of the Province of New Zealand, Diocese of Christchurch, *Yearbook*,  
Proceedings of the 1<sup>st</sup> Session, 45<sup>th</sup> Synod, 27-30 September 1991.
- Church of the Province of New Zealand, Diocese of Christchurch, *Yearbook*,  
Proceedings of the 2<sup>nd</sup> Session, 45<sup>th</sup> Synod, 25 -29 September 1992.
- Church of the Province of New Zealand, Diocese of Dunedin, *Yearbook*,  
Proceedings of the 1<sup>st</sup> Session, 45<sup>th</sup> Synod, 25-27 July 1988.
- Church of the Province of New Zealand, Diocese of Dunedin, *Yearbook*,  
Proceedings of the 2<sup>nd</sup> Session, 45<sup>th</sup> Synod, 7-9 Aug 1989.
- Church of the Province of New Zealand, Diocese of Dunedin, *Yearbook*,  
Proceedings of the 1<sup>st</sup> Session, 46<sup>th</sup> Synod, 10-12 August 1990.

- Church of the Province of New Zealand, Diocese of Dunedin, *Yearbook*,  
Proceedings of the 2<sup>nd</sup> Session, 46<sup>th</sup> Synod, 9-11 August 1991.
- Church of the Province of New Zealand, Diocese of Dunedin, *Yearbook*,  
Proceedings of the 1<sup>st</sup> Session, 47<sup>th</sup> Synod, 7-9 August 1992.
- Church of the Province of New Zealand, Diocese of Nelson, *Yearbook*,  
Proceedings of the 2<sup>nd</sup> Session, 47<sup>th</sup> Synod, 13-15 June 1988.
- Church of the Province of New Zealand, Diocese of Nelson, *Yearbook*,  
Proceedings of a Special Session of the 47<sup>th</sup> Synod, 4-5 November 1988.
- Church of the Province of New Zealand, Diocese of Nelson, *Yearbook*,  
Proceedings of the 3<sup>rd</sup> Session, 47<sup>th</sup> Synod, 9-12 June 1989.
- Church of the Province of New Zealand, Diocese of Nelson, *Yearbook*,  
Proceedings of a Special Session of the 47<sup>th</sup> Synod, 14 July 1990.
- Church of the Province of New Zealand, Diocese of Nelson, *Yearbook*,  
Proceedings of the 1<sup>st</sup> Session, 48<sup>th</sup> Synod, 21-24 September 1990.
- Church of the Province of New Zealand, Diocese of Nelson, *Yearbook*,  
Proceedings of the 3<sup>rd</sup> Session, 48<sup>th</sup> Synod, 2-4 October 1992.
- Church of the Province of New Zealand, Diocese of Waiapu, *Yearbook*,  
Proceedings of the 1<sup>st</sup> Session, 47<sup>th</sup> Synod, 16-18 July 1986.
- Church of the Province of New Zealand, Diocese of Waiapu, *Yearbook*,  
Proceedings of the 1<sup>st</sup> Session, 48<sup>th</sup> Synod, 15-17 July 1988.
- Church of the Province of New Zealand, Diocese of Waiapu, *Yearbook*,  
Proceedings of the 2<sup>nd</sup> Session, 48<sup>th</sup> Synod, 14-17 July 1989.
- Church of the Province of New Zealand, Diocese of Waiapu, *Yearbook*,  
Proceedings of the 1<sup>st</sup> Session, 49<sup>th</sup> Synod, 7-9 September 1990.
- Church of the Province of New Zealand, Diocese of Waiapu, *Yearbook*,  
Proceedings of the 2<sup>nd</sup> Session, 49<sup>th</sup> Synod, 13-15 September 1991.
- Church of the Province of New Zealand, Diocese of Waiapu, *Yearbook*,  
Proceedings of the 1<sup>st</sup> Session, 50<sup>th</sup> Synod, 18-20 September 1992.
- Church of the Province of New Zealand, Diocese of Waikato, *Yearbook*,  
Proceedings of the 2<sup>nd</sup> Session, 24<sup>th</sup> Synod, 1-3 July 1988.
- Church of the Province of New Zealand, Diocese of Waikato, *Yearbook*,  
Proceedings of the 1<sup>st</sup> Session, 25<sup>th</sup> Synod, 14-16 July 1989.

- Church of the Province of New Zealand, Diocese of Waikato, *Yearbook*,  
Proceedings of the 2<sup>nd</sup> Session, 25<sup>th</sup> Synod, 13-15 July 1990.
- Church of the Province of New Zealand, Diocese of Waikato, *Yearbook*,  
Proceedings of the 1<sup>st</sup> Session, 26<sup>th</sup> Synod, 12-14 July 1991.
- Church of the Province of New Zealand, Diocese of Waikato, *Yearbook*,  
Proceedings of the 2<sup>nd</sup> Session, 26<sup>th</sup> Synod, 10-12 July 1992.
- Church of the Province of New Zealand, Diocese of Wellington, *Yearbook*,  
Proceedings of the 2<sup>nd</sup> Session, 44<sup>th</sup> Synod, 27-29 September 1988.
- Church of the Province of New Zealand, Diocese of Wellington, *Yearbook*,  
Proceedings of the 1<sup>st</sup> Session, 45<sup>th</sup> Synod, 29 September-1 October 1989.
- Church of the Province of New Zealand, Diocese of Wellington, *Yearbook*,  
Proceedings of a Special Session to Consider Proposals to Revise the  
Church's Constitution, 15-16 June 1990.
- Church of the Province of New Zealand, Diocese of Wellington, *Yearbook*,  
Proceedings of the 2<sup>nd</sup> Session, 45<sup>th</sup> Synod, 14-16 September 1990.
- Church of the Province of New Zealand, Diocese of Wellington, *Yearbook*,  
Proceedings of the 3<sup>rd</sup> Session, 45<sup>th</sup> Synod, 13-15 September 1991.
- Church of the Province of New Zealand, Diocese of Wellington, *Yearbook*,  
Proceedings of the 1<sup>st</sup> Session, 46<sup>th</sup> Synod, 25-27 September 1992.

### **Newspapers and Periodicals**

- Anglican Taonga*, Advent 2001
- Challenge Weekly*, 21 May, 1992
- Church Alive*, Aug 1990. Synod edition.
- Diolog*, No.41, May 1986.
- Diolog*, No.63, July 1990
- New Envoy*, No.55, August 1986.
- New Zealand Herald*, 26 July, 1988

## Theses

Garthwaite, Justine, *The Anglican and Methodist Reaction to the Ratana Movement 1919-1929*, A dissertation submitted for the degree of BA(Hons) in Political Studies and History. Otago University, 1991.

Swain, David Noel, *Self Government for the Anglican Church in New Zealand, 1838 to 1865*, MA Thesis. Victoria University of Wellington, 1965.

## Secondary Sources

*Building the Constitution*, Colin James, (ed.), Wellington: Victoria University, Institute of Policy Studies, 2000.

Carleton, Hugh, *Life of Henry Williams Archdeacon of Waimate*, Revision of 1873-77 original, J Elliott (ed.), Wellington: Reed, 1948

Christie, Walter. *Treaty Issues*, Christchurch: Wyvern Press, 1997.

*A Church Leaders' Statement for 1990: a Backgrounder: 150 Years after the Signing of the Treaty of Waitangi*, Wellington: Conference of Churches in Aotearoa New Zealand, 1990.

*Church and State: te Tino Rangatiratanga*, Janet Crawford, (ed.), Auckland: College of St John the Evangelist, 1998.

Connell, Sarah-Jane, *Beyond Guilt: A Handbook on Racism*, [Wellington]: Radio New Zealand Continuing Education Unit, 1989.

Davis, Brian, *The Way Ahead: Anglican Change and Prospect in New Zealand*. Christchurch: Caxton Press, 1995.

Durie, Mason, *Te Mana, te Kawanatanga: The Politics of Maori Self Determination*, Auckland: Oxford University Press, 1998.

*Establishment of the Constitution of the Church of England in New Zealand*, Auckland: W, McCullough, Book and General Printer, 1890.

Evans, H. E, *The Fundamental Clauses of the Constitution of the Church of the Province of New Zealand*, Wellington: Wright and Carmen, 1927.

*Government in the 1990s: a Series of Public Lectures*, [Dunedin]: Otago University, n.d.

*Histories Power and Loss*, Andrew Sharp and Paul McHugh (eds), Wellington: Bridget William Books, 2001.

- Jacobs, Henry, *New Zealand: Containing the Dioceses of Auckland, Christchurch Dunedin, Nelson, Waiapu, Wellington, and Melanesia*, London: Society for Promoting Christian Knowledge, [1889].
- Kelsey, Jane, *A Question of Honour? Labour and the Treaty 1984-1989*. Wellington: Allen and Unwin, 1990.
- Lethbridge, Christopher, *The Wounded Lion: Octavius Hadfield 1814-1904, Pioneer Missionary, Friend of the Maori and Primate of New Zealand*, Christchurch: Caxton Press, 1993.
- Martin, Thomas F, *The Position and Constitution of the Anglican Church of England in New Zealand*, Wellington: Whitcombe and Tombs, 1902.
- Martin, William, *Notes on Church Questions*, Christchurch: The Press, 1874.
- \_\_\_\_\_, *A Series of Documents on the Proposed Church Constitution in the Colonies*. Auckland: Williamson and Wilson, 1854.
- Morrell, W.P, *The Anglican Church in New Zealand, a History*, Dunedin: Anglican Church of the Province of New Zealand, 1973.
- Mulgan, Richard, *Maori, Pakeha and Democracy*, Auckland: Oxford University Press, 1989.
- Neill, Stephen, *A History of Christian Missions*, Harmondsworth: Penguin Books, 1964.
- New Zealand. Department of Justice, *Constitutional Reform: Reports of an Officials Committee*, [Wellington]: Department of Justice, 1986.
- New Zealand. Department of Justice, *Motomui Waitara Report*, Wellington: Department of Justice, Waitangi Tribunal, 1983.
- New Zealand. Royal Commission on Social Policy, *The April Report*, Vols. 1-4, Wellington: The Commission, 1988.
- New Zealand. Royal Commission on Social Policy, *The Treaty of Waitangi and Social Policy*. Discussion Booklet No.1, Wellington: The Commission, 1987.
- New Zealand Law Society Seminar: The Treaty of Waitangi*, [Wellington]: New Zealand Law Society, [1989].
- New Zealand Section of the International Commission of Jurists, *Seminar on the Bill of Rights: Pros and Cons*, Wellington, 10 May 1985, [Wellington]: New Zealand Section of the International Commission of Jurists, 1985.

- New Zealand Who's Who Aotearoa*, Alister Taylor, (ed.), Auckland: New Zealand Who's Who Publications Ltd, 1998.
- Nga Take: Ethnic Relations and Racism in Aotearoa/New Zealand*, Paul Spoonley and others, (eds), Palmerston North: Dunmore Press, 1991.
- Pakeha Perspectives on the Treaty: Proceedings from a Planning Council Seminar, 23-24 September 1988, Wellington*. [Wellington]: New Zealand Planning Council, [1988].
- Palmer, Geoffrey, *Unbridled Power: An Interpretation of New Zealand's Constitution and Government*, Auckland: Oxford University Press, 2<sup>nd</sup> ed. 1987.
- Purchas, Rev. H.T., *The Constitution*, Jubilee Leaflet No.V. (Jubilee Leaflets a series written for the Jubilee of the Constitution of the Church in New Zealand, June 13, 1907).
- \_\_\_\_\_, *The Constitution at Work*, Jubilee Leaflet No.VI. (Jubilee Leaflets, a series written for the Jubilee of the Constitution of the Church in New Zealand, June 13, 1907).
- Richards, I. *Our Church Constitution and Legislation of the General Synod in 1925*. Dunedin: 1925.
- Ritchie, James. *Becoming Bicultural*, Wellington: Huia Publishers, 1992.
- Scott, Stuart, *The Travesty of Waitangi: Toward Anarchy*. Dunedin: Campbell Press, 1995.
- Sharp, Andrew, *Justice and the Maori: Maori Claims in New Zealand Political Argument in the 1980s*. Auckland: Oxford University Press, 1990.
- Swainson, W. *New Zealand and its Colonisation*, London: Smith Elder, 1889.
- Te Reo o te Tiriti Mai Rano: The Treaty is Always Speaking*. Bernard Kernot and Alistair McBride eds. Wellington: Victoria University, 1989.
- Tucker, H.W. *Memoir of the Life and Episcopate of G.A. Selwyn, DD*, London: Wells Gardner, Darton, 1879.
- Vasil, Raj, *Biculturalism – Reconciling Aotearoa with New Zealand*, Wellington: Victoria University Press, 1988.
- Vision Aotearoa: Kaupapa New Zealand*, Wellington: Bridget Williams Books Ltd, 1994.

Waitangi Action Committee, (ed.), *Te Hikoi Waitangi 1984*, Otago:  
The Committee, 1984.

*1840-1990 and Beyond: the Treaty of Waitangi; Three Studies from a Christian  
Pakeha Point of View*. Wellington: Conference of Churches in Aotearoa  
New Zealand. [1989].

## **Appendices**



# Constitution

## CONSTITUTION OF THE ANGLICAN CHURCH IN AOTEAROA, NEW ZEALAND AND POLYNESIA

**WHEREAS** (1) the Church is the body of which Christ is the head and all baptised persons are members, believing that God is one and yet revealed as Father, Son and Holy Spirit - a Holy Trinity, and

- (a) lives to be the agent and sign of the Kingdom of God.
- (b) is called to offer worship and service to God in the power of the Holy Spirit and
- (c) as the community of faith, provides for all God's people, the turangawaewae, the common ground;

**AND WHEREAS** (2) the Church

- (a) is **ONE** because it is one body, under one head, Jesus Christ,
- (b) is **HOLY** because the Holy Spirit dwells in its members and guides it in mission,
- (c) is **CATHOLIC** because it seeks to proclaim the whole faith to all people to the end of time and
- (d) is **APOSTOLIC** because it presents the faith of the apostles and is sent to carry Christ's mission to all the world;

**AND WHEREAS** (3) the mission of the Church includes:

- (a) proclaiming the Gospel of Jesus Christ,
- (b) teaching, baptising and nurturing believers within eucharistic communities of faith,
- (c) responding to human needs by loving service and
- (d) seeking to transform unjust structures of society, caring for God's creation, and establishing the values of the Kingdom;

**AND WHEREAS** (4) the Church, in striving to express the perfect oneness prayed for by Christ, and affirming the transforming power of the Gospel,

- (a) advances its mission,
- (b) safeguards and develops its doctrine and
- (c) orders its affairs,

within the different cultures of the peoples it seeks to serve and bring into the fullness of Christ;

**AND WHEREAS** (5) this Church has developed in New Zealand from its beginnings when Ruatara introduced Samuel Marsden to his people at Oihi in the Bay of Islands in 1814, first in expanding missionary activity as Te Hahi Mihinare in the medium of the Maori language and in the context of tikanga Maori, initially under the guidance of the Church Missionary Society, and secondly after the arrival of George Augustus Selwyn in 1842 as a Bishop of the United Church of England and Ireland spreading amongst the settlers in the medium of the English language and in the context of their heritage and customs and being known as the Church of England, so leading to a development along two pathways which found expression within tikanga Maori and tikanga Pakeha;

**AND WHEREAS** (6) by the Treaty of Waitangi, signed in 1840, the basis for future government and settlement of New Zealand was agreed, which Treaty implies partnership between Maori and settlers and bicultural development within one nation;

**AND WHEREAS** (7) in 1840 there was also recognised the freedom of the inhabitants of New Zealand to hold and practise their religious faith within the several branches of the Church then present, or according to their own customs;

**AND WHEREAS** (8) on the 13th day of June in the year of our Lord, 1857, at a General Conference held at Auckland, the Bishops and certain of the Clergy and Laity representing a numerous body of the members of the said United Church, and including Missionary clergy but without direct Maori participation or the inclusion of tikanga Maori, agreed to a Constitution for the purpose of associating together by voluntary compact as a branch of the said United Church for the ordering of the affairs, the management of the property, the promotion of the discipline of the members thereof and the inculcation and maintenance of sound Doctrine and true Religion to the Glory of Almighty God and the edification and increase of the Church of Christ;

**AND WHEREAS** (9) this Constitution declares the Doctrine and Sacraments which the Church holds and maintains, and provides for a Representative Governing Body within the heritage and custom of the participants in the 1857 General Conference for the management of the affairs of the said Branch of the Church, to be called the General Synod;

**AND WHEREAS** (10) Clause Three of the Constitution made provision for the said Branch to frame new and modify existing rules (not affecting doctrine) with a view to meeting the circumstances of the settlers and of the indigenous people of Aotearoa / New Zealand;

**AND WHEREAS** (11) after the continuing development of Te Hahi Mihinare the first Bishop of Aotearoa was appointed in 1928, and a measure of autonomy as te Pihopatanga o Aotearoa was provided in 1978, and new forms of mission and ministry have emerged;

**AND WHEREAS** (12) the principles of partnership and bicultural development require the Church to:

- (a) organise its affairs within each of the tikanga (social organisations, language, laws, principles, and procedure) of each partner;
- (b) be diligent in prescribing and in keeping open all avenues leading to the common ground;
- (c) maintain the right of every person to choose any particular cultural expression of the faith;

**AND WHEREAS** (13) Te Runanga o Te Pihopatanga o Aotearoa and the General Synod, meeting together in a General Conference in November 1990, covenanted with each other and

agreed to certain amendments and revisions of the Constitution to implement and entrench the principles of partnership between Maori and Pakeha and bicultural development and to incorporate and extend the principal provisions of the Church of England Empowering Act, 1928;

**AND WHEREAS** (14) before 1857, the Church had already established missions among the peoples of Melanesia and then provided in the Constitution to be associated with any missionary Dioceses which may be formed in the Pacific, this leading in 1975 to the formation of the Church of Melanesia;

**AND WHEREAS** (15) in 1925 the Diocese of Polynesia became an Associated Missionary Diocese following the pioneering ministry of the Anglican Priest, William Floyd, begun in Fiji in 1870, and in 1990 became a full, equal and integral Diocese in the life of the Province, and at the General Synod following the General Conference in November of that year was acknowledged to be a partner in this Church;

**AND WHEREAS** (16) the said Church of England Empowering Act, 1928, of the New Zealand Parliament conferred certain powers in substitution for the powers purporting to be conferred by Clauses two, three and four of the Constitution;

**AND WHEREAS** (17) the Church entered into an Act of Commitment in 1967 with the Presbyterian Church of New Zealand, the Methodist Church of New Zealand, the Associated Churches of Christ and the Congregational Union in New Zealand; in 1986 accepted the principle of Unity by Stages; and, continues to pray and work for the unity which Christ wills;

**AND WHEREAS** (18) this Church is part of and belongs to the Anglican Communion, which is a fellowship of duly constituted Dioceses, Provinces or Regional Churches in communion with the See of Canterbury, sharing with one another their life and mission in the spirit of mutual responsibility and interdependence;

**NOW THEREFORE** the Bishops Clergy and Laity in General Synod assembled **DO SOLEMNLY DECLARE AFFIRM** and establish as follows:

## **PART A**

This Anglican Church in Aotearoa, New Zealand and Polynesia is made up of the Pihopatanga o Aotearoa, Dioceses in New Zealand, and the Diocese of Polynesia.

The Fundamental Provisions as set forth for this Church in the Constitution adopted by voluntary compact on the 13th day of June, 1857 at the General Conference held at Auckland, and as here set forth, have effect and are applicable to and within this Church.

Nothing expressed or implied in any other part of the Constitution shall detract from or diminish the full force and effect of the provisions of Clauses One, Five and Six of the Constitution (the powers conferred by the Church of England Empowering Act, 1928, being in substitution for the powers purporting to be conferred by Clauses Two, Three and Four of the Constitution) and the provisions of the said Act, and in the event of any conflict or doubt the provisions of the said Clauses One, Five and Six and the said Act shall prevail.

## **THE FUNDAMENTAL PROVISIONS**

*1. This Branch of the United Church of England and Ireland in New Zealand doth hold and maintain the Doctrine and Sacraments of CHRIST as the LORD hath commanded in His Holy Word, and as the United Church of England and Ireland hath received and explained the same in the Book of Common Prayer, in the Form and Manner of Making, Ordaining, and*

*Consecrating of Bishops, Priests, and Deacons, and in the Thirty-nine Articles of Religion. And the General Synod hereinafter constituted for the government of this Branch of the said Church shall also hold and maintain the said Doctrine and Sacraments of CHRIST, and shall have no power to make any alteration in the authorised version of the Holy Scriptures, or in the above-named Formularies of the Church: (1857)*

2. **PROVIDED THAT** nothing herein contained shall prevent the General Synod from accepting any alteration of the above-named formularies and Version of the Bible as may from time to time be adopted by the United Church of England and Ireland, with the consent of the Crown and of Convocation. (1857)

3. **PROVIDED ALSO THAT** in case a Licence be granted by the Crown to this Branch of the Church of England to frame new and modify existing rules (not affecting doctrine) with the view of meeting the peculiar circumstances of this Colony and native people, it shall be lawful for this Branch of the said Church to avail itself of that liberty. (1857)

4. **AND WHEREAS** opinions have been expressed by eminent legal authorities in England that the property of the Church in New Zealand might be placed in jeopardy, unless provision were made for the contingency of a separation of New Zealand from the Mother Country, and for that of an alteration in the existing relations between Church and State; it is hereby further declared that, in the event of a separation of the Colony of New Zealand from the Mother Country, or of a separation of the Church from the State in England and Ireland, the General Synod shall have full power to make such alterations in the Articles, Services, and Ceremonies of this Branch of the United Church of England and Ireland in New Zealand as its altered circumstances may require, or to make such alterations as it may think fit in the authorised version of the Bible. (1857)

And the said **BISHOPS, CLERGY, and LAITY** do further declare and establish as follows:

5. There shall be a Representative Governing Body for the management of the affairs of the Church to be called the General Synod of the Branch of the United Church of England and Ireland, in the Colony of New Zealand, which shall consist of three distinct Orders, viz.: the **BISHOPS**, the **CLERGY**, and the **LAITY**, the consent of all of which Orders shall be necessary to all acts binding upon the Synod, and upon all persons recognising its authority. (1857)

6. The above Provisions shall be deemed **FUNDAMENTAL**, and it shall not be within the power of the General Synod, or of any Diocesan Synod, to alter, revoke, add to, or diminish any of the same. (1857)

And the said **BISHOPS, CLERGY, and LAITY** in General Synod assembled do further declare and establish as follows:

## **FURTHER PROVISIONS**

### **PART B**

Subject to the provisions of the Church of England Empowering Act, 1928 and to the Fundamental Provisions -

1. This Church holds and maintains the Doctrine and Sacraments of Christ as the Lord has commanded in Holy Scripture and as explained in

The Book of Common Prayer 1662

Te Rawiri

The Form and Manner of Making, Ordaining, and Consecrating Bishops, Priests and Deacons

The Thirty Nine Articles of Religion  
A New Zealand Prayer Book - He Karakia Mihinare o Aotearoa.

2. The General Synod (also known as te Hinota Whanui) shall also hold and maintain the said Doctrine and Sacraments of Christ.

3. The General Synod / te Hinota Whanui shall have no power to make any alteration to the Authorised Version of the Holy Scriptures, being the version of the Holy Bible first published in England in the Year of our Lord 1611, or to Ko Te Paipera Tapu, but may order or permit the use in public worship of other versions in the manner hereinafter mentioned.

4. The General Synod / te Hinota Whanui shall have no power to make any alteration to the Formularies being the Book of Common Prayer, the Ordinal and the Articles mentioned in the Fundamental Provisions of this Constitution as already duly altered, added to or diminished and any Formularies which have been duly framed or adopted except in the manner hereinafter mentioned.

5. It shall be lawful for the General Synod / te Hinota Whanui from time to time in such way and to such extent as may seem to it expedient, but subject to the provisions in this Constitution and in the said Act, to alter, add to, or diminish the Formularies, or any one or more of them, or any part or parts thereof, or to frame or adopt for use in the Church or in any part of it new Formularies in lieu thereof or as alternative thereto or of or to any part or parts thereof and to order or permit the use in public worship of a version or versions other than the Authorised Version of the Bible or of any part or parts thereof:

**Provided that** the provisions of this Clause shall not empower or be deemed to empower the General Synod / te Hinota Whanui to depart from the Doctrine and Sacraments of Christ as defined in the Fundamental Provisions of this Constitution.

6. Such alteration, addition, diminution, framing, adoption, ordering, or permitting shall be deemed to be duly and validly made and to be authorised by Clause 5 of Part B of this Constitution only if -

(a) The General Synod / te Hinota Whanui shall at any session have adopted a specific proposal for such alteration, addition, diminution, framing, adoption, ordering, or permitting with a view to making the same known to the several Diocesan Synods and to Te Runanga o Te Pihopatanga o Aotearoa; and thereafter

(b) Te Runanga o Te Pihopatanga o Aotearoa, the Diocese of Polynesia and a majority of the Diocesan Synods in New Zealand shall have assented to the proposal so made known to them; and thereafter

(c) The General Synod / te Hinota Whanui at a session after there shall have been a fresh General Election of its members subsequent to such proposal having been adopted, shall have confirmed the same by a majority of two-thirds of the members in each order.

**Provided that** not less than one year nor more than five years shall have elapsed between the first adoption of the proposal in the General Synod / te Hinota Whanui and its final confirmation therein; and

(d) Such of the provisions of Title C, Canon I, of the Canons of the General Synod now in force (or any provisions hereafter made by the General Synod / te Hinota Whanui in amendment thereof or in substitution therefor) as are applicable to the circumstances, mutatis mutandis, shall have been observed; and

(e) Either -

(i) A period of one year (from the day on which the General Synod / te Hinota Whanui shall under paragraph (c) of this section have confirmed the proposal) shall have elapsed without an appeal from the said proposal having been made in accordance with section five of the said Act to the Tribunal referred to in that section upon the ground that the proposal involves a departure from the Doctrine and Sacraments of Christ as defined in the Fundamental Provisions of this Constitution; or

(ii) If such an appeal shall have been made within such period, the same shall have been dismissed.

## **PROVISIONS NOT FUNDAMENTAL**

### **PART C**

1. There shall be a meeting of the General Synod / te Hinota Whanui in every alternate year, dating from the Year of our Lord 1990 at such time and place as shall from time to time be prescribed in that behalf by the General Synod / te Hinota Whanui.

2. A fresh General Election shall take place before each biennial meeting of the General Synod / te Hinota Whanui, in such manner as may be prescribed from time to time in that behalf by the General Synod / te Hinota Whanui.

3. In accordance with Clause 5 of the Fundamental Provisions of this Constitution, each Diocese in New Zealand shall be entitled to be represented in the General Synod / te Hinota Whanui in each of the Orders of Bishops, Clergy and Laity. The representatives of each Order shall be elected by their respective Orders in each Diocese in such manner as that Diocese may determine. Each Diocese shall be entitled to be represented by one or more bishops, three members of the Clergy and four members of the Laity. An additional number of representatives of one or more of the three Orders may be elected by some dioceses as may be determined by the General Synod / te Hinota Whanui from time to time.

4. In accordance with Clause 5 of the Fundamental Provisions of this Constitution, Te Pihopatanga o Aotearoa shall be entitled to be represented in the General Synod / te Hinota Whanui in each of the Orders of Bishops, Clergy and Laity. The representatives of each Order shall be elected by their respective Orders in Te Pihopatanga in such manner as Te Pihopatanga may determine.

Te Pihopa o Aotearoa shall in the calendar year preceding each ordinary session of the General Synod / te Hinota Whanui advise the Primate / te Pihopa Matamua of the number of members of each Order who shall represent Te Pihopatanga o Aotearoa at the next ensuing session of the General Synod / te Hinota Whanui.

5. In accordance with Clause 5 of the Fundamental Provisions of this Constitution, the Diocese of Polynesia shall be entitled to be represented in the General Synod / te Hinota Whanui in each of the Orders of Bishops, Clergy and Laity. The representatives of each Order shall be elected by their respective Orders in the Diocese of Polynesia in such manner as that Diocese may determine.

The Bishop in Polynesia shall in the calendar year preceding each ordinary session of the General Synod / te Hinota Whanui advise the Primate / te Pihopa Matamua of the number of members of each Order who shall represent that Diocese at the next ensuing session of the General Synod / te Hinota Whanui.

6. Every act of the General Synod / te Hinota Whanui shall be assented to by a majority of the members of each of the three orders; it having been previously assented to by a majority of the representatives of Te Pihopatanga o Aotearoa, by a majority of the representatives of the Diocese of Polynesia and by a majority of the representatives of the Dioceses in New Zealand who in each case were present in person and voting at a duly constituted meeting, if so requested by any member of the General Synod / te Hinota Whanui. If all the representatives of Te Pihopatanga o Aotearoa, or all the representatives of the Diocese of Polynesia, or all the representatives of the Dioceses in New Zealand shall abstain from voting the act in question shall be deemed to have been assented to by a majority of those representatives.

7. The General Synod / te Hinota Whanui shall determine the qualification and eligibility of all persons admissible to take part in its proceedings, and may determine the qualification and eligibility of all persons admissible to take part in the proceedings of any body recognising or under the authority of the General Synod / te Hinota Whanui in any manner whatsoever.

**PROVIDED THAT** every member of the General Synod / te Hinota Whanui shall have been baptised.

8. The General Synod / te Hinota Whanui may associate itself with any Dioceses which may be formed among the other islands of the Pacific Ocean upon such terms and conditions including representation on the General Synod / te Hinota Whanui as it may from time to time prescribe.

9. The General Synod / te Hinota Whanui shall have full power to make all such regulations, not inconsistent with this Constitution, as it shall consider necessary for the order, good government and efficiency of this Church, and it may frame such regulations, not inconsistent with this Constitution, as shall be found necessary from time to time for the management of property, for the government of people holding office or receiving emoluments, for the administration of trusts and such other purposes generally as may seem expedient.

10. The General Synod / te Hinota Whanui shall establish a Tribunal or Tribunals for the purpose of deciding all questions of Doctrine and Discipline and may establish a Court or Courts of Appeal from the decision of any such tribunal.

11. Any Regulation assented to by all the Diocesan Synods in New Zealand and in Polynesia and Te Runanga o Te Pihopatanga o Aotearoa with a view to its acquiring the force of a Regulation of General Synod / te Hinota Whanui shall be taken and deemed to be and shall have the force of a Regulation of General Synod / te Hinota Whanui.

**PROVIDED** always that no such Regulation may alter or repeal any provision of this Constitution.

12. One of the Bishops shall be appointed the Primate / te Pihopa Matamua by such procedure and with such authority as the General Synod / te Hinota Whanui shall by Canon prescribe.

13. If the office of Primate / te Pihopa Matamua be vacant, or if the holder of that office be absent from New Zealand or Polynesia or for any other cause be unable to act, then the duties of the Primate / te Pihopa Matamua under this Constitution shall be performed by the Acting Primate / te Pihopa Aporei, who shall be the bishop then in New Zealand or Polynesia and able and willing to act, who is the senior of the bishops in full-time active episcopal ministry, with seniority being determined by the date of episcopal ordination.

14. No doctrines which are repugnant to the Doctrines and Sacraments of Christ as held and maintained by this Church shall be advocated or inculcated by any person acknowledging the authority of General Synod / te Hinota Whanui or with the use of funds or property held under the authority of General Synod / te Hinota Whanui.



that Tikanga.

promotion of mission within that Tikanga.

within the tikanga of the Diocese of Polynesia, and for the promotion of mission within that Tikanga.

Te Pihopatanga has power to structure and organise itself in such manner as it shall from time to time determine.

Each Diocese in New Zealand has power to structure and organise itself in such manner as that Diocese shall from time to time determine.

The Diocese of Polynesia has power to structure and organise itself in such manner as it shall from time to time determine.

Within New Zealand, the General Synod / te Hinota Whanui or any body authorised by it may from time to time but only with the consent of each Diocese affected, alter the boundaries of Dioceses and create new Dioceses and amalgamate Dioceses.

The Diocese of Polynesia may with the concurrence of the General Synod / te Hinota Whanui subdivide itself into several dioceses and thereafter with the like concurrence those several dioceses may alter their respective boundaries and further subdivide and amalgamate.

2. Te Pihopatanga o Aotearoa as a whole and through its constituent parts shall function on the basis of the covenant expressed in this Constitution and in partnership with the Dioceses in New Zealand and the Diocese of Polynesia together and severally and their constituent parts.

2. The Dioceses in New Zealand together and severally and through their constituent parts shall function on the basis of the covenant expressed in this Constitution and in partnership with Te Pihopatanga o Aotearoa and the Diocese of Polynesia together and severally and their constituent parts.

2. The Diocese of Polynesia as a whole and through its constituent parts shall function on the basis of the covenant expressed in this Constitution and in partnership with Te Pihopatanga and the Dioceses in New Zealand together and severally and their constituent parts.

3. Any person or persons or organised body in the Church may under arrangements agreed to by Te Pihopatanga o Aotearoa and any Diocese in New Zealand or the Diocese of Polynesia, be and act under the joint authority of both Te Pihopatanga and such Diocese.

3. Any person or persons or organised body in the Church may under arrangements agreed to by any Diocese in New Zealand, with Te Pihopatanga or the Diocese of Polynesia, be and act under the joint authority of such Diocese and Te Pihopatanga or the Diocese of Polynesia.

3. Any person or persons or organised body in the Church may under arrangements agreed to by the Diocese of Polynesia with Te Pihopatanga or any Diocese in New Zealand, be and act under the joint authority of the Diocese of Polynesia and Te Pihopatanga or such Diocese in New Zealand.

4. In order to give effect to these provisions in Te Pihopatanga o Aotearoa

4. A representative body of the several Dioceses within New Zealand may meet in

4. [reserved]

there shall be a representative Governing Body or Te Runanga o Te Pihopatanga o Aotearoa, consisting of representatives of the three Orders within Te Pihopatanga o Aotearoa, and any decision of such representative Governing Body shall be assented to by a majority in each Order including Te Pihopa.

Synodical Conference, which conference shall consist of three distinct orders viz. Bishops Clergy and Laity.

**PROVIDED THAT** Te Runanga o Te Pihopatanga o Aotearoa may make provision that will enable such representative Governing Body to meet and conduct its business where the office of Te Pihopa o Aotearoa is vacant or Te Pihopa o Aotearoa is unable to be present or otherwise unable or unwilling to act.

**PROVIDED FURTHER** that Te Runanga o Te Pihopatanga o Aotearoa may make provision that will enable any ordained minister or lay member of any other Christian Church recognised by Resolution of General Synod / te Hinota Whanui and duly appointed to serve in or represent a cooperating parish or cooperative venture to be admitted to and have a seat in the House of Clergy or House of Laity, as is appropriate, in Te Runanga o Te Pihopatanga o Aotearoa with the right to vote except when such Runanga shall be acting under the following provisions, namely:

(a) Part B Clause 6(b) hereof (alteration to Formularies)

(b) Part D Clauses 9 and 10 hereof (nominating a Bishop)

(c) Part G Clause 4 hereof  
(amending this Constitution)

(d) In respect of any  
proposal or matter pursuant  
to The Church of England  
Empowering Act, 1928.

5. In order to give effect to these provisions within Te Pihopatanga o Aotearoa, Te Pihopatanga may establish representative Governing Bodies or Hui Amorangi consisting of representatives of the three Orders and any decision of such Governing Body shall be assented to by a majority in each Order in that body.

**PROVIDED THAT** Te Runanga o Te Pihopatanga o Aotearoa may make provision that will enable such representative Governing Body or Hui Amorangi to meet and conduct its business where the office of Pihopa is vacant or te Pihopa is unable to be present or otherwise unable or unwilling to act.

**PROVIDED FURTHER** that Te Runanga o Te Pihopatanga o Aotearoa may make provision that will enable any ordained minister or lay member of any other Christian Church recognised by Resolution of General Synod / te Hinota Whanui and duly appointed to serve in or represent a cooperating parish or cooperative venture to be admitted to and have a seat in the House of Clergy or House of Laity, as is appropriate, in such Hui Amorangi with the right to vote except when

5. In order to give effect to these provisions in each Diocese there shall be a representative Governing Body or Diocesan Synod, consisting of representatives of the three Orders within such Diocese, and any decision of any such representative Governing Body shall be assented to by a majority in each Order including the Diocesan Bishop.

**PROVIDED THAT** the General Synod / te Hinota Whanui may by Canon make provision that will enable a Diocesan Synod to meet and conduct its business in any case where the office of Diocesan Bishop is vacant or any Diocesan Bishop is unable to be present or otherwise unable or unwilling to act.

**PROVIDED FURTHER** that the General Synod / te Hinota Whanui may by Canon make provision that will enable any ordained minister or lay member of any other Christian Church recognised by Resolution of General Synod / te Hinota Whanui and duly appointed to serve in or represent a cooperating parish or cooperative venture to be admitted to and have a seat in the House of Clergy or House of Laity, as is appropriate, in any Diocesan Synod with the right to vote

5. In order to give effect to these provisions in the Diocese of Polynesia there shall be a representative Governing Body or Diocesan Synod, consisting of representatives of the three Orders within such Diocese, and any decision of any such representative Governing Body shall be assented to by a majority in each Order including the Diocesan Bishop.

**PROVIDED THAT** such Diocesan Synod may make provision that will enable such representative Governing Body to meet and conduct its business where the office of Diocesan Bishop is vacant or the Diocesan Bishop is unable to be present or otherwise unable or unwilling to act.

**PROVIDED FURTHER** that the Diocesan Synod may by Canon make provision that will enable any ordained minister or lay member of any other Christian Church recognised by Resolution of General Synod / te Hinota Whanui and duly appointed to serve in or represent a cooperating parish or cooperative venture to be admitted to and have a seat in the House of Clergy or House of Laity, as is appropriate, in any such Diocesan

such Hui Amorangi shall be acting under the following provisions, namely:

(a) Part B Clause 6(b) hereof (alteration to Formularies)

(b) Part D Clauses 9 and 10 hereof (nominating a Bishop)

(c) Part G Clause 4 hereof (amending this Constitution)

(d) In respect of any proposal or matter pursuant to The Church of England Empowering Act, 1928.

6. The General Synod / te Hinota Whanui may delegate to Te Runanga o Te Pihopatanga o Aotearoa, or to any other appropriate body within Te Pihopatanga o Aotearoa either specifically or generally as the case may require or under such general regulations as shall from time to time be laid down, any of the powers conferred upon General Synod / te Hinota Whanui by this Constitution.

7. Te Runanga o Te Pihopatanga o Aotearoa may within the limits and scope of its responsibilities, exercise all such powers and make all such Regulations, not inconsistent with this Constitution or with any Canon or Regulation of the General Synod / te Hinota Whanui, as may be necessary for the order and good government of the Church in te Pihopatanga o Aotearoa.

except when any such Synod shall be acting under the following provisions, namely:

(a) Part B Clause 6(b) hereof (alteration to Formularies)

(b) Part E Clauses 10 and 11 hereof (nominating a Bishop)

(c) Part G Clause 4 hereof (amending this Constitution)

(d) In respect of any proposal or matter pursuant to The Church of England Empowering Act, 1928.

6. The General Synod / te Hinota Whanui may delegate to any Synodical Conference, Diocesan Synod or to any Board, commission or other body either specifically or generally as the case may require or under such general regulations as shall from time to time be laid down, any of the powers conferred upon General Synod / te Hinota Whanui by this Constitution.

7. Every Diocesan Synod may within the limits of such Diocese, exercise all such powers and make all such Regulations, not inconsistent with this Constitution or with any Canon or Regulation of the General Synod / te Hinota Whanui, as may be necessary for the order and good government of the Church in such Diocese.

Synod with the right to vote except when any such Synod shall be acting under the following provisions namely:

(a) Part B Clause 6(b) hereof (alteration to Formularies)

(b) Part F Clauses 10 and 11 hereof (nominating a Bishop)

(c) Part G Clause 4 hereof (amending this Constitution)

(d) In respect of any proposal or matter pursuant to The Church of England Empowering Act, 1928.

6. The General Synod / te Hinota Whanui may delegate to the Diocesan Synod of the Diocese of Polynesia, or to any Board, commission or other body either specifically or generally as the case may require or under such general regulations as shall from time to time be laid down, any of the powers conferred upon General Synod / te Hinota Whanui by this Constitution.

7. The Diocesan Synod of the Diocese of Polynesia may within the limits of such Diocese, exercise all such powers and make all such Regulations, not inconsistent with this Constitution or with any Canon or Regulation of the General Synod / te Hinota Whanui, as may be necessary for the order and good government of the Church in such Diocese.

**PROVIDED** always that any person or persons aggrieved by any act or decision of Te Runanga o Te Pihopatanga o Aotearoa in any matter may appeal to the General Synod / te Hinota Whanui or to any Board or Court of Appeal established by the General Synod / te Hinota Whanui in that behalf and the General Synod / te Hinota Whanui or such Court of Appeal shall finally decide such appeals.

8. The General Synod / te Hinota Whanui shall have power to make any Regulation controlling altering repealing or superseding any Regulation which may have been made by Te Runanga o Te Pihopatanga o Aotearoa or by any Hui Amorangi.

9. Whenever it is necessary to provide a person to be Te Pihopa o Aotearoa for Te Pihopatanga o Aotearoa the Primate / te Pihopa Matamua shall convene and preside over an Electoral College or shall appoint a commissary to do so.

Such Electoral College shall consist of those persons entitled to vote in Te Runanga o Te Pihopatanga o Aotearoa, which may determine its own process of consultation, procedure, decision-making and nomination.

Every nomination of a person to be a bishop shall be submitted for sanctioning as provided in this Constitution.

10. When it is necessary to provide a person to be a

**PROVIDED** always that any person or persons aggrieved by any act or decision of any Diocesan Synod in any matter may appeal to the General Synod / te Hinota Whanui or to any Board or Court of Appeal established by the General Synod / te Hinota Whanui in that behalf and the General Synod / te Hinota Whanui or such Court of Appeal shall finally decide such appeals.

8. The General Synod / te Hinota Whanui shall have power to make any Regulation controlling altering repealing or superseding any Regulation which may have been made by any Synodical Conference or Diocesan Synod.

9. [reserved]

10. When it is necessary to provide a person to be a

**PROVIDED** always that any person or persons aggrieved by any act or decision of any such Diocesan Synod in any matter may appeal to the General Synod / te Hinota Whanui or to any Board or Court of Appeal established by the General Synod / te Hinota Whanui in that behalf and the General Synod / te Hinota Whanui or such Court of Appeal shall finally decide such appeals.

8. The General Synod / te Hinota Whanui shall have power to make any Regulation controlling altering repealing or superseding any Regulation which may have been made by the Synod of the Diocese of Polynesia.

9. [reserved]

10. When it is necessary to provide a person to be a

bishop with episcopal jurisdiction in relation to a Hui Amorangi, other than Te Pihopa o Aotearoa, Te Pihopa o Aotearoa shall convene and preside over an Electoral College or shall appoint a commissary to do so.

Diocesan Bishop the Primate / te Pihopa Matamua shall convene and preside over an Electoral College or shall appoint a commissary to do so. An Electoral College shall consist of those persons entitled to Clerical votes and to Lay votes in the Synod of the Diocese concerned.

Diocesan Bishop the Primate / te Pihopa Matamua shall convene and preside over an Electoral College or shall appoint a commissary to do so. An Electoral College shall consist of those persons entitled to Clerical votes and to Lay votes in the Synod of the Diocese concerned.

Such Electoral College shall consist of those entitled to vote in the Hui Amorangi concerned and subject to anything that may be prescribed by Te Runanga o Te Pihopatanga o Aotearoa and by the General Synod / te Hinota Whanui such Electoral College may determine its own process of consultation, procedure, decision-making and nomination save that this shall culminate in the Electoral College by a majority of Clerical votes and a majority of Lay votes either nominating a person to become the bishop or delegating its right of nomination to any person or persons.

Subject to anything which may be prescribed by the General Synod / te Hinota Whanui, each Electoral College may determine its own process of consultation, procedure, decision-making and nomination save that this shall culminate in the Electoral College by a majority of Clerical votes and a majority of Lay votes either nominating a person to become the bishop or delegating its right of nomination to any person or persons.

Subject to anything which may be prescribed by the General Synod / te Hinota Whanui, each Electoral College may determine its own process of consultation, procedure, decision-making and nomination save that this shall culminate in the Electoral College by a majority of Clerical votes and a majority of Lay votes either nominating a person to become the bishop or delegating its right of nomination to any person or persons.

Every nomination of a person to be a bishop shall be submitted for sanctioning as provided in this Constitution.

Every nomination of a person to be a bishop shall be submitted for sanctioning as provided in this Constitution.

Every nomination of a person to be a bishop shall be submitted for sanctioning as provided in this Constitution.

11. The procedure for nominating a person to become a bishop other than those specifically provided for, shall be prescribed by the General Synod / te Hinota Whanui but shall include the same requirements of sanctioning and of assent and of adherence and submission and of acceptance as stated in Clause 12 hereof.

11. The procedure for nominating a person to become a bishop other than those specifically provided for, shall be prescribed by the General Synod / te Hinota Whanui but shall include the same requirements of sanctioning and of assent and of adherence and submission and of acceptance as stated in Clause 12 hereof.

11. The procedure for nominating a person to become a bishop other than those specifically provided for, shall be prescribed by the General Synod / te Hinota Whanui but shall include the same requirements of sanctioning and of assent and of adherence and submission and of acceptance as stated in

Clause 12 hereof.

12. The Primate / te Pihopa Matamua shall submit the nomination of any person to be a bishop to the General Synod / te Hinota Whanui, if in session, or otherwise to every voting member of the General Synod / te Hinota Whanui.

12. The Primate / te Pihopa Matamua shall submit the nomination of any person to be a bishop to the General Synod / te Hinota Whanui, if in session, or otherwise to every voting member of the General Synod / te Hinota Whanui.

12. The Primate / te Pihopa Matamua shall submit the nomination of any person to be a bishop to the General Synod / te Hinota Whanui, if in session, or otherwise to every voting member of the General Synod / te Hinota Whanui.

If the nomination is sanctioned by the General Synod / te Hinota Whanui (if in session), or by the members of the General Synod / te Hinota Whanui, when not in session in accordance with regulations made in that behalf, the Primate / te Pihopa Matamua shall take the necessary steps for giving effect to the nomination once the nominee has declared in writing both assent to the Constitution and adherence and submission to the authority of the General Synod / te Hinota Whanui and has accepted the nomination.

If the nomination is sanctioned by the General Synod / te Hinota Whanui (if in session), or by the members of the General Synod / te Hinota Whanui, when not in session in accordance with regulations made in that behalf, the Primate / te Pihopa Matamua shall take the necessary steps for giving effect to the nomination once the nominee has declared in writing both assent to the Constitution and adherence and submission to the authority of the General Synod / te Hinota Whanui and has accepted the nomination.

If the nomination is sanctioned by the General Synod / te Hinota Whanui (if in session), or by the members of the General Synod / te Hinota Whanui, when not in session in accordance with regulations made in that behalf, the Primate / te Pihopa Matamua shall take the necessary steps for giving effect to the nomination once the nominee has declared in writing both assent to the Constitution and adherence and submission to the authority of the General Synod / te Hinota Whanui and has accepted the nomination.

The General Synod / te Hinota Whanui or any body authorised by it may make such regulations and authorise such procedures as are considered necessary for reaching and ascertaining the decision when the General Synod / te Hinota Whanui is not in session.

The General Synod / te Hinota Whanui or any body authorised by it may make such regulations and authorise such procedures as are considered necessary for reaching and ascertaining the decision when the General Synod / te Hinota Whanui is not in session.

The General Synod / te Hinota Whanui or any body authorised by it may make such regulations and authorise such procedures as are considered necessary for reaching and ascertaining the decision when the General Synod / te Hiinota Whanui is not in session.

## **PART G**

### **GENERAL**

1. In this Constitution and in the Code of Canons if not inconsistent with the context thereof or by

express words excluded all words and phrases referring to the diaconate, priesthood and episcopate, and in particular, but without limiting the generality hereof the words "Bishop", "Priest", "Deacon", "Curate", "Pastor", "Vicar" and "Minister", shall include both females and males. In the use of Formularies of the Church words denoting males may be replaced with words denoting females consistently with the above provisions and when the occasion and circumstances so require.

2. In this Constitution and in the Code of Canons if not inconsistent with the context thereof respectively and unless there are clear words to exclude or restrict such meaning the words and

phrases following shall severally have the meanings hereinafter stated, namely,

Words importing the singular number include the plural number and words importing the plural

number include the singular number.

Words denoting males or females include the other as the case may be.

**"Clergy"** includes all persons in Holy Orders who shall hold any spiritual charge or cure or a Bishop's licence or permission to officiate in this Church, but shall not include a Bishop.

3. Any doubt which shall arise in the interpretation of the Constitution for the time being of this

Church shall be submitted for final decision to the General Synod / te Hīnota Whānui or to some

Tribunal established by it in that behalf.

4. It shall be lawful for the General Synod / te Hīnota Whānui to alter amend or repeal all or any of

the provisions hereof save and except those which have been hereinbefore declared to be **FUNDAMENTAL PROVISIONS,**

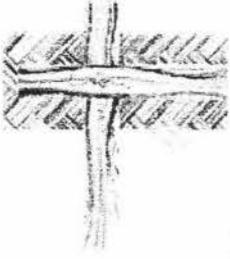
**PROVIDED** always that no such alteration shall be made until it shall have been first proposed

in one General Synod / te Hīnota Whānui and been assented to by Te Runanga o Te Pīhopatanga o Aotearoa, the Synod of the Diocese of Polynesia and a majority of the several

Diocesan Synods in New Zealand and finally agreed to in the meeting of the General Synod / te

Hīnota Whānui next ensuing.

5. In applying this Constitution the Māori and English texts shall be considered together.



**TE POUHERE O TE HAH MIHINARE KI AOTEAROA KI NIU  
TIRENI,**

**KI NGA MOUTERE O TE MOANA NUI A KIWA**

**I TE MEA (1)** ko te Hahi te tinana ko te Karaiti te upoko, ko nga mema, ko te hunga katoa kua oti te iriiri, e whakapono ana ki te kotahitanga o te Atua, ko ona whakaputanga ko te Matua, ko te Tama, ko te Wairua Tapu - te Tokotoru Tapu, a,

- (a) ka noho hei mangai, hei kaiwhakamana, hei tohu mo tona Rangatiratanga o te Atua,
- (b) e karangatia ana ki te tuku whakamoemiti, kia mahi ma te Atua i roto ano i te kaha o te Wairua Tapu.
- (c) ko tenei te hunga whakapono, te turangawaewae mo nga iwi katoa a te Atua;

**I TE MEA (2)** te Hahi

- (a) he **KOTAHI**, no te mea he tinana kotahi, kotahi ano upoko, ko Ihu Karaiti,
- (b) he **TAPU**, no te mea e noho ana i roto i te minenga te Wairua Tapu, te kaitiaki i ana mahi,
- (c) he **PUTA NOA I TE AO**, no te mea e kauhautia ana ki te katoa te whakapono tuku iho tae noa ki te mutunga,
- (d) he **APOTORO**, no te mea te whakapono i heke iho i nga apotoro, a, tonoa ana ki te whakaatu i a te Karaiti ki te ao;

**I TE MEA (3)** kei roto i nga mahi a te Atua ma te Hahi:

- (a) ko te kauhau i te Rongopai a Ihu Karaiti,
- (b) ko te whakaako, ko te iriiri, ko te whangai i te hunga whakapono i waenganui ano i te kahui a te Ariki,
- (c) ko te manawapa ki nga rauhanga o te tangata tauawhia ki te rau o te aroha, a
- (d) ko te whakatika i nga wahi he me te whakahou i nga tikanga whakahaere o te ao, me te whakau i ta te Atua e pai ai;

**I TE MEA (4)** te Hahi, i tona whai kia eke ia ki te tino kotahitanga i inoia e te Karaiti, a, e tautoko ana i te mana whakahou o te Rongopai, me tona kimi

(a) ki te neke whakamua i ana mahi.

(b) ki te tiaki ki te whakapakari i ana whakaakoranga.

(c) ki te whakatikatika i a ia ano.

ka whakatutuki i runga ano i nga tikanga a nga tangata e kimi nei ia ki te whakarata, ki te toomai ki roto i te purenatanga o te Karaiti;

[Kupu Whakataki]

**I TE MEA (5)** tenei Hahi i tupu ake ki Niu Tireni mai i tona timatanga i te wa i whakamohiotia ai a Hamuera Matenga e Ruatara ki tona iwi i Oihi, i te rohe o Pewhairangi i te tau 1814; ka timata te whakawhanui i nga mahi o te Rongopai i raro i te Hahi Mihinare, i roto hoki i te reo Maori, i waenga i te tikanga Maori i te tuatahi i raro i te whakahaere a te Ropu Hahi Mihinare; a, tuarua i muri i te taenga mai o Hoori Akuhata Herewini i te tau 1842 hei Pihopa mo te Hahi Toopu o Ingarangi o Airana ka hora ki waenga i nga manuhiri Pakeha i roto i te reo Pakeha i waenga hoki i a ratou taonga tupu iho me a ratou tikanga a ka tapaina ko te Hahi Mihinare ka roake i runga i nga huarahi e rua i puawai ai te tikanga Maori me te tikanga Pakeha;

**I TE MEA (6)** na te Tiriti o Waitangi, i hainatia e nga Maori me te karauna i te tau 1840, i whakatakoto te kaupapa mo te kawanatanga me te noho o nga iwi o Aotearoa. Ko te wairua o taua Tiriti kia mahi tahi nga Maori me nga Pakeha, i raro i te kaupapa tikanga rua ki tenei whenua;

**I TE MEA (7)** i te tau 1840 ka whakaaetia kia watea te pupuri, te whakahaere a nga iwi o Niu Tireni i to ratou whakapono i waenga i nga peka o te Hahi o taua wa i raro hoki i a ratou ake tikanga;

**I TE MEA (8)** i te Hui Runanga i tu ki Akarana i te 13 o Hune i te tau 1857 i whakaae nga Pihopa me etahi o nga Minita, Reimana hoki, e noho nei hei mangai mo te tokomaha noa o nga mema o taua Whakakotahitanga o Nga Hahi, tae atu hoki ki nga karere o te Rongopai engari kaore nei he paku wahi ki te iwi Maori, tikanga Maori ranei, ki tetahi kaupapa whakahaere hei whakahuihui i a ratou i nga wa e hiahia ana hei wahanga mo taua Hahi Toopu kia tau ai nga take, te whakahaere i nga rawa, te whakahau i nga mema kia u ki nga tikanga o te Hahi, a, he whakato, he pupuri i te Whakapono Tika hei whakakororia i te Atua Kaha Rawa, a, hei whakatairanga, hei whakanui i te Hahi o te Karaiti;

**I TE MEA (9)** ko te Pouhere tuatahi e ki ana ko te Whakapono me nga Hakarameta e puritia nei e te Hahi, a, he whakarite hoki i tetahi Runanga Whakahaere hei mangai mo te katoa i runga ano i nga tikanga a te hunga whai wahi atu ki te Runanga Nui o te tau 1857 hei whakatau i nga take a tenei wahanga o te Hahi ka kiia nei ko te Hinota Matua;

**I TE MEA (10)** ko te rarangi tuatoru o te Pouhere tuatahi e whakaae ana kia ahei tenei wahanga o te Hahi ki te whakatakoto, whakarereke ranei, i nga ture kua takoto (haunga ano era e pa ana ki te Whakapono) kia taea ai nga ahuatanga e pa ana ki te manuhiri me te tangata whenua o Aotearoa;

**I TE MEA (11)** mai ano i te timatanga o Te Hahi Mihinare ki te tau 1928 ka whakaturia te Pihopa tuatahi o Aotearoa; a, no te tau 1978 ka tukua he mana iti nei ki Te Pihopatanga o Aotearoa; puake nga heke whakamua mo te Rongopai me te mahi minita;

**I TE MEA (12)** i raro i nga tikanga mahi ngatahi, tikanga rua hoki, ko te Hahi me matua:

(a) whakatau i ana take i runga ano i nga tikanga Maori, tikanga Pakeha hoki (ara, nga ropu a-Iwi, te reo, nga ture, nga kaupapa me te whakahaere) o ia tikanga,

(b) hikaka te wairua ki te whakarite, ki te whakawatea hoki i nga ara e kotahi ai te whakaaro,

(c) whakaae ki te kaupapa e ahei ana ia tangata me ia tangata ki te whiriwhiri i tana i whakaae ai hei

whakatinana i tana i whakapono ai;

**I TE MEA** (13) na Te Runanga o Te Pihopatanga o Aotearoa me Te Hinota Whanui i whakaae tahi i te Hinota Whanui i tu i te marama o Noema, 1990 a ka kawenata tetahi ki tetahi, ka whakaae hoki ki nga whakatikatika me nga whakahou o te Pouhere hei whakapumau i te wairua mahi tahi a te Maori raua ko te Pakeha me te kaupapa tikanga rua, a, ki te whakauru, ki te whakawhanui hoki i nga wahanga whai tikanga o te Ture Whakamana i te Hahi o Ingarangi 1928;

[Kupu Whakataki]

**I TE MEA** (14) i mua atu i te tau 1857, kua tu ke i te Hahi he tikanga whakahaere ki waenga i nga iwi o Merenihia. I te tau 1975, ka whakaturia te Hahi o Merenihia i raro ano i tona mana whakahaere tuturu. Whakarato rawa ki roto i te Pouhere tuatahi he wahanga e taka ai nga Pihopatanga o nga iwi o nga moutere ki raro i te whakahaere Pakeha;

**I TE MEA** (15) ka timata te mahi minita a Wiremu Floyd, Minita, ki Whiti, i te tau 1870, i te tau 1925 ka whakatu he Pihopatanga mo nga moutere (Porinihia) kia taka ki raro i te whakahaere Pakeha, i te tau 1990 ka orite te tu o te Pihopatanga o nga moutere (Porinihia) ki nga Pihopatanga o te Tikanga Pakeha, a i te Hui Hinota i Noema o taua tau ka tukua ki a ratou te rangatiratanga e te Hahi;

**I TE MEA** (16) ka tukua e te Ture Whakamana i te Hahi o Ingarangi 1928 a te Paremata o Aotearoa, he mana i tua atu i tera i poua ki rarangi tuarua, tuatoru, tuawha o te Pouhere tuatahi;

**I TE MEA** (17) i te tau 1967, ka ahei te Hahi Mihinare ki te tuhono i te whakawhanaungatanga i waenga i te Hahi Perehipiteriana, i te Hahi Weteriana, i te Hahi Associated Churches of Christ, me te Hahi Congregational Union; i te tau 1986, ka timata te kaupapa whakawhanaunga; a mau tonu nei te inoi me te whai i te kotahitanga i inoia e te Karaiti;

**I TE MEA** (18) tenei Hahi he peka i heke iho i te kahui o te Hahi Mihinare puta noa i te ao, he puninga hoki no nga Pihopatanga tutahi, no nga Porowini me nga Hahi Takiwa e paiheretia nei e te Pihopatanga o Kanatapere, a, e tauawhi ana tetahi i tetahi i roto i a ratou ahuatanga me nga hiki whakamua i raro i te wairua tautawhi, wairua taurima hoki;

[Kupu Whakataki]

**NA REIRA** ko nga Pihopa, ko nga Minita me nga Reimana o roto i Te Hinota Whanui e hui nei e **KI PONO ANA, E TAUTOKO ANA**, a, e whakau ana penci i tenei e whai ake nei:

## **WAHANGA A**

Ko nga mema o te Hahi Mihinare ki Aotearoa ki Niu Tireni me nga Moutere o Te Moana Nui a Kiwa, ko Te Pihopatanga o Aotearoa, ko nga Pihopatanga o Niu Tireni ko nga Pihopatanga o Te Moana Nui a Kiwa.

Ko nga Ritenga Pumau i poua mo te Hahi ki te Pouhere i tauawhitia i te 13 o Hune, 1857 e te Hui Runanga i tu ki Akarana, na, e horahia atu nei ano, e whai mana ana, e hangai ana ki tenei Hahi.

E kore hoki e ahei tetahi mea i poua, i whakaarohia i roto i etahi atu wahanga o te Pouhere te whakakahore, te whakaiti ranei i te tino mana i te wero ranei o nga whakatakoto o nga Rarangi Tuatahi, Tuarima, Tuaono ranei o tenei Pouhere, (ara, nga mana i tukua i raro i te Ture Whakamana i te Hahi o Ingarangi, 1928, hei whakaritenga mo aua mana i uhia mai i raro i nga Rarangi Tuarua, Tuatoru, Tuawha o tenei Pouhere) me nga whakatakoto o te Ture Whakamana, a pa mai he tautohe, he awangawanga ranei ko nga whakatakoto o aua Rarangi Tuatahi, Tuarima, Tuaono me te Ture Whakamana hei muanga.

[Wahanga A]

## NGA RITENGA PUMAU

1. Ko tenei wahanga o te Hahi Toopu o Ingarangi me Airana i Aotearoa nei e tamau ana i te Whakapono i nga Hakarameta a Te Karaiti i runga i ta te Ariki i whakahau ai i roto i Tana Kupu Tapu, na, i te mea kua riro mai, kua whakamaramatia aua mea e te Hahi Toopu o Ingarangi me Airana i te pukapuka Rawiri nga tikanga me nga ahuatanga mo te Momotu tangata hei Pihopa, hei Pirihi, hei Rikona, tapiri atu nga Whakarohe toru tekau ma iwa o te Whakapono. Na, ka puritia, ka tamaua e te Hinota Whanui tera ka whakaturia hei runanga whakahaere mo tenei wahanga o taua Hahi, te Whakapono me nga Hakarameta a te Karaiti, e kore hoki e ahei ki te whakarereke i te wahanga o Te Paipera kua tautapaina, i nga Ohaki hoki a te Hahi i runga ake nei: (1857)

2. **HE AHA KOA** ia kia kua tetahi whakatakoto e aukati i te whakaae a Te Hinota Whanui ki te whakarereke i nga Ohaki i runga ake nei, i te wahanga ranei o te Paipera ka whakaaetia e te Hahi Toopu o Ingarangi me Airana, i raro i te whakaae a te Karauna me te Hui Runanga o Ingarangi i te wa e rite ana. (1857)

3. **HE AHA KOA**, ina whakawhiwhia mai he Raihana e te Karauna ki tenei wahanga o te Hahi o Ingarangi e ahei ai tana whakahou, whakarereke ranei i nga ture kua takoto (haunga nga mea e pa ana ki te Whakapono) kia hangai ai nga ahuatanga o tenei motu me ona tangata whenua, ka ahei tenei wahanga o taua Hahi ki te kapo mai i taua mana. (1857)

4. **I TE MEA** kua puta nga whakaaro a etahi tohunga rongonui o te ture ki Ingarangi tera pea ka pa te raru ki nga hautaonga a te Hahi ki Aotearoa, ki te kahore e waihangatia tetahi ritenga mo te tupono noa o te wehe mai o Aotearoa i Ingarangi, mo te whakarereke ranei o te noho a te Hahi ki te Kawanatanga o Ingarangi me Airana, ka ahei Te Hinota Whanui i runga i tona tino rangatiratanga ki te whakarereke i nga Whakarohe, i nga karakia me nga kawa o tenei wahanga o te Hahi Toopu o Ingarangi me Airana i Aotearoa nei i runga i nga hahautanga o te wa, ki te whakarereke ranei i te Paipera kua whakaaetia nei i runga i tana i whakaaro ai. (1857)

Waihoki ka whakatau, ka whakatakoto aua **PIHOPA**, aua **MINITA** me aua **REIMANA** i nga mea e whai ake nei:

5. Ka whakaturia he Runanga Whakahaere mo nga tikanga a te Hahi, kia tapaina ko Te Hinota Whanui o te Wahanga ki Aotearoa, o te Hahi Toopu o Ingarangi me Airana i raro i nga karangatanga tokotoru, ara, i nga **PIHOPA**, i nga **MINITA**, me nga **REIMANA**, a ma te whakaae a aua karangatanga tokotoru ka ahei te here i te Hinota ki raro i nga whakatau, i nga hunga katoa hoki e whakaae nei ki tona mana. (1857)

6. Ko nga whakarite i runga ake nei ka kii he **RITENGA PUMAU**, a, kahore he mana o Te Hinota Whanui, o tetahi Hinota Pihopatanga ki te whakarereke, ki te unu, ki te tapiri atu, ki te whakaiti i tetahi o enei. (1857)

[Nga Ritenga Pumau]

Waihoki, ka whakatau ano, ka whakatakoto nga **PIHOPA**, nga **MINITA**, nga **REIMANA** o Te Hinota Whanui, i nga mea e whai ake nei:

## NGA TAPIRI

### WAHANGA B

I raro i nga whakaritenga o te Ture Whakamana o te Hahi Mihinare, 1928, me nga Ritenga Pumau -

1. E pupuri ana e u ana tenei Hahi ki te Whakapono me nga Hakarameta a te Karaiti pera i ta te Atua i whakahau ai i roto i te Karaipiture, a pera ano hoki i tana i whakamarama ai i roto i

Te Pukapuka o Nga Inoi 1662

Te Rawiri

Te Tikanga mo te Momotu i te Pihopa, i te Pirihī, i te Rikona

Nga Whakarohe toru tekau ma iwa

He Karakia Mihinare o Aotearoa.

2. Ko Te Hinota Whanui ano hoki ka pupuri ka u ki te Whakapono me nga Hakarameta a te Karaiti kua whakahuatia ake nei.

[Wahanga B]

3. E kore te Hinota Whanui e ahei ki te whakarereke i te Karaipiture Tapu kua whakaaetia nei, no te mea ko tenei te Paipera Tapu i taia ki Ingarangi i te tau 1611, e kiiia nei Ko Te Paipera Tapu, otira, ka ahei ia ki te whakahau, whakaae ranei kia panuitia etahi atu o nga Karaipiture Tapu i roto i nga Karakia Nui, i runga i nga ritenga e whai ake nei.

4. E kore te Hinota Whanui e ahei ki te whakarereke i nga Ohaki, ara, era e kiiia nei ko te Rawiri, ko te tikanga Momotu, ko nga Whakarohe i whakapuakina i nga Ritenga Pumau o tenei Pouhere, ara, ki era kua oti nei te whakarereke, te tapiri atu, te whakaiti mai, tapiri atu ki era Ohaki kua waihangatia, kua whakaaetia hoki i tua atu i te whakaritenga e whai ake nei.

5. Ka whai mana te Hinota Whanui, i nga wa e rite ana, i runga i nga ahuatanga, kia eke hoki ki ta ratou i manako ai, otira kia taka tonu ki raro i nga Ritenga o te Pouhere, o te Ture Whakamana hoki kua tohungia i runga ake nei; te whakarereke, te tapiri atu, te whakaiti, i nga Ohaki, i tetahi hoki, i etahi ranei o aua Ohaki, i tetahi wahi, i etahi wahi ranei, ki te waihanga, ki te whakaae Ohaki hou hei whakahou, hei riiwhi ranei mo nga mea tawhito mo etahi wahanga ranei o era, hei kawenga ma te Hahi me ona wahanga ranei; waihoki ki te whakahau, ki te tuku hei kawenga i nga Karakia Nui, nga wahanga me wahi o te Paipera i tua atu o te Paipera kua whakaaetia nei:

**Otira, kia maumahara,** kahore tenei Rarangi o nga Ritenga e whakamana ana, e mea ana ranei kia whai mana te Hinota Whanui ki te whakataha i te Whakapono, i nga Hakarameta a te Karaiti i tautuhia ki nga Ritenga Pumau o tenei Pouhere.

6. Ko aua whakarereke, tapiri, whakaiti, waihanga, whakatakoto, whakahau, whakaae ranei, ka kiiia i mahia tikatia, i mahia ponotia, i whakamana i runga i te Rarangi tuarima o te Wahanga B o tenei Pouhere, mehemea -

(a) Kua takoto ki te aroaro o te Hinota Whanui i tetahi o ana nohoanga tetahi kaupapa totika mo te whakarereke, tapiri, whakaiti, waihanga, whakatakoto, whakahau, whakaae i runga i te koingo kia whakamohiotia nga Hinota o nga Pihopatanga, me Te Runanga o Te Pihopatanga o Aotearoa; a, i muri atu

(b) Ko te Runanga o Te Pihopatanga o Aotearoa, ko te Pihopatanga o te tikanga o nga moutere me te nuinga o nga Hinota o nga Pihopatanga o te Tikanga Pakeha kua whakaae ki nga kaupapa i whakamohiotia ki a ratou; a, i muri atu

(c) Ko te Hinota Whanui i te noho i muri mai i Te Pooti whakahou i ona mema, a, i muri mai hoki i te whakaaenga o taua kaupapa e nga mema tawhito, a, ka riro te whakatahi i te 66 o rau o nga mema o ia whare o te Hinota.

**Otira, kia maumahara ano** kia kaua e iti ake i te kotahi tau e nuku atu ranei i te rima tau, mai i te whakaaetanga tuatahi me tona pounga whakamutunga e te Hinota Whanui.

(d) Ko nga ritenga o te Wahanga C, Ture 1, o nga Ture o te Hinota Whanui kei te mana, (ko aua ritenga ranei tera ka whakatikaia e te Hinota Whanui i muri nei) mehemea i mahia ponotia kia hangai ai ki nga ahuatanga

katoa, ki nga huri o te ao;

(e) Kia -

(i) Pau te tau kotahi (mai i te ra i poua ai e te Hinota Whanui taua kaupapa i raro i te Kowae (c) o tenei wahanga) a, kahore he tono whakahe taua kaupapa i raro i nga whakatakoto o te wahanga tuarima o te Ture Whakamana ki te aroaro o te Runanga Whakamana Ture i tautapaina i raro i taua wahanga, i te mea kei te whakapaetia he poka ke taua ritenga i te Whakapono me nga Hakarameta a te Karaiti i tautuhia ki nga Ritenga Pumau o te Pouhere;

[Wahanga B]

(ii) Waihoki, kua takoto taua tono whakahe i roto i te wa whakarite, ka whakakahoretia taua tono.

## **NGA RITENGA PAHEKE NOA**

### **WAHANGA C**

1. Mai i te tau 1990, me hui te Hinota Whanui i ia tau takirua i te wa, me te wahi i whakaritea e te Hinota Whanui mo taua hui.

2. Me tu he pooti hou i mua mai i ia hui tau takirua o te Hinota Whanui i runga i nga ritenga, a nga wa ano hoki i whakaritea e te Hinota Whanui.

3. I raro i nga whakarite o te Rarangi tuarima o nga Ritenga Pumau, ka ahei ia Pihopatanga o te tikanga Pakeha ki te whakatu mema mo te Hinota Whanui i roto i ia whare o nga Pihopa, Minita, Reimana. Ma tena whare, ma tena whare ano o ia Pihopatanga e whakatu ona mema i raro i nga ritenga i poua e ia Pihopatanga. E ahei ana hoki ia Pihopatanga ki te whakatu i tetahi Pihopa, Pihopa tokomaha ranei, i nga Minita tokotoru, i nga Reimana tokowha. Ka ahei ano etahi o nga Pihopatanga ki te whakarahi atu i nga mema o ia whare o tana Pihopatanga engari ma te Hinota Whanui e whakaae te nui i tena wa i tena wa.

4. I raro i nga whakarite a te Wahanga tuarima o nga Ritenga Pumau o te Pouhere, e ahei ana Te Pihopatanga o Aotearoa ki te whakatu mema mo te Hinota Whanui i roto i ia whare o nga Pihopa, Minita, Reimana hoki. Ma tena whare, ma tena whare ano o Te Pihopatanga e whakatu ona ake mema i runga i nga tikanga i poua e Te Pihopatanga.

Ma Te Pihopa o Aotearoa i te tau i mua atu i te hui a te Hinota Whanui e whakamohio ki te Pihopa Matamua te nui o ia whare o Te Pihopatanga o Aotearoa ki te hui a te Hinota Whanui i te tau e tu mai nei.

5. I raro ano i nga whakarite a te Wahanga tuarima o nga Ritenga Pumau o te Pouhere, e ahei ana te Pihopatanga o te Tikanga o Nga Moutere ki te whakatu mema mo te Hinota Whanui i roto i ia whare o nga Pihopa, Minita, Reimana. Ma ia whare ano o te Pihopatanga o Nga Moutere e whakatu ona ake mema i runga i nga ritenga i poua e taua Pihopatanga.

Ma te Pihopa o te Tikanga o Nga Moutere i te tau i mua atu i te hui a te Hinota Whanui e whakamohio ki te Pihopa Matamua te nui o ia whare o taua Pihopatanga ki te hui a te Hinota Whanui i te tau e tu mai nei.

6. Ma te nuinga o nga mema o ia o nga whare tokotoru e whakaae nga Ture katoa o te Hinota Whanui. Na, mehemea hoki e tonoa ana e tetahi mema o te Hinota Whanui, ma te whakaae a te nuinga o nga mema o Te Pihopatanga o Aotearoa, me te nuinga o nga mema o te Pihopatanga o Nga Moutere i Te Moana Nui a Kiwa, me te nuinga hoki o nga mema o ia Pihopatanga o Niu Tireni ara, ma nga mea kei reira i taua wa e pooti ana hoki i taua huihuinga tautapa. Na, mehemea hoki ka nohopuku mahue ake te pooti a nga mema katoa o Te Pihopatanga o Aotearoa, nga mema ranei o te Pihopatanga o te Tikanga o Nga Moutere, nga mema o nga Pihopatanga o te Tikanga Pakeha ranei, ka meinga taua ture kua whakaetia e te nuinga.

7. Ma te Hinota Whanui e whakatao ko wai e tika ana, e ahei ana ki te uru atu ki ana whakahaere, ki te whakatao i to ratou tika ki to ratou ahei kia uru atu ki tetahi Roopu i raro i ana whakahaere, e whakaae ana ranei ki te mana o te Hinota Whanui i roto i nga whakaterere katoa.

**HE AHA KOA**, me maatua iriiri nga mema katoa o te Hinota Whanui.

[Wahanga C]

8. E ahei ana te Hinota Whanui ki te whakawhanaunga atu ki nga Pihopatanga katoa tera ka whakaturia ki tetahi moutere o te Moana Nui A Kiwa, i runga i nga whakatakoto, i nga ahuatanga, whiti atu hoki ki te whakaurunga mai ki te Hinota Whanui, i runga i tana i whakarite ai i roto i ia wa.

9. He mana tino rangatira to te Hinota Whanui ki te waihanga ture kahore nei e taupatupatu ana ki te Pouhere, engari, e totika ana hei whakatikatika, hei whakahaere tikanga, hei mea e totika ai tenei Hahi. Na, e whai mana ana hoki ki waihanga i aua ture katoa nei e taupatupatu ana ki tenei Pouhere, a, e totika ana i nga wa e rite ana mo te whakahaere hautaonga, mo te tohutohu i nga hunga whai turanga, mo te tango koha, mo te whakahaere poari me era atu take e rite ana.

10. Ma te Hinota Whanui e whakatu he Roopu Whiriwhiri Take hei whakatatu i nga tautohe e pa ana ki te Whakapono, ki nga Whakatikatika, a, ka ahei ki te whakatu Kooti Pira hei arohi i nga whakatao a aua Roopu Whiriwhiri Take.

11. Ko nga Ture katoa i whakaaetia e nga Hinota o nga Pihopatanga katoa me Te Runanga o Te Pihopatanga o Aotearoa kia ai te whakamana hei Ture Tumau mo te Hinota Whanui, ka mauria, ka whakaaetia ko tona mana hei te mana tonu o tetahi Ture Tumau a te Hinota Whanui.

**HE AHA KOA** e kore e taea e tetahi Ture Tumau te whakareke, te whakataha ranei i tetahi ritenga o te Pouhere.

12. Ka whakaturia tetahi o nga Pihopa hei Pihopa Matamua i raro i nga ritenga, i te mana tuku iho o te Hinota Whanui i raro hoki i te whakarite a ona Ture Tumau.

13. Mehemea ka tupono kia tutahanga te turanga o te Pihopa Matamua i tona ngaro atu i Aotearoa nei, i te Pihopatanga o nga moutere ranei, me te kore ranei e taea te kawe i tana mahi, i raro i tenei Pouhere, ka riro ana kawenga ma te Pihopa Aporei o Aotearoa o te Pihopatanga o nga moutere ranei e whakatutuki mehemea taea, e whakaaetia ranei e taua Pihopa Aporei, te muanga o nga Pihopa kei te takatu ki te mahi, tona muanga he mea taki mai i te ra i motuhia ai hei Pihopa.

14. Kaua e poka ke te whakaako, te whakato, a tetahi tangata i te Whakapono, e morihariha ana ki aua Whakapono me aua Hakarameta a te Karaiti e taumaua nei e te Hahi, ko taua tangata kei te whakaae nei ki te mana o te Hinota Whanui, e kore e ahei taua tangata ki te whakamahi noa i nga putea moni, i nga hautaonga ranei kei raro i te mana o te Hinota Whanui.

**HE AHA KOA** ko te whakamahi huirua ki nga Hahi Karaitiana mo nga putea me nga hautaonga, taua whakahaere i tautokona e te Pihopa me te Komiti Tumuaki o taua Pihopatanga, e Te Pihopa ranei o Aotearoa me tona Runanga Whaiti, e te Runanga Whaiti o te Runanga Whanui ranei, e kore e tau te he.

15. E kore tetahi tangata e ahei kia whakawhiwhia ki tetahi raihana, ki tetahi whakaae ranei i raro i te mana o te Hinota Whanui, ki te whiwhi ranei ki tetahi turanga i raro i taua mana, te whiwhi utu, hua ranei i takea mai i nga hautaonga tamau a taua tira kahurangi kia haina ra ano taua tangata i te pukapuka whakapuaki i tona tuhono me tona tutohu ki te mana o te Hinota Whanui i runga i te Kahiti e hora nei i te whakamutunga o tenei rarangi, i roto ranei i etahi kupu taurite atu. Ko tetahi whakamarama mo tenei kupu mo te 'Turanga', i raro i enei ritenga, ko te turanga mema a tetahi ki runga i nga hinota, runanga, komiti pariha, poari, komihana, kaunihera, ki tetahi roopu ranei i taurite ki enei kei raro nei i te mana whakahaere o te Hinota Whanui. Ko aua turanga mema, turanga huhua me whakawatea, ko nga raihana me nga whakaae ka whakamutua mehemea taua

kaipupuri ka whakakahore, ka kore ranei e haina i taua pukapuka whakapuaki i raro i te tono a tetahi tangata, tangata ranei i whakamana i raro i te Hinota Whanui.

[Wahanga C]

**TE WHAKAAETANGA KIA TUHONO ATU, KIA TUOHU KI RARO  
I NGA WHAKAHAERE A TENEI WAHANGA O TE HAHĪ A TE KARAITI  
KO TE PIHOPATANGA O AOTEAROA  
KO NGA PIHOPATANGA O TE TIKANGA PAKEHA  
ME TE PIHOPATANGA O TE TIKANGA O NGA MOUTERE**

**E TINO WHAKAAE ANA AHĀU, A** ..... [Ingoa], kia tuohu ki raro i te mana o te Hinota Whanui o tenei Hahi i poua nei ki raro i Te Pouhere i whakaaetia i te 13 o nga ra o Hune, 1857, a i whakahoutia, i whakatikaia i aua wa e rite ana; ki nga ritenga hoki o taua Pouhere i aua wa e mana ana aua ritenga, ki tona ekenga atu ki te mana me nga ritenga e hangai ana ki te turanga o ....., ki te turanga mema o ..... ki etahi atu turanga, turanga mema ranei tera e puritia e ahau.

**NA**, e whakaae ana hoki ahau ki nga here a nga Ture katoa tera ka tukua mai i raro i te mana o te Hinota Whanui mo nga take e hangai ana ki taku turanga, turanga mema hoki i te wa e turia ana e ahau.

**NA**, tenei ahau te whakaae nei kia tupono noa ka turia e ahau tetahi o aua turanga, turanga mema ranei, ka tuku ahau ki raro mo taua turanga, turanga mema ranei tapiri atu ki nga tika, me nga utu e pa ana ki taua turanga ina tonoa mai ahau e te Hinota Whanui, a tetahi tangata, tangata ranei i whakahaua mai i raro i tona mana.

Naku tenei tuku rangatira i tenei ra ..... o ..... i te aroaro o:

[Wahanga C]

**WAHANGA D**

**O Te Pihopatanga o Aotearoa**

1. I roto i te Hahi ka ahei Te Pihopatanga o Aotearoa ki te tauawhi i te hunga katoa e noho ana i runga i te tikanga Maori, me te neke whakamua i nga mahi i roto i taua Tikanga.

Ka whai mana Te Pihopatanga ki te whakatu, ki te whakarite,

**WAHANGA E**

**O Nga Pihopatanga**

1. I roto i te Hahi ka ahei nga Pihopatanga ki te tauawhi i te hunga katoa e noho ana i runga i te tikanga Pakeha, me te neke whakamua i nga mahi i roto i taua Tikanga.

Ka whai mana nga Pihopatanga o te Tikanga

**WAHANGA F**

**O Te Pihopatanga o Porinihia**

1. I roto i te Hahi ka ahei te Pihopatanga o Nga Moutere ki te turanga renarena, taurite, tuhono, ki te tauawhi i te hunga katoa e noho ana i runga i te tikanga o nga moutere o te Moana Nui a Kiwa me te neke whakamua i nga mahi i roto i taua Tikanga.

Ka whai mana te Pihopatanga o Nga Moutere o Te Moana

ki te whakakaupapa i ana whakahaere katoa i nga wa e rite ana.

Pakeha ki te whakatu, ki te whakarite, ki te whakakaupapa i ana whakahaere katoa i nga wa e rite ana.

Nui a Kiwa ki te whakatu, ki te whakarite, ki te whakakaupapa, i ana whakahaere katoa i nga wa e rite ana.

I roto o Aotearoa, kei te Hinota Whanui, kei tetahi roopu ranei i tohungia e ia, te mana whakarereke i nga rohe o nga Pihopatanga, te whakahou, te tuhono ranei i nga Pihopatanga mehemea ka whakaaetia e aua Pihopatanga e hangai nei aua tikanga ki a ratou.

E ahei ana Te Pihopatanga o te Tikanga o Nga Moutere i raro i te whakaae a te Hinota Whanui ki te wawahi i a ia hei pihopatanga tokomaha, na, whai muri atu, e ahei ana aua pihopatanga ki te whakarereke i o ratou rohe, ki te wawahi, ki te whakatoopu ranei mehemea e whakaae ana aua pihopatanga.

2. I runga i te kaupapa o tenei kii tauranga o te Pouhere, ka ahei Te Pihopatanga o Aotearoa i roto i ona wehewehenga ki te mahi ngatahi me nga Pihopatanga katoa o te Tikanga Pakeha me te Tikanga o Nga Moutere.

2. I runga i te kaupapa o tenei kii tauranga o te Pouhere ka ahei nga Pihopatanga o te Tikanga Pakeha i roto i o ratou wehewehenga ki te mahi ngatahi me Te Pihopatanga o Aotearoa me te Pihopatanga o te Tikanga o Nga Moutere.

2. I runga i te kaupapa o tenei kii tauranga o te Pouhere ka ahei te Pihopatanga o te Tikanga o Nga Moutere i roto i ona wehewehenga ki te mahi ngatahi me Te Pihopatanga o Aotearoa me nga Pihopatanga katoa o te Tikanga Pakeha.

3. E ahei ana te tangata me era atu roopu o te Hahi ki te noho i raro i te mana whakahaere o nga tikanga e rua mehemea e whakaae ana aua tikanga.

3. E ahei ana te tangata me era atu roopu o te Hahi ki te noho i raro i te mana whakahaere o nga tikanga e rua mehemea e whakaae ana aua tikanga.

3. E ahei ana te tangata me era atu roopu o te Hahi ki te noho i raro i te mana whakahaere o nga tikanga e rua mehemea e whakaae ana aua tikanga.

4. Ma Te Runanga o Te Pihopa-tanga o Aotearoa e whakatinana enei kaupapa. Me whai reo ki roto i Te Runanga nga Pihopa, me nga Minita, me nga Reimana o Te Pihopatanga o Aotearoa. Ka mana enei whakarite mehemea e whakaae ana te nuinga o ia Whare, apiti atu ki Te Pihopa.

4. E ahei ana tetahi roopu tautapa o ia Pihopatanga o te Tikanga Pakeha kia mene mai ki tetahi Hui Hinota, ko taua hui mo nga Whare e toru, ara, mo nga Pihopa, mo nga Minita, mo nga Reimana.

4. [tohungia]

[Wahanga F]

[Wahanga E]

[Wahanga D]

[Aotearoa ...

[Nga Pihopatanga ...

[Porinihia ...

**HE AHA KOA** ka tupono kei

te noho watea te turanga o Te Pihopa o Aotearoa ka ahei Te Runanga o Te Pihopatanga o Aotearoa ki te whakatakoto kaupapa mo te whakahaere i nga mahi e pa mai ana ki Te Pihopatanga.

**HE AHA KOA** kei roto i Te Pihopatanga etahi minita, whaka-minenga ranei, o etahi Hahi kua whakaaetia nei e te Hinota Whanui, ka ahei tonu Te Runanga o Te Pihopatanga o Aotearoa ki te whakatakoto ritenga kia whai mana ai te reo me te turanga o taua minita, reimana ranei, i roto i nga whakahaere o Te Runanga o Te Pihopatanga o Aotearoa.

Engari rawa, i nga take e whai ake nei, kahore enei e whai wahi i roto i nga tatai:

(a) Wahanga B, Rarangi 6(b) (whakahou i nga Whakahaere Tikanga)

(b) Wahanga D, Rarangi 9 me 10 (whakaingoa tangata hei Pihopa)

(c) Wahanga G, Rarangi 4 (whakatika te Pouhere)

(d) Nga take e pa ana i te Ture Whakamana I te Hahi o Ingarangi, 1928.

5. Ma Te Pihopatanga o Aotearoa e whakatinana enei kaupapa kia whai reo ki roto i nga Hui Amorangi nga Pihopa, nga Minita me nga Reimana. Ka mana nga whakarite o aua Hui Amorangi mehemea e whakaae ana te nuinga o ia Whare apiti atu ki te Pihopa.

**HE AHA KOA** ka tupono kei te noho watea te turanga o tetahi Pihopa ka ahei tonu Te

5. Ma nga Pihopatanga o te Tikanga Pakeha e whakatinana enei kaupapa, kia whai reo ki roto i nga Hinota nga Pihopa, nga Minita me nga Reimana. Ka mana nga whakarite o aua Hinota mehemea e whakaae ana te nuinga o ia Whare apiti atu ki te Pihopa.

**HE AHA KOA** ka tupono kei te noho watea te turanga o tetahi Pihopa ka ahei tonu te

5. Ma te Pihopatanga o te Tikanga o Nga Moutere e whakatinana enei kaupapa, kia whai reo ki roto i te Hinota nga Pihopa, nga Minita me nga Reimana. Ka mana nga whakarite o taua Hinota mehemea e whakaae ana te nuinga o ia Whare apiti atu ki te Pihopa.

**HE AHA KOA** ka tupono kei te noho watea te turanga o tetahi Pihopa ka ahei tonu te

Runanga o Te Pihopa-tanga o Aotearoa ki te whakatakoto kaupapa kia whai mana ai te Hui Amorangi o taua takiwa ki te whakahaere i nga mahi e pa mai ana ki taua Hui Amorangi.

[Wahanga D]

[Aotearoa...

**HE AHA KOA** kei roto i Te Pihopatanga etahi minita, reimana ranei, o etahi Hahi kua whakaaetia nei e te Hinota Whanui, ka ahei tonu te Runanga o Te Pihopatanga o Aotearoa ki te whakatakoto ritenga kia whai mana ai te reo me te turanga o taua minita, reimana ranei, i roto i nga whakahaere o aua Hui Amorangi. Engari rawa, i nga take e whai ake nei, kahore enei e whai wahi i roto i nga tatai:

(a) Wahanga B Rarangi 6(b) (whakahou i nga Whakahaere Tikanga)

(b) Wahanga D Rarangi 9 me 10 (whakaingoa tangata hei Pihopa)

(c) Wahanga G Rarangi 4 (whakatika te Pouhere)

(d) Nga take e pa mai ana i te Ture Whakamana i te Hahi o Ingarangi, 1928.

6. Ka ahei te Hinota Whanui ki te tuku mana ki Te Runanga o Te Pihopatanga o Aotearoa, ki tetahi atu roopu ranei o Te Pihopatanga o Aotearoa mo tetahi ritenga, mo nga ritenga whanui ranei, (te mea e tika ana), i raro ranei i nga ture whanui tera ka whakatakotoria i te wa e rite ana, aua mana i tukua ki te Hinota Whanui e tenei Pouhere.

Hinota Whanui ki te whakatakoto kaupapa kia whai mana ai te Hinota ki te whakahaere i nga mahi e pa mai ana ki taua Hinota.

[Wahanga E]

[Nga Pihopatanga...

**HE AHA KOA** kei roto i aua Pihopatanga etahi minita, reimana ranei, o etahi Hahi kua whakaaetia nei e te Hinota Whanui, ka ahei tonu aua Hinota ki te whakatakoto ritenga kia whai mana ai te reo me te turanga o taua minita, reimana ranei, i roto i nga whakahaere o aua Hinota. Engari rawa, i nga take e whai ake nei, kahore enei e whai wahi i roto i nga tatai:

(a) Wahanga B Rarangi 6(b) (whakahou i nga Whakahaere Tikanga)

(b) Wahanga E Rarangi 9 me 10 (whakaingoa tangata hei Pihopa)

(c) Wahanga G Rarangi 4 (whakatika te Pouhere)

(d) Nga take e pa mai ana i te Ture Whakamana i te Hahi o Ingarangi, 1928.

6. Ka ahei te Hinota Whanui ki te tuku mana ki tetahi Hui Hinota, Hinota Pihopatanga, ki tetahi Poari, Komihana, Roopu ranei, mo tetahi ritenga, mo nga ritenga whanui ranei, (te mea e tika ana), i raro ranei i nga ture whanui tera ka whakatakotoria i te wa e rite ana aua mana i tukua ki te Hinota Whanui e tenei Pouhere.

Hinota Whanui ki te whakatakoto kaupapa kia whai mana ai te Hinota ki te whakahaere i nga mahi e pa mai ana ki taua Hinota.

[Wahanga F]

[Porinihia...

**HE AHA KOA** kei roto i aua Pihopatanga etahi minita, reimana ranei, o etahi Hahi kua whakaaetia nei e te Hinota Whanui, ka ahei tonu taua Hinota ki te whakatakoto ritenga kia whai mana ai te reo me te turanga o taua minita, reimana ranei, i roto i nga whakahaere o taua Hinota. Engari rawa, i nga take e whai ake nei, kahore enei e whai wahi i roto i nga tatai:

(a) Wahanga B Rarangi 6(b) (whakahou i nga Whakahaere Tikanga)

(b) Wahanga F Rarangi 9 me 10 (whakaingoa tangata hei Pihopa)

(c) Wahanga G Rarangi 4 (whakatika te Pouhere)

(d) Nga take e pa mai ana i te Ture Whakamana i te Hahi o Ingarangi, 1928.

6. Ka ahei te Hinota Whanui ki te tuku mana ki te Hinota o te Tikanga o Nga Moutere o Te Moana Nui a Kiwa, ki tetahi Poari, Komihana, Roopu ranei, mo tetahi ritenga, mo nga ritenga whanui ranei, (te mea e tika ana), i raro ranei i nga ture whanui tera ka whakatakotoria i te wa e rite ana aua mana i tukua ki te Hinota Whanui e tenei

7. Ka ahei Te Runanga o Te Pihopatanga o Aotearoa i raro i tona mana tuku, te hapai i taua mana ki te waihanga ture kahore nei e tauwhainga ana ki te Pouhere, ki nga Ture Tumau, ki nga Ture whakahaere a te Hinota Whanui, kia ai te whakatikatika, te whakahaere i te Hahi i raro i Te Pihopatanga o Aotearoa.

[Wahanga D]

[Aotearoa...]

**HE AHA KOA** ko tetahi tangata, ko etahi tangata ranei e pa pouri ana ki tetahi hanga, ki tetahi whakatau ranei a Te Runanga o Te Pihopatanga o Aotearoa e ahei ana ki te tono ki te Hinota Whanui, ki tetahi Poari, Kooti Pira i whakaturia e te Hinota Whanui mo taua ahuatanga, a ma te Hinota Whanui, ma te Kooti Pira ranei te whakatau whakamutunga mo aua tono.

8. Ka whai mana te Hinota Whanui ki te waihanga ture whakahaere, whakarereke, whakakahore, whaka-hou ranei i nga ture kua oti ke te waihanga e Te Runanga o Te Pihopatanga o Aotearoa, e tetahi Hui Amorangi ranei.

9. I nga wa e rapua ai he kaiwhakakapi i te turanga o Te Pihopa o Aotearoa mo Te Pihopatanga o Aotearoa ma te Pihopa Matamua e karanga, e whakahaere i tetahi hui ma 'Te Runanga Tohu', mana ranei e tohu tona Apiha hei kaiwhakahaere.

Ko nga mema mo taua Runanga Tohu ko te hunga e ahei ana ki te pooti i runga i Te Runanga o

7. I tua mai i nga paihere mo ia Pihopatanga, ka ahei nga Hinota o nga Pihopatanga ki te whakahaere, ki te waihanga ture kahore nei e tauwhainga ana ki tenei Pouhere, ki tetahi Ture Tumau, ture ranei a te Hinota Whanui kia ai ta ratou hapai i nga whakahaere totika mo te Hahi i aua Pihopatanga.

[Wahanga E]

[Nga Pihopatanga...]

**HE AHA KOA** ko tetahi tangata, ko etahi tangata ranei e pa pouri ana ki tetahi hanga, ki tetahi whakatau ranei a tetahi Hinota Pihopatanga e ahei ana ki te tono ki te Hinota Whanui, ki tetahi Poari, Kooti Pira i whakaturia e te Hinota Whanui mo taua ahuatanga, a ma te Hinota Whanui, ma te Kooti Pira ranei te whakatau whakamutunga mo aua tono.

8. Ka whai mana te Hinota Whanui ki te waihanga ture whakahaere, whakarereke, whakakahore, whaka-hou ranei i nga ture kua oti ke te waihanga e te Hui Hinota, te Hinota Pihopatanga ranei.

9. [tohungia]

Pouhere.

7. I tua mai i nga paihere mo te Pihopatanga o te Tikanga o Nga Moutere, ka ahei te Hinota o te Pihopatanga ki te whakahaere, ki te waihanga ture kahore nei e tauwhainga ana ki tenei Pouhere, ki tetahi Ture Tumau, ture ranei a te Hinota Whanui kia ai ta ratou hapai i nga whakahaere totika mo te Hahi i taua Pihopatanga.

[Wahanga F]

[Porinihia...]

**HE AHA KOA**, ko tetahi tangata, ko etahi tangata ranei e pa pouri ana ki tetahi hanga, ki tetahi whakatau ranei a taua Hinota Pihopatanga e ahei ana ki te tono ki te Hinota Whanui, ki tetahi Poari, Kooti Pira i whakaturia e te Hinota Whanui mo taua ahuatanga, a ma te Hinota Whanui, ma te Kooti Pira ranei te whakatau whakamutunga mo aua tono.

8. Ka whai mana te Hinota Whanui ki te waihanga ture whakahaere, whakarereke, whakakahore, whakahou ranei i nga ture kua oti ke te waihanga e te Hinota o te Pihopatanga o te Tikanga o Nga Moutere.

9. [tohungia]

Te Pihopatanga o Aotearoa, a,  
kei a ratou te tikanga  
whiriwhiri, whakahaere,  
whakatau, whakaingoa hoki i  
taua tangata.

Ko te tuku ingoa kia whakaetia  
tetahi tangata hei pihopa me  
whai i raro i nga ritenga o tenei  
Pouhere.

10. I nga wa e rapua ai he  
tangata hei Pihopa mo tetahi  
Hui Amorangi i tua atu i Te  
Pihopa o Aotearoa, ma Te  
Pihopa o Aotearoa e karanga, e  
whakahaere tetahi hui ma 'Te  
Runanga Tohu' mana ranei e  
tohu tona Apiha hei  
kaiwhakahaere.

[Wahanga D]

[Aotearoa...]

Ko taua Runanga Tohu ko te  
hunga e ahei ana ki te pooti i  
runga i taua Hui Amorangi, a,  
kei raro hoki i te mana  
whakatakoto ritenga o Te  
Runanga o Te Pihopatanga o  
Aotearoa, o te Hinota Whanui  
hoki. Kei taua Runanga Tohu te  
tikanga me pehea te whiriwhiri,  
te whakahaere, te whakatau, te  
whakaingoa hoki; heoi ano kia  
tau, i roto i te Runanga Tohu, i  
runga i te pooti a te nuinga o  
nga Minita, o nga Reimana ko  
wai e whakaingoaia hei Pihopa  
ma ta ratou tuku ranei i te mana  
whakatau ki tetahi atu tangata,  
roopu ranei.

Ko te tuku ingoa kia whakaetia  
tetahi tangata hei Pihopa me  
whai i raro i nga ritenga o tenei  
Pouhere.

11. Ko te kaupapa whakaingoa  
tangata hei Pihopa i tua atu i era

10. I nga wa e rapua ai he  
tangata hei whakakapi i te  
turanga Pihopa mo tetahi  
Pihopatanga, ma te Pihopa  
Matamua e karanga, e  
whakahaere 'Te Runanga  
Tohu', e tohu ranei i tona  
Apiha hei kaiwhakahaere, ko  
nga mema mo taua Runanga  
Tohu ko nga Minita me nga  
Reimana e ahei ana ki te pooti  
i te Hinota o taua Pihopatanga.

[Wahanga E]

[Nga Pihopatanga...]

I tua atu i nga paihere a te  
Hinota Whanui i whakatakoto  
ai, e ahei ana ia Runanga Tohu  
ki te whakatakoto tikanga mo  
te whiri-whiri, te whakahaere,  
te whakatau, te whakaingoa  
hoki, heoi ano kia whakatauria  
e Te Runanga Tohu, i runga i  
te pooti a te nuinga o nga  
Minita, o nga Reimana ko wai  
e whakaingoaia hei Pihopa;  
ma ta ratou tuku ranei i te  
mana whakatau ki tetahi atu  
tangata, roopu ranei.

Ko te tuku ingoa kia  
whakaetia tetahi tangata hei  
Pihopa me whai i raro i nga  
ritenga o tenei Pouhere.

11. Ko te kaupapa whakaingoa  
tangata hei Pihopa i tua atu i

10. I nga wa e rapua ai he  
tangata hei whakakapi i te  
turanga Pihopa mo tetahi  
Pihopatanga, ma te Pihopa  
Matamua e karanga, e  
whakahaere 'Te Runanga  
Tohu', e tohu ranei i tona  
Apiha hei kaiwhakahaere, ko  
nga mema mo taua Runanga  
Tohu ko nga Minita me nga  
Reimana e ahei ana ki te pooti  
i te Hinota o taua  
Pihopatanga.

[Wahanga F]

[Porinihia...]

I tua atu i nga paihere a te  
Hinota Whanui i whakatakoto  
ai, e ahei ana ia Runanga  
Tohu ki te whakatakoto  
tikanga mo te whiri-whiri, te  
whakahaere, te whakatau, te  
whakaingoa hoki, heoi ano  
kia whakatauria e Te Runanga  
Tohu, i runga i te pooti a te  
nuinga o nga Minita, me nga  
Reimana ko wai e  
whakaingoaia hei Pihopa, ma  
ta ratou tuku ranei i te mana  
whakatau ki tetahi atu  
tangata, roopu ranei.

Ko te tuku ingoa kia  
whakaetia tetahi tangata hei  
Pihopa me whai i raro i nga  
ritenga o tenei Pouhere.

11. Ko te kaupapa  
whakaingoa tangata hei

kua whakararangitia, ma te Hinota Whanui e whakatau. Heoi ano ko tenei, kia orite nga ahuatanga mo te whakatau, te whakaae, te whakapiri, te tuku-ki-raro, me te tautoko hoki, ki era i raro i te Rarangi 12 e whai ake nei.

12. Ma te Pihopa Matamua e tuku te ingoa o taua tangata kua tohungia hei Pihopa ki te Hinota Whanui mehemea kei te noho te Hinota, ki nga mema pooti katoa ranei o te Hinota Whanui.

Mehemea ka tautokona e te Hinota Whanui, (mehemea kei te noho), e nga mema ranei o te Hinota Whanui, i te wa kahore kei te noho i raro i nga ture i waihangatia mo taua ritenga ma te Pihopa Matamua e wawahi nga huarahi e mana ai taua tangata i whakaingoatia i muri tonu i tona tuhinga mai i tana whaka-aetanga ki te Pouhere, me tona piri, me tona tuku-ki-raro i te mana o te Hinota Whanui, me tona whakaae ki taua whakaingoatanga.

[Wahanga D]

[Aotearoa...]

Kei te Hinota Whanui, kei tetahi roopu ranei i tohungia e ia, te mana whakatakoto ture, whakatakoto ritenga kia eke ai, kia mohiotia ai tana whakatau i te wa kahore te Hinota Whanui e noho ana.

[Wahanga D]

era kua whakararangitia, ma te Hinota Whanui e whakatau. Heoi ano ko tenei, kia orite nga ahuatanga mo te whakatau, te whakaae, te whakapiri, te tuku-ki-raro, me te tautoko hoki, ki era i raro i te Rarangi 12, e whai ake nei.

12. Ma te Pihopa Matamua e tuku te ingoa o taua tangata kua tohungia hei Pihopa ki te Hinota Whanui mehemea kei te noho te Hinota, ki nga mema pooti katoa ranei o te Hinota Whanui.

Mehemea ka tautokona e te Hinota Whanui, (mehemea kei te noho), e nga mema ranei o te Hinota Whanui, i te wa kahore kei te noho i raro i nga ture i waihangatia mo taua ritenga ma te Pihopa Matamua e wawahi nga huarahi e mana ai taua tangata i whakaingoatia i muri tonu i tona tuhinga mai i tana whakaaetanga ki te Pouhere, me tona piri, me tona tuku-ki-raro i te mana o te Hinota Whanui, me tona whakaae ki taua whakaingoatanga.

[Wahanga E]

[Nga Pihopatanga...]

Kei te Hinota Whanui, kei tetahi roopu ranei i tohungia e ia, te mana whakatakoto ture, whakatakoto ritenga kia eke ai, kia mohiotia ai tana whakatau i te wa kahore te Hinota Whanui e noho ana.

[Wahanga E]

Pihopa i tua atu i era kua whakararangitia, ma te Hinota Whanui e whakatau. Heoi ano ko tenei, kia orite nga ahuatanga mo te whakatau, te whakaae, te whakapiri, te tuku-ki-raro me te tautoko hoki, ki era i raro i te Rarangi 12, e whai ake nei.

12. Ma te Pihopa Matamua e tuku te ingoa o taua tangata kua tohungia hei Pihopa ki te Hinota Whanui mehemea kei te noho te Hinota, ki nga mema pooti katoa ranei o te Hinota Whanui.

Mehemea ka tautokona e te Hinota Whanui, (mehemea kei te noho), e nga mema ranei o te Hinota Whanui, i te wa kahore kei te noho i raro i nga ture i waihangatia mo taua ritenga ma te Pihopa Matamua e wawahi nga huarahi e mana ai taua tangata i whakaingoatia i muri tonu i tona tuhinga mai i tana whakaaetanga ki te Pouhere, me tona piri, me tona tuku-ki-raro i te mana o te Hinota Whanui, me tona whakaae ki taua whakaingoatanga.

[Wahanga F]

[Porinihia...]

Kei te Hinota Whanui, kei tetahi roopu ranei i tohungia e ia, te mana whakatakoto ture, whakatakoto ritenga kia eke ai, kia mohiotia ai tana whakatau i te wa kahore te Hinota Whanui e noho ana.

[Wahanga F]

## **WAHANGA G**

### **TIROHANGA WHANUI**

1. I raro i tenei Pouhere, i te Kohikohinga o nga Ture Tumau mehemea kahore i te hangai ki nga kupu o roto i

era, mehemea ranei e ata whakakore ana i nga kupu me nga korero e pa ana ki te Rikonatanga, ki te Pirihitanga me te Pihopatanga (a, he ata titiro ki enei kupu engari me te kore ano e whakakuiti i te tikanga whanui o aua kupu, "Pihopa", "Pirihi", "Rikona", "Kaiawhina Pirihi", "Minita Hepara", "Minita Pariha", me te "Minita") ko enei katoa e taurite ana tona hangai ki te tane me te wahine. I roto i nga Ohaki o te Hahi e ahei ana kia whakaurua nga kupu tohu wahine mo nga kupu tohu tane kia orite ki enei ritenga i runga ake nei i nga wa me nga ahuatanga i hiahiaia.

2. I raro i tenei Pouhere, i te Kohikohinga o nga Ture Tumau mehemea kahore e tauwhainga ana ki tona rarangi korero, mehemea kahore he kupu whakamarama hei whakataha, hei paihere ranei i taua whakamarama, ko te tino ia o aua kupu me aua tatau korero ko enei ka whakapuakina nei, ara:

Ko nga kupu mo 'tetahi mea' e hui atu ana ki 'etahi atu o aua mea', ko nga kupu hoki mo 'etahi mea' e hui atu ana ki te kupu mo 'tetahi o aua mea'.

Ko nga kupu whakaatu mo te tane, mo te wahine ranei, e taea te whakawhitiwhiti.

Ko te kupu "Minita" e hangai ana ki te hunga katoa kua whakawahia ki te Turanga Tapu, a, e pupuri ana i te mana whakahaere mo tetahi pariha i te raihana ranei o te Pihopa, i te whakaetanga ranei a te Pihopa hei kaiwhakahaere karakia i roto i te Hahi. Kei waho te Pihopa i tenei karangatanga.

3. Ko nga awangawanga e tupu ake mo te whakamarama i te Pouhere kua whakarangitia nei mo te Hahi i tenei wa, me tuku tona whakatau ki te Hinota Whanui, ki tetahi Roopu Whiriwhiri Take i whakaturia e taua Hinota Whanui mo taua take.

4. Ka tau te tika ki te Hinota Whanui ki te whakarereke, ki te whakatika, ki te whakakahore ranei i nga whakaritenga katoa, i tetahi ranei o enei whakaritenga, haunga hoki era kua tapaina he **RITENGA PUMAU**.

**HE AHA KOA** kia kua tetahi whakarereke e whakaetia kia tae ra ano te tono ki te Hinota Whanui, a kia whakaetia ra ano e Te Runanga o Te Pihopatanga o Aotearoa, e Te Hinota hoki o te Pihopatanga o te Tikanga o Nga Moutere, me te nuinga o nga Hinota o nga Pihopatanga o te Tikanga Pakeha, a, kia whakaetia e te Hinota Whanui i te huihuinga i muri tonu mai.

5. I raro i nga whakahaere o tenei Pouhere kia taurite te panui ki te reo Maori ki te reo Pakeha.

[Wahanga G]

## Changes to the Constitution, 1857 – 1992

		Clauses changed
1857	Constitution adopted	
1865		Preamble, Clauses 7-8, 11-16, 20, 25-28
1907	Non Fundamental property clauses repealed	
1913	Changes related to <i>Religious, Charitable and Educational Trusts Act 1908</i> .	Clause 25 which previously referred to 1865 Act became Clause 24. Clauses 24 and 26 deleted.
1928	<i>Church of England Empowering Act 1928</i>	Superseded Clauses 2,3 and 4 of the Fundamental Provisions
1955		Clause 19 provided for Diocesan Synods to meet and act in case of a vacancy, or absence of the Bishop.
1964		Clause 7 changed the period for meetings of General Synod from triennial to biennial. Clause 8 changed to reflect Clause 7.
1972	General Synod constituted Bishopric of Aotearoa. No change to constitution. Change to Title A, Canon IV significant change from previous canon which had been in force since 1928.	Clause 17 changed age for election as synodsmen etc. from 21 years to 18 years. Clause 29 interpretation of words.
1976		Clause 25 additional provision to allow for joint shared use of funds or property. Clause 30 (new) to allow for ordination of women.
1978	.	Clause 9 removed provision for dioceses to have equal numbers of clerical and lay representatives on General Synod. Clause 9a (new) stated entitlement of the Bishopric of Aotearoa.
1980		Addition to Clause 26 to say the clause does not apply to representatives of another Christian church being appointed to the Board or teaching staff of St. John's College.
1982		Clause 17. General Synod's powers of delegation to Boards and Synods to include Aotearoa Council. Clause 22. General Synod's power to repeal any regulation made by a diocesan synod to include Aotearoa Council. Clause 23. Permission for General Synod to create a canon for procedure for electing bishops, includes Aotearoa Council. Clause 28 addition of Aotearoa Council with Diocesan Synods.
1990	Draft Constitution adopted subject to ratification by Dioceses and Te Pihopatanga	
1992	New Constitution adopted	

# Draft Constitution Presented to General Synod as a Schedule to Bill No.38.

Church of the Province of New Zealand, Proceedings of the 48<sup>th</sup> General Synod, Napier, 22-28 May 1988, pp.144-152.

BILL NO 38  
(Mr B.N. Davidson)

[The Synod suspended the relevant Standing Orders to enable Bill No. 38 to lie on the table. A resolution seeking wide consultation on and further consideration of the Bill may be found in the Minutes of the Synod at Pages 34-35 of these Proceedings.]

A BILL INTITULED "A STATUTE TO REVISE AND AMEND THE CONSTITUTION AND TO INCORPORATE THE PRINCIPLES OF PARTNERSHIP AND BICULTURAL DEVELOPMENT AS SET OUT IN THE TREATY OF WAITANGI / TE TIRITI O WAITANGI".

WHEREAS this Synod in April 1986 received the Report, "Te Kāupapa Tikanga Rua" of a Bi-Cultural Commission established in 1984 to Consider the Treaty of Waitangi

AND WHEREAS this Synod in April 1986 established a Bi-Cultural Commission to Revise the Constitution, which Commission has reported to this Synod in May 1988, and recommended the adoption of revisions and amendments to the Constitution for the Church of the Province which will recognise and be consistent with principles of partnership betwixt Maori and Pakeha and will recognise development in their respective cultures so far as the same is applicable to the Church

AND WHEREAS this Synod has considered such reports and recommendations and is agreed to adopt such revisions and amendments to the Constitution

BE IT THEREFORE ENACTED by the Bishops Clergy and Laity of the Church of the Province of New Zealand in General Synod assembled as follows.

1. The Short Title of this Statute shall be

"The Constitution of the Church of the Province of Aotearoa / New Zealand or Te Hahi Mihingare o Aotearoa / Niu Tirenī (commonly called the Anglican Church) Statute (1990)"

2. The Constitution of the Church as now set out in the Schedule hereto (Incorporating additional words to and omitting certain words from the present form of the Constitution) shall have full force, effect and authority in lieu of and instead of the form of the Constitution as heretofore in force and effect.

PROVIDED that nothing in this Statute shall alter revoke add to or diminish the Fundamental Provisions of the Constitution of the Church as heretofore existing

3. This Statute shall come into force on Advent Sunday, in the year of our Lord (1990).
4. This Statute shall be made known to the several Diocesan Synods and to Te Runanga o Te Pihopatanga o Aotearoa as provided by Clause 28 of the Constitution.

SCHEDULE

THE CONSTITUTION OF  
THE CHURCH OF THE PROVINCE OF AOTEAROA/NEW ZEALAND  
OR TE HAHĪ MIHINGARE O AOTEAROA/NIU TIRENI  
(commonly called the Anglican Church)

In the name of God - Amen.

WHEREAS the Church of the Province of Aotearoa/New Zealand or Te Hahi Mihingare or Aotearoa/Niu Tirenī (earlier called the Branch of the United Church of England and Ireland in New Zealand and commonly called the Anglican Church) has developed along two pathways, one within the Maori people of Aotearoa in the medium of the Maori language and in missionary activity initially under the guidance of the Church Missionary Society and in the context of Tikangā Maori, and the other within the Pakeha people in New Zealand in the medium of the English language and the context of their culture,

AND WHEREAS at a General Conference held at Auckland on the 13 day of June in the year of our Lord, 1857, the Bishops and certain of the Clergy and Laity representing a numerous body of the members of the said United Church, but without Maori participation, agreed to a Constitution for the purpose of associating together by voluntary compact as a Branch of the said United Church for the ordering of the affairs, the management of the property, the promotion of the discipline of the members thereof and for the inculcation and maintenance of sound Doctrine and true Religion, to the Glory of Almighty God and the edification and increase of the Church of Christ,

AND WHEREAS that Constitution declared the Doctrine and Sacraments which the Church held and maintained, and provided for a Representative Governing Body for the management of the affairs of the said Branch of the Church to be called the General Synod,

AND WHEREAS the Constitution made provision for the said Branch to frame and modify existing rules (not affecting doctrine) with a view to meeting the peculiar circumstances of New Zealand and of the Maori people,

AND WHEREAS one of those circumstances was the existence of the Treaty of Waitangi which recognised and established principles of partnership between Maori and Pakeha and of bicultural development for their respective cultures,

AND WHEREAS by the Church of England Empowering Act, 1928, of the New Zealand Parliament some of the Fundamental Provisions of that Constitution were amended,

AND WHEREAS the General Synod in the year of Our Lord [ ] has agreed to further amend and revise the Constitution and to include certain provisions as fundamental to ensure the principles of partnership and bicultural development betwixt Maori and Pakeha are maintained and to

Include also provisions of the said Act of 1928 as Fundamental Provisions.

NOW THEREFORE the Bishops Clergy and Laity in General Synod assembled DO SOLEMNLY DECLARE AFFIRM and establish as follows:

### I FUNDAMENTAL PROVISIONS

1. This Church of the Province of Aotearoa/New Zealand or Te Hahi Mihingare o Aotearoa/Niu Tirenī (commonly called the Anglican Church) does hold and maintain the Doctrine and Sacraments of CHRIST as the LORD has commanded in His Holy Word and as the United Church of England and Ireland had received and explained the same in the Book of Common Prayer, 1662, in the Form and Manner of Making Ordaining and Consecrating Bishops, Priests, and Deacons, and in the Thirty Nine Articles of Religion and as the Church has expressed the same in that Book and that Form and those Articles and in Te Rawiri and as are now expressed in a New Zealand Prayer Book, 1989, He Karakia Mihingare o Aotearoa.
2. The General Synod (also known as Te Hinota Whanui) constituted for the government of this Church of the Province of Aotearoa/New Zealand (or Te Hahi Mihingare o Aotearoa/Niu Tirenī) shall also hold and maintain the said Doctrine and Sacraments of Christ.
3. The General Synod/Te Hinota Whanui shall have no power to make any alteration in the authorised version of the Holy Scriptures or in the Formularies of the Church except in the manner hereinafter prescribed.
4. There shall be a representative Governing Body for the management and oversight of the affairs of the Church to be called the General Synod of the Church of the Province of Aotearoa/New Zealand, or Te Hinota Whanui o Te Hahi Mihingare o Aotearoa/Niu Tirenī, which shall consist of three distinct Orders, viz the Bishops, the Clergy and the Laity, the consent of all of which Orders shall be necessary to all acts binding upon the Synod and upon all persons recognising its authority, which Governing body shall reflect the equality of the two partners and wherein Maori and Pakeha shall be equally represented.
5. The General Synod/Te Hinota Whanui shall have no power to change any part of this Constitution or any Canon which exists to implement or protect the principles of partnership and bicultural development abovementioned except with the consent of those to be affected.
6. It shall be lawful for the General Synod/Te Hinota Whanui, subject to the provisions of Clause 9 of this Constitution, from time to time and in such way and to such extent as may seem to it expedient, but subject to the provisions hereinafter contained to alter, add to, or diminish the Formularies, or any one or more of them or any part or parts thereof, or to frame or adopt for use in the Church or in any part of the Province or in any Associated Missionary Diocese new Formularies in lieu thereof or as an alternative thereto or of or to any part or parts thereof and to

order or permit the use in public worship of a version or versions other than the Authorised Version of the Bible or of any part or parts thereof.

PROVIDED THAT the provisions of this Clause not empower the General Synod/Te Hinota Whanui or be deemed to empower the General Synod/Te Hinota Whanui to depart from the Doctrine and Sacraments of Christ as defined in Clause 1 of this Constitution.

7.

8.

9. In this Constitution "the Formularies" or "the Formularies of the Church" shall extend to, mean, and include the Books and documents mentioned in Clause 1 of this Constitution and as heretofore duly altered, added to or diminished and any new Formularies which have been duly framed or adopted, and "the authorised version of the Bible" shall extend to mean and include the version of the Holy Bible first published in England in 1611 A.D. and also referred to in Clause 3 of this Constitution.

10. The above provisions shall be deemed FUNDAMENTAL, and it shall not be within the power of the General Synod/Te Hinota Whanui, or any Diocesan Synod or Te Runanga or Te Pihopatanga o Aotearoa to alter revoke add to or diminish any of the same.

#### II PROVISIONS NOT DEEMED FUNDAMENTAL

11. There shall be a meeting of the General Synod/Te Hinota Whanui in every alternate year, dating from the year of Our Lord (1992) at such time and place as shall from time to time be prescribed in that behalf by the General Synod/Te Hinota Whanui.

12. A fresh election shall take place before each biennial meeting of the General Synod/Te Hinota Whanui, in such manner as may be prescribed from time to time in that behalf by the General Synod/Te Hinota Whanui.

13. The numbers to be elected in each order shall be as determined from time to time by the General Synod/Te Hinota Whanui and in accordance with Clause 4 of this Constitution.

14. Every Act of the General Synod/Te Hinota Whanui shall be assented to by a majority of the members of each of the three orders present in person at a duly constituted meeting.

15. The General Synod/Te Hinota Whanui shall fix the standard of qualification and the mode of registration for the purpose of

Appendix 5

155

determining what persons are admissible to take part in the proceedings of any body recognising or under the authority of the General Synod/Te Hinota Whanui in any manner whatsoever. PROVIDED no person shall be qualified for election as a Lay Representative in any Synod or Runanga or Rohe-a-Pihopatanga unless they be baptised and of the age of eighteen (18) years and upwards.

16. There are and shall be established from time to time within the Province such Dioceses as the General Synod/Te Hinota Whanui shall determine.
17. There is and shall be established within the Province, Te Pihopatanga o Aotearoa (also known as the Bishopric of Aotearoa) with special responsibility for the witness and work of the Church to and among the Maori people.
18. The General Synod/Te Hinota Whanui may associate itself with any Missionary Dioceses which may be formed among the other islands of the Pacific Ocean.
19. For the purposes of carrying into effect the objects of these presents in each Diocese there shall be a representative Governing Body or Diocesan Synod, and in Te Pihopatanga o Aotearoa a representative Governing Body or Te Runanga o Te Pihopatanga o Aotearoa, consisting of the Diocesan Bishop and Te Pihopa and any other Bishops exercising episcopal jurisdiction within such Diocese or Te Pihopatanga o Aotearoa, clergy and laity within such Diocese or Te Pihopatanga o Aotearoa each as the case may be, and each shall be similar as far as possible in mode of procedure and action to the General Synod/Te Hinota Whanui;

PROVIDED THAT the General Synod/Te Hinota Whanui may by Canon make provision that will enable a Diocesan Synod or Te Runanga to meet and conduct its business in any case where the office of Diocesan Bishop or Te Pihopa is vacant or any Diocesan Bishop or Te Pihopa is unable to be present;

PROVIDED FURTHER that the General Synod/Te Hinota Whanui may by Canon make provision that will enable any ordained minister or lay member of any other Christian Church recognised by Resolution of General Synod/Te Hinota Whanui and duly appointed to serve in or represent a cooperating parish or cooperative venture to be admitted to and have a seat in the House of Clergy or House of Laity, as appropriate, in any Diocesan Synod or Te Runanga o Te Pihopatanga o Aotearoa with the right to vote except when any such Synod or Te Runanga shall be acting under the following provisions namely:

- (a) Clause 6 hereof (alteration to Formularies)
- (b) Clause 30 hereof (nominating a Bishop)
- (c) Clause 35 hereof (amending this Constitution)
- (d) In respect of any proposal or matter pursuant to the Church of England Empowering Act, 1928.

20. A representative body of the several Dioceses within the Province shall meet in Synodical Conference biennially, which conference shall consist of three distinct orders viz. Bishops Clergy and Laity, the numbers of each order to be as determined from time to time by the authority of General Synod/Te Hinota Whanui.
21. The General Synod/Te Hinota Whanui shall have full power to make all such regulations as it shall consider necessary for the order, good government and efficiency of this Church, and it may frame such regulations as shall be found necessary from time to time for the management of property, for the government of persons holding office or receiving emoluments, for the administration of trusts and such other purposes generally as may seem expedient.
22. The General Synod/Te Hinota Whanui may delegate to any Synodical Conference, Diocesan Synod or Te Runanga o Te Pihopatanga o Aotearoa, or to any Board, commission or other body either specifically or as the case may require or under such general regulations as shall from time to time be laid down, any of the powers conferred upon General Synod/Te Hinota Whanui by these presents.
23. The General Synod/Te Hinota Whanui shall establish a Tribunal or Tribunals for the purpose of deciding all questions of Doctrine and Discipline and may establish a Court or Courts of Appeal from the decision of any such tribunal.
24. Every such Diocesan Synod may within the limits of such Diocese, and Te Runanga o Te Pihopatanga o Aotearoa may within the limits and scope of its responsibilities, exercise all such powers and make all such Regulations (not repugnant to any Canon or Regulation of the General Synod/Te Hinota Whanui) as may be necessary for the order and good Government of the Church in such Diocese or Te Pihopatanga.

PROVIDED always that any person or persons aggrieved by any act or decision of any Synodical Conference, Diocesan Synod or Te Runanga in any matter may appeal to the General Synod/Te Hinota Whanui or to any Board or Court of Appeal established by the General Synod/Te Hinota Whanui in that behalf and the General Synod/Te Hinota Whanui or such Court of Appeal shall finally decide such appeals.

25. Any Regulation assented to by all the Diocesan Synods and Te Runanga o Te Pihopatanga with a view to acquiring the force of a Regulation of General Synod/Te Hinota Whanui shall be taken and defined to be and shall have the force of a Regulation of General Synod/Te Hinota Whanui

PROVIDED always that no such Regulation may alter or repeal any provision of this Constitution.

26. The General Synod/Te Hinota Whanui shall have power to make any Regulation controlling altering repealing or superceding any Regulation which may have been made by any Synodical Conference or Diocesan Synod or by Te Runanga o Te Pihopatanga or Rohe-a-Pihopa.
27. One of the Bishops of the Province shall be appointed the Presiding Bishop or Te Pihopa Matamua by such procedure and with such

authority as the General Synod/Te Hinota Whanui shall by Canon prescribe.

28. One of the Bishops exercising jurisdiction in respect of or within a Diocese shall be appointed Archbishop of New Zealand by such procedure and with such authority as the General Synod/Te Hinota Whanui shall by Canon prescribe.
29. One of the Bishops within the jurisdiction of Te Pihopatanga o Aotearoa shall be appointed Tumuaki by such procedure and with such authority as the General Synod/Te Hinota Whanui shall by Canon prescribe.
30. When it is necessary to provide a Bishop to exercise any episcopal jurisdiction in any Diocese or within Te Pihopatanga o Aotearoa the Presiding Bishop or Te Pihopa Matamua shall appoint a commissary to preside over an Electoral Synod or Electoral College as the case may be which Electoral Synod or College shall consist of those persons entitled to Clerical Votes or Lay Votes in the Diocesan Synod or Te Runanga o Te Pihopatanga and The Presiding Bishop or Te Pihopa Matamua in lieu of appointing a commissary may personally assume the functions of such Commissary.

The Electoral Synod or College by a majority of the Clerical votes and a majority of Lay Votes may nominate a person to become a Bishop or may delegate its right of nomination to any person or persons whom it may appoint.

If a nomination made by the Electoral Synod or College or by a Delegation be sanctioned by the General Synod/Te Hinota Whanui, or if the General Synod/Te Hinota Whanui be not in session by a majority of the Standing Committees of the Several Dioceses of the Province and Te Runanga Whaiti o Te Pihopatanga o Aotearoa, The Presiding Bishop or Te Pihopa Matamua shall take the necessary steps for giving effect to the nomination.

The procedure for nominating a person to become a Bishop other than one who is to be a Diocesan Bishop or Te Pihopa o Aotearoa shall be prescribed by Canon of the General Synod/Te Hinota Whanui.

Provided that every nomination shall be made upon condition that the person nominated shall, before accepting nomination, declare in writing assent to this Constitution.

Provided further that if the office of Presiding Bishop or Te Pihopa Matamua be vacant, or if that person be absent from the Province or unwilling or unable to act personally, the Archbishop of New Zealand or the Tumuaki or the Senior Bishop of the Province then in New Zealand as most appropriate and being able and willing to act shall perform the duties of the Presiding Bishop or Te Pihopa Matamua.

31. No doctrines which are repugnant to the Doctrines and Sacraments of Christ as held and maintained by this Church shall be advocated or inculcated by any person acknowledging the authority of General Synod/Te Hinota Whanui or with the use of funds or property held under the authority of General Synod/ Te Hinota Whanui

PROVIDED that joint or shared use of funds or property in common with other Christian Churches which use shall be approved by the Bishop and Standing Committee of the Diocese concerned or by Te Pihopa o Aotearoa and Te Runanga Whaiti shall not be a breach hereof.

32. No person shall be admitted to any office under the authority of the General Synod/Te Hinota Whanui or be entitled to receive any income emolument or benefit from or out of any property held under the same unless and until a declaration of adhesion and submission to the authority of the General Synod/Te Hinota Whanui shall have been signed by such person in the form set out in the Schedule hereto

PROVIDED however that the provisions of this Clause shall not apply to representatives of other Christian Churches appointed to the Board of Governors of the College of St John the Evangelist under the provisions of any Canon made by General Synod in that behalf nor to any member of the Teaching Faculty who is a member of another Christian Church

PROVIDED FURTHER that the provisions of this Clause shall not apply to any ordained minister or lay member of another Christian Church admitted to any Synod or Te Runanga o Te Pihopatanga o Aotearoa under the proviso to clause 19 hereof.

33. Any doubt which shall arise in the interpretation of these presents or of the Constitution for the time being of this Church shall be submitted for final decision to the General Synod/Te Hinota Whanui or to some Tribunal established by it in that behalf.

34. It shall be lawful for the General Synod/Te Hinota Whanui to alter amend or repeal all or any of the provisions hereof save and except those which have been hereinbefore declared to be FUNDAMENTAL PROVISIONS,

PROVIDED always that no such alteration shall be made until it shall have been first proposed in one General Synod and been made known to the several Diocesan Synods and Te Runanga o Te Pihopatanga and finally agreed to in the meeting of the General Synod/Te Hinota Whanui next ensuing.

35. It is agreed acknowledged and declared

- (a) that the Code of Canons in force immediately prior to the adoption of these Constitutional provisions shall continue in force until amended added to or repealed by lawful authority;
- (b) that the several Dioceses [and the Associated Missionary Diocese of Polynesia] established prior to the adoption of these Constitutional provisions shall continue as heretofore;
- (c) that Te Pihopatanga o Aotearoa established prior to the adoption of these Constitutional provisions shall continue as heretofore;
- (d) that any reference in the Code of Canons or other Regulations of the General Synod to the Primate shall be read as a reference to The Presiding Bishop/Te Pihopa Matamua;

36. In this Constitution and in the Code of Canons if not inconsistent with the context thereof or by express words excluding all words and phrases referring to the diaconate, priesthood and episcopate ( and in particular, but without limiting the generality hereof the words "Bishop", "Priest" "Deacon", "Clergyman", "Curate" "Pastor", "Vicar" and "Minister") shall be capable of including females and the use in any of the Formularies of the Church of words importing females may consistently with the above provision and when the occasion and circumstances require be substituted for words importing males.
37. In this Constitution and in the Code of Canons if not inconsistent with the context thereof respectively and unless there are clear words to exclude or restrict such meaning the words and phrases following shall severally have the meanings hereinafter stated, namely,

Words importing the singular number include the plural number and words importing the plural number include the singular number.

Words importing the masculine or female gender includes the female or masculine gender as the case may be.

"Clergy" includes all persons in Holy Orders who shall hold any spiritual charge or cure or a Bishop's licence or permission to officiate in the Church of the Province, but shall not include a Bishop of a Diocese or Te Pihopa o Aotearoa; and "Clergyman" has a similar meaning.

#### SCHEDULE

I [A.B.] DO DECLARE my submission to the authority of the General Synod/Te Hinota Whanui of the Church of the Province of Aotearoa/New Zealand or Te Hahi Mihinare o Aotearoa/Niu Tirenī established by a Constitution agreed to on the 13th day of June 1857 and revised and amended at the General Synod in [1990] and to all the provisions of the Constitution from time to time in force whilst and so long as I hold any office under the authority of the said General Synod/Te Hinota Whanui;

AND I further consent to be bound by all the regulations which may from time to time be issued by the authority of the General Synod/Te Hinota Whanui whilst and so long as I hold such office;

AND I hereby undertake in consideration of being appointed immediately to resign my appointment together with all the rights and emoluments appertaining thereto whenever I shall be called upon so to do by the General Synod/Te Hinota Whanui or by any person or persons lawfully acting under its authority in that behalf.

Given under my hand this )  
 day of            in the )  
 presence of:            )

## REDRAFT OF SCHEDULE FOR BILL 38 - REVISED CONSTITUTION

[Revision dated July 11, 1989]

## PART A

[NOTES: Preamble - This is completely rewritten so as to reflect the history of the Church since the coming of the first missionaries. It is also greatly expanded on what is at present in the Constitution.]

[Preambles (1) and (2) come from the new Catechism. There have been submissions that they do not belong in the Constitution.]

WHEREAS (1) the Church is the body of which Christ is the head and all baptised persons are members, believing that God is one and yet revealed as Father, Son and Holy Spirit - a Holy Trinity:

- (a) lives to be the agent and sign of the Kingdom
- (b) is called to offer worship and service to God in the power of the spirit
- (c) as the community of faith, provides for all God's people, the turangawaewae, the common ground.

AND WHEREAS (2) the Church

- (a) is ONE because it is one body, under one head, Jesus Christ,
- (b) is HOLY because the Holy Spirit dwells in its members and guides it in mission,
- (c) is CATHOLIC because it seeks to proclaim the whole faith to all people to the end of time, and
- (d) is APOSTOLIC because it presents the faith of the apostles and is sent to carry Christ's mission to all the world.

[NOTE: Preamble (3) is based on the ACC-6 Mission Statement.]

AND WHEREAS (3) the mission of the Church includes:

- (a) proclaiming the Gospel of Jesus Christ
- (b) teaching, baptising and nurturing believers within eucharistic communities of faith

- (c) responding to human needs by loving service and
- (d) seeking to transform unjust structures of society, and establishing the values of the Kingdom;

[NOTE: Preamble (4) in its last two lines lays the foundation for (a) of Preamble (11).]

AND WHEREAS (4) the Church, as it seeks to

- (a) advance its mission
- (b) safeguard and develop its doctrine
- (c) order its affairs
- (d) manage its property
- (e) promote discipline for its members

will do so within the context of the social organisations, language, laws, principles and procedures of the peoples it seeks to serve...

[NOTE: Preamble (5) is historical fact. It acknowledges that the Church has existed within two tikanga for a very long time. Bicultural development is not new.]

AND WHEREAS (5) the Anglican Church has developed in New Zealand principally along two pathways, one beginning with Ruatara inviting Samuel Marsden to his people at Oihi in the Bay of Islands in 1814 and expanding in missionary activity throughout New Zealand as Te Haahi Mihinare in the medium of the Maori language and in the context of Tikanga Maori, and initially under the guidance of the Church Missionary Society; and the other signified by the arrival of George Augustus Selwyn in 1842 as a Bishop of the United Church of England and Ireland, and after support from Te Haahi Mihinare spreading throughout New Zealand amongst the settlers, in the medium of the English language and in the context of their heritage and customs and being known as the Church of England.

[NOTE: Preamble (6) refers to the source of the two principles to be expressed and entrenched in the Constitution in accordance with the 1986 decision of General Synod.]

AND WHEREAS (6) by the Treaty of Waitangi, signed in 1840, the basis for future government and settlement of New Zealand was agreed, which Treaty implied principles of partnership between Maori and settlers and of bicultural development within one nation.

[NOTE: Preamble (7) refers to the so-called Fourth Clause or Article of the Treaty of Waitangi, wherein was granted the right for various expressions of faith to be held and practised. It leads to the right for the Church to establish itself by voluntary compact.]

AND WHEREAS (7) at that time there was also recognised the freedom of the inhabitants of New Zealand to hold and practise their religious faith within the several branches of the Church then present, or according to their own customs.

[NOTE: Preamble (8) is historical but it also leads to Preamble (13).]

AND WHEREAS (8) at a General Conference held at Auckland on the 13th day of June in the year of our Lord, 1857, the Bishops and certain of the Clergy and Laity representing a numerous body of the members of the said United Church, and including Missionary clergy but without direct Maori participation or the inclusion of Tikanga Maori, agreed to a Constitution for the purpose of associating together by voluntary compact as a branch of the said United Church for the ordering of the affairs, the management of the property, the promotion of the discipline of the members thereof and the inculcation and maintenance of sound Doctrine and true Religion to the Glory of Almighty God and the edification and increase of the Church of Christ;

[NOTE: Preamble (9) is fact but it also leads to Preamble (13).]

AND WHEREAS (9) this Constitution declares the Doctrine and Sacraments which the Church holds and maintains, and provides for a Representative Governing Body within the heritage and custom of the participants in the 1857 General Conference for the management of the affairs of the said Branch of the Church, to be called the General Synod.

[NOTE: Preamble (10) reminds us that as far back as 1857 thought had been given to the need to be able to make special rules.]

AND WHEREAS (10) Clause Three of the Constitution made provision for the said Branch to frame new and modify existing rules (not affecting doctrine) with a view to meeting the peculiar circumstances of New Zealand and of the Maori People.

[NOTE: Preamble (11) draws out some applications of the principles of partnership and bicultural development.]

AND WHEREAS (11) the principles of partnership and bi-cultural development require the Church to:

- (a) organise its affairs within each of the Tikanga (social organisations, language, laws, principles, and procedure) of each partner;
- (b) be diligent in prescribing and in keeping open all avenues leading to the common ground;
- (c) maintain the right of every person to choose any particular cultural expression of the faith.

[NOTE: Preamble (12) is fact and leads to Clause 7.]

AND WHEREAS (12) the Church of England Empowering Act, 1928, of the New Zealand Parliament conferred certain powers in substitution for the powers purporting to be conferred by Clauses two, three and four of this Constitution.

[NOTE: Preamble (13) says what we are trying to do in terms of the 1986 General Synod decisions.]

AND WHEREAS (13) Te Runanga o Te Pihopatanga o Aotearoa and the General Synod, meeting together agreed to certain amendments and revisions of the Constitution to implement and entrench the principles of partnership between Maori and Pakeha and bicultural development and to incorporate and extend the principal provisions of the said Act.

[NOTE: Preamble (14) is historical and leads to the various references to the Diocese of Polynesia in this Constitution. These references may require changes when the Commission on the Relationship of the Diocese of Polynesia to the Church presents its recommendations.]

AND WHEREAS (14) in 1925 the Diocese of Polynesia became an Associated Missionary Diocese following the pioneering Anglican ministry of The Reverend William Floyd, begun in Fiji in 1870:

NOW THEREFORE the Bishops Clergy and Laity in General Synod assembled DO SOLEMNLY DECLARE AFFIRM and establish as follows:

## FUNDAMENTAL PROVISIONS

[NOTES: The following Clauses 1 - 6 (inclusive) have been in the present Constitution since 1857 and are retained because by Clause 6 they are unalterable. It is to be noted, however, that the provisions of The Church of England Empowering Act, 1928, substitute other powers for the powers purported to be conferred by Clauses 2, 3, and 4.]

1. This Branch of the United Church of England and Ireland in New Zealand doth hold and maintain the Doctrine and Sacraments of CHRIST as the LORD hath commanded in His Holy Word, and as the United Church of England and Ireland hath received and explained the same in the Book of Common Prayer, in the Form and Manner of Making, Ordaining, and Consecrating of Bishops, Priests, and Deacons, and in the Thirty-nine Articles of Religion. And the General Synod hereinafter constituted for the government of this Branch of the said Church shall also hold and maintain the said Doctrine and Sacraments of CHRIST, and shall have no power to make any alteration in the authorised version of the Holy Scriptures, or in the above-named Formularies of the Church: (1857)

2. PROVIDED THAT nothing herein contained shall prevent the General Synod from accepting any alteration of the above-named formularies and Version of the Bible as may from time to time be adopted by the United Church of England and Ireland, with the consent of the Crown and of Convocation. (1857)

3. PROVIDED ALSO THAT in case a Licence be granted by the Crown to this Branch of the Church of England to frame new and modify existing rules (not affecting doctrine) with the view of meeting the peculiar circumstances of this Colony and native people, it shall be lawful for this Branch of the said Church to avail itself of that liberty. (1857)

4. AND WHEREAS opinions have been expressed by eminent legal authorities in England that the property of the Church in New Zealand might be placed in jeopardy, unless provision were made for the contingency of a separation of New Zealand from the Mother Country, and for that of an alteration in the existing relations between Church and State; it is hereby further declared that, in the event of a separation of the Colony of New Zealand from the Mother Country, or of a separation of the Church from the State in England and Ireland, the General Synod shall have full power to make such alterations in the Articles, Services, and Ceremonies of this Branch of the United Church of England and Ireland in New Zealand as its altered circumstances may require, or to make such alterations as it may think fit in the authorised version of the Bible. (1857)

And the said BISHOPS, CLERGY, and LAITY do further declare and establish as follows:

5. There shall be a Representative Governing Body for the management of the affairs of the Church to be called the General Synod of the Branch of the United Church of England and Ireland, in the Colony of New Zealand, which shall consist of three distinct Orders, viz.: the BISHOPS, the CLERGY, and the LAITY, the consent of all of which Orders shall be necessary

to all acts binding upon the Synod, and upon all persons recognizing its authority. (1857)

6. The above Provisions shall be deemed FUNDAMENTAL, and it shall not be within the power of the General Synod, or of any Diocesan Synod, to alter, revoke, add to, or diminish any of the same. (1857)

And the said BISHOPS, CLERGY, and LAITY in General Synod assembled do further declare and establish as follows:

[NOTE: Cl. 7 - It has been thought helpful to rewrite the unalterable Clause One in a more contemporary wording along with the major parts of the Church of England Empowering Act 1928 which deal with alterations to the Formularies and this has been done in Clauses 8 to 13 which follow. This Clause 7 is new in order to declare that the existing position with regard to doctrine as contained in Clause One is unchanged. All the remaining Clauses remain subservient to Clauses 1, 5 and 6 and the Act.]

7. Nothing expressed or implied in any other part of this Constitution shall detract from or diminish the full force and effect of the provisions of Clauses One, Five and Six of this Constitution (the powers conferred by the Church of England Empowering Act 1928 being in substitution for the powers purporting to be conferred by Clauses Two Three and Four of this Constitution) and the provisions of the said Act, and in the event of any conflict or doubt the provisions of the said Clauses One, Five and Six and the said Act shall prevail.

[NOTE: Cl. 8 - The first part is new. It is designed to leave behind the name in Clause 1, and to identify the Anglican Church in this part of the Pacific, being Te Hahi Whinara, the Settler Church and the Church in Polynesia as the Anglican Church in Aotearoa, New Zealand and Polynesia. It will be possible for General Synod to adopt other names by Canon, as it has already done in Title D Canon 1 Clause 5.8 and in Title G Canon 1 Clause 1.5.]

8. This Anglican Church in Aotearoa, New Zealand and Polynesia is made up of Te Pihopatanga o Aotearoa, dioceses in New Zealand, and the Diocese of Polynesia.

[NOTE: Cl. 9 - This is a restatement of the first part of Clause 1 dealing with doctrine, in current style and language.]

9. This Church holds and maintains the Doctrine and Sacraments of Christ as the Lord has commanded in Holy Scripture and as explained in

The Book of Common Prayer 1662  
Te Rawiri  
The Form and Manner of Making, Ordaining, and Consecrating  
Bishops, Priests and Deacons  
The Thirty Nine Articles of Religion  
A New Zealand Prayer Book, He Karakia Mihinare o Aotearoa

[NOTE: Cl. 10 - This is a restatement of a provision in Clause 1. It also introduces the expression Te Hinota Whanui.]

10. The General Synod (also known as Te Hinota Whanui) shall also hold and maintain the said Doctrine and Sacraments.

[NOTE: Cl. 11 - This is a restatement of a provision of Clause 1, identifying the "King James Bible" as the authorised version and also "Ko Te Paipera Tapu". The last part looks forward to Clauses 13 and 14 below.]

11. The General Synod / Te Hinota Whanui shall have no power to make any alteration to the authorised version of the Holy Scriptures, being the version of the Holy Bible first published in England in the Year of our Lord 1611 or, to Ko Te Paipera Tapu, but may order or permit the use in public worship of other versions in the manner hereinafter mentioned.

[NOTE: Cl. 12 - This is a current restatement of a provision of Clause 1 and of Clause 2, as modified by the Church of England Empowering Act 1928.]

12. The General Synod / Te Hinota Whanui shall have no power to make any alteration to the Formularies being the Book of Common Prayer, the Ordinal and the Articles mentioned in Clause One of this Constitution as already duly altered, added to or diminished and any Formularies which have been duly framed or adopted except in the manner hereinafter mentioned.

[NOTE: Cl. 13 - The Clause incorporates Section 3 of The Church of England Empowering Act 1928, in order to reduce the need to refer to that Act when reading the Constitution.]

13. It shall be lawful for the General Synod / Te Hinota Whanui from time to time in such way and to such extent as may seem to it expedient, but subject to the provisions in this Constitution and in the said Act, to alter, add to, or diminish the Formularies, or any one or more of them, or

any part or parts thereof, or to frame or adopt for use in the Church or in any part of it or in any Associated Missionary Diocese new Formularies in lieu thereof or as alternative thereto or of or to any part or parts thereof and to order or permit the use in public worship of a version or versions other than the Authorised Version of the Bible or of any part or parts thereof:

Provided that the provisions of this Clause shall not empower or be deemed to empower the General Synod / Te Hinota Whanui to depart from the Doctrine and Sacraments of Christ as defined in Clause One of this Constitution.

[NOTE: Cl. 14 - This Clause incorporates Section 4 of the Church of England Empowering Act 1928. Clause 14(b) is however different from Section 4(b) which currently requires simply the assent of a majority of the seven Diocesan Synods in New Zealand. The 1986 General Synod asked for Te Runanga o Te Pihopatanga o Aotearoa to be included as if it were a Diocesan Synod so that majority assent would require five out of those eight bodies. The closer relationship with Polynesia involves bringing them in in some way. This current draft provides for the assent of Te Runanga, the assent of Polynesia, and the assent of a majority of the Diocesan Synods in New Zealand.

If Te Pihopatanga establishes a number of Rohe, each with their own Runanga, it may then be desirable to amend this sub-clause so that the assent of a majority of all Nga Runanga-a-Rohe for the time being would take the place of the assent of Te Runanga o Te Pihopatanga. On the other hand, if the Dioceses embrace the concept of a Synodical Conference, then subject to the repeal or amendment of the 1928 Empowering Act, it may be desirable to amend this sub-clause so that the Synodical Conference would take the place of all the Diocesan Synods. A consequential change might be required to Clause 14(a).

It needs to be appreciated that General Synod cannot diminish any of the requirements of the 1928 Act such as Section 4(b) but that it can impose additional requirements as in Clause 14(b).

It also needs to be appreciated that this Clause concerns only changes to the Formularies and not changes to the Constitution, for which see Clause 30.]

14. Such alteration, addition, diminution, framing, adoption, ordering, or permitting shall be deemed to be duly and validly made and to be authorised by Clause 13 of this Constitution only if -

- (a) The General Synod / Te Hinota Whanui shall at any session have adopted a specific proposal for such alteration, addition, diminution, framing, adoption, ordering, or permitting with a view to making the same known to the several Diocesan Synods and to Te Runanga o Te Pihopatanga o Aotearoa; and thereafter

- (b) Te Runanga o Te Pihopatanga o Aotearoa and a majority of the Diocesan Synods in New Zealand and the Diocese of Polynesia shall have assented to the proposal so made known to them; and thereafter
- (c) The General Synod / Te Hinota Whanui at a session after there shall have been a fresh General Election of its members subsequent to such proposal having been adopted, shall have confirmed the same by a majority of two-thirds of the members in each order.

Provided that not less than one year nor more than five years shall have elapsed between the first adoption of the proposal in the General Synod / Te Hinota Whanui and its final confirmation therein; and

- (d) Such of the provisions of Title C, Canon I, of the Canons of the General Synod now in force (or any provisions hereafter made by the General Synod / Te Hinota Whanui in amendment thereof or in substitution thereof) as are applicable to the circumstances, *mutatis mutandis*, shall have been observed; and

- (e) Either -

(i) A period of one year (from the day on which the General Synod / Te Hinota Whanui shall under paragraph (c) of this section have confirmed the proposal) shall have elapsed without an appeal from the said proposal having been made in accordance with section five of the said Act to the Tribunal referred to in that section upon the ground that the proposal involves a departure from the Doctrine and Sacraments of Christ as defined in Clause One of this Constitution; or

(ii) If such an appeal shall have been made within such period, the same shall have been dismissed.

[NOTE: Cl. 15 - This is a restatement of Clause 7 of the present Constitution.]

15. There shall be a meeting of the General Synod / Te Hinota Whanui in every alternate year, dating from the Year of our Lord 1990 at such time and place as shall from time to time be prescribed in that behalf by the General Synod / Te Hinota Whanui.

[NOTE: Cl. 16 - This is a restatement of Clause 8 of the present Constitution.]

16. A fresh election shall take place before each biennial meeting of the General Synod / Te Hinota Whanui, in such manner as may be prescribed from time to time in that behalf by the General Synod / Te Hinota Whanui.

[NOTES: Cl. 17 - (a) This is a restatement, with changes, of Clause 9 of the present Constitution, with reference to Clause 5 providing for a representative governing body.

(b) The reference to any associated missionary diocese in Clause 9 is omitted. If there are any in the future pursuant to the draft Clause 21 below, this representation can be fixed at the time.

(c) The requirement in Clauses 9 and 9a that representatives be communicants is omitted. There is currently a Commission considering eligibility of Lay Persons to hold office. The Church's response to its recommendations will need to be embodied in the Constitution (perhaps in Clause 19 below) and the Canons.

(d) There is a change in the way the numbers of representatives of each order are to be determined. The present situation may be summarised as follows:

**Bishops** - All except those who have retired [Title B Canon I Clause 1.1(a) and Clause 1.2 and Title B Canon VIII Clause 5(a)]. The current total is 13 with votes.

**Clerical Representatives** - From Te Pihopatanga, three [Title B Canon I Clause 1.1(d)].

From the Diocese of Polynesia, two [Title B Canon I Clause 1.1(c)].

From the seven dioceses in New Zealand, three from each plus a fluctuating number (currently a total of five) based on the numbers of ordained ministers holding a Diocesan Bishop's licence [Title B Canon I Clause 1.1(b)]. The current total is 26. [31 overall]

**Lay Representatives** - From Te Pihopatanga, four [Title B Canon I Clause 1.1(d)].

From the Diocese of Polynesia, two [Title B Canon I Clause 1.1(c)].

From the seven dioceses in New Zealand, four from each plus a fluctuating number (currently a total of five) based on the number of ordained ministers holding a Diocesan Bishop's licence [Title B Canon I Clause 1.1(b)]. The current total is 33. [39 overall]

Total voting membership is 83 drawn from Te Pihopatanga 8, the Diocese of Polynesia 5, and the other Dioceses 70.

(e) The new Clauses 17 and 18 would, if nothing else happened, produce a voting membership in General Synod / Te Hinota Whanui of 145 (Bishops 13, Clergy 58 and Laity 74) drawn from Te Pihopatanga 67 (Bishop 1, Clergy 29 and Laity 37), the Diocese of Polynesia 8 (Bishop 1, Clergy 3 and Laity 4), and the other Dioceses 70 (Bishops 11, Clergy 26 and Laity 33).

(f) The new Clause 17 puts into the Constitution (instead of leaving it where it currently is in the Canons) a basic represent-

ation for each Diocese including the Diocese of Polynesia. It leaves in the Canons the extra representation which some Dioceses currently have through Assistant Bishops and through having more than a specified number of a particular class of Clergy (see Title B Canon 1 Clause 1.1 (a) (b) and (c).]

17. In accordance with Clause 5 of this Constitution, each Diocese shall be entitled to be represented in the General Synod / Te Hinota Whanui in each of the Orders of Bishops, Clergy and Laity. The representatives of each Order shall be elected by their respective Orders in each Diocese in such manner as that Diocese may determine. Each Diocese shall be entitled to elect one bishop, three members of the Clergy and four members of the Laity. An additional number of representatives of one or more of the three Orders may be elected by some dioceses as may be determined by the General Synod / Te Hinota Whanui from time to time.

[NOTE: Cl. 18 - This Clause is a change from Clause 9a of the present Constitution and is the counterpart to Clause 17. It sets the numbers of representatives of each Order from Te Pihopatanga, and needs to be considered in conjunction with Clause 19]

18. In accordance with Clause 5 of this Constitution, Te Pihopatanga o Aotearoa shall be entitled to be represented in the General Synod / Te Hinota Whanui in each of the Orders of Bishops, Clergy and Laity. The representatives of each Order shall be elected by their respective Orders in Te Pihopatanga in such manner as Te Pihopatanga may determine. Te Pihopatanga shall be entitled to elect the same numbers of each Order as the Dioceses are entitled in the aggregate to elect.

[NOTE: Cl. 19 - This is a restatement of Clause 10 of the present Constitution, with two changes. The first change is to allow members to abstain without absenting themselves, a course which at times might otherwise create the absence of a quorum. The second change is the addition of provisions for the assent of a majority of representatives of Te Pihopatanga and the assent of a majority of all other representatives. Reservations have been expressed over the second change and suggestions made that if it is to apply at all it should be only for changes to the Constitution or perhaps only for changes to the Constitution or to the Canons.]

19. Every Act of the General Synod / Te Hinota Whanui shall be assented to by a majority of the members of each of the three orders and by a majority of the representatives of the Dioceses and by a majority of the representatives of Te Pihopatanga o Aotearoa, in each case present in person and

voting at a duly constituted meeting. If all the members present of any Order abstain from voting the Act in question shall be deemed to have been assented to by a majority of the members of that Order and if all the representatives of the Dioceses or representatives of Te Pihopatanga o Aotearoa shall abstain from voting the Act in question shall be deemed to have been assented to by a majority of those representatives.

[NOTE: Cl. 20 - This is a change from Clause 11. It will need further consideration in the light of the report yet to come from the Commission reviewing the qualifications for lay offices. It also touches on the need for ordained ministers to hold licences before being eligible for certain offices (including membership of synods) or to be electors. There is a general question over what should be in the Constitution on this topic and what should be in the Canons. Should the same eligibility apply throughout the Church?]

20. The General Synod / Te Hinota Whanui shall determine the qualification and eligibility of all persons admissible to take part in its proceedings, and may determine the qualification and eligibility of all persons admissible to take part in the proceedings of any body recognising or under the authority of the General Synod / Te Hinota Whanui in any manner whatsoever.

[NOTE: Cl. 21 - This is a restatement of Clause 18 of the present Constitution with some amplification and the omission of the word 'Missionary'.]

21. The General Synod / Te Hinota Whanui may associate itself with any Dioceses which may be formed among the other islands of the Pacific Ocean upon such terms and conditions including representation on the General Synod / Te Hinota Whanui as it may from time to time prescribe.

[NOTE: Cl. 22 - This Clause is declaratory of the powers of General Synod / Te Hinota Whanui. It is to replace Clauses 13, 14, 15, of the present Constitution. General Synod is itself made subject to the Constitution. Some of the matters at present covered by these replaced Clauses will need to be included in new Canons or covered by changes to existing Canons.]

22. The General Synod / Te Hinota Whanui shall have full power to make all such regulations, not inconsistent with this Constitution, as it shall consider necessary for the order, good government and efficiency of this Church, and it may frame such regulations, not inconsistent with this Constitution, as shall be found necessary from time to time for the management

of property, for the government of people holding office or receiving emoluments, for the administration of trusts and such other purposes generally as may seem expedient.

[NOTE: Cl. 23 - This Clause follows Clause 16 of the present Constitution. Some changes will need to be made to Title D. Questions of jurisdiction will have to be settled. For example, Clause 2.5 of Title D Canon 1 provides that it is that of the Diocese in which the Minister or Office-bearer holds office.]

23. The General Synod / Te Hinota Whanui shall establish a Tribunal or Tribunals for the purpose of deciding all questions of Doctrine and Discipline and may establish a Court or Courts of Appeal from the decision of any such tribunal.

[NOTE: Cl. 24 - This Clause is a restatement of Clause 21 as at present in the Constitution.]

24. Any Regulation assented to by all the Diocesan Synods and Te Runanga o Te Pihopatanga with a view to its acquiring the force of a Regulation of General Synod / Te Hinota Whanui shall be taken and deemed to be and shall have the force of a Regulation of General Synod / Te Hinota Whanui.

PROVIDED always that no such Regulation may alter or repeal any provision of this Constitution.

[NOTE: Cl. 25 - This provision is the first sentence of Clause 23 of the present Constitution, with a change from "Primate" to the name "the Presiding Bishop" or its alternate "Te Pihopa Matamua". It would require consequential changes to the Canons wherever the name "Primate" appears. The term "Primate" is seen as unhelpful both having regard to the functions under the Constitution and Canons which the holder of this office has, and having regard to the different status of Te Pihopatanga which is effected by these constitutional changes. The new term which is in both English and Maori is seen as helpful in these regards.]

25. One of the Bishops shall be appointed the Presiding Bishop / Te Pihopa Matamua by such procedure and with such authority as the General Synod / Te Hinota Whanui shall by Canon prescribe.

[NOTE: Cl. 26 - This Clause continues with a re-writing of part of Clause 23 of the present Constitution. The term

Senior Bishop is eliminated in favour of the term Acting Presiding Bishop / Te Pihopa Matamua, and the selection of that Bishop is changed. Clause 3.16 of Title A Canon 1 refers]

26. If the office of Presiding Bishop / Te Pihopa Matamua be vacant, or if the holder of that office be absent from New Zealand or Polynesia or for any other cause be unable to act, then the duties of the Presiding Bishop / Te Pihopa Matamua, under Clauses 40, 41, and 44 of this Constitution shall be performed by the Acting Presiding Bishop / Te Pihopa Matamua, who shall be the bishop then in New Zealand or Polynesia and able and willing to act, who is the senior of Te Pihopa o Aotearoa, any Pihopa-a-Rohe and the Diocesan Bishops or failing all them the senior of any Assistant Bishops, with seniority in each case being determined by the date of episcopal ordination.

[NOTE: Cl. 27 - This Clause is a restatement in modified form of Clause 25 as at present in the Constitution.]

27. No doctrines which are repugnant to the Doctrines and Sacraments of Christ as held and maintained by this Church shall be advocated or inculcated by any person acknowledging the authority of General Synod / Te Hinota Whanui or with the use of funds or property held under the authority of General Synod / Te Hinota Whanui.

PROVIDED THAT joint or shared use of funds or property in common with other Christian Churches which use shall be approved by the Bishop and Standing Committee of the Diocese concerned or by Te Pihopa o Aotearoa and Te Runanga Whaiti shall not be a breach hereof.

[NOTE: Cl. 28 - This Clause picks up Clauses 12 and 26 of the present Constitution. It has been rewritten to cover members of vestries, boards and commissions and other bodies. The form of Declaration has been amended so that the person signing it is required to accept the authority of General Synod / Te Hinota Whanui only to the extent that it relates to the particular office or membership in question. For example, a Presbyterian appointed to membership of say a Trust Board should be able to sign the new form and would be required to do so. The present two provisos to Clause 26 are therefore dropped.]

28. No person shall hold any licence or permission under the authority of the General Synod / Te Hinota Whanui or hold any office under that authority or be entitled to receive any income emolument or benefit from and out of any property held under that authority unless and until a declaration of adhesion and submission to the authority of the General Synod / Te Hinota Whanui shall have been signed by such person in the form set out at the end

of this Clause or in words to the like effect. Office shall be interpreted to include membership of any synod, runanga, vestry, board, commission, council, or other similar body under the authority of the General Synod / Te Hinota Whanui. Any such membership or office shall be vacated or licence or permission terminated upon the holder thereof declining or failing to sign such declaration when required to do so by any person or persons acting under the authority of the General Synod / Te Hinota Whanui.

[NOTE: - This sets out the Declaration presently found in Clause 26 of the Constitution but with the Declaration being limited to only those obligations which relate to the office or membership in question.]

DECLARATION OF ADHESION AND SUBMISSION TO THE ANGLICAN CHURCH IN AOTEAROA, NEW ZEALAND AND POLYNESIA.

I, A.B. DO DECLARE my submission to the authority of the General Synod / Te Hinota Whanui of this Church established by a Constitution agreed to on the 13th day of June 1857 and as subsequently revised and amended from time to time and to all the provisions of the Constitution from time to time in force to the extent that that authority and those provisions relate to the office of..... / membership of ..... and to any other office or membership I may at any time hold.

AND I further consent to be bound by all the regulations which may from time to time be issued by the authority of the General Synod / Te Hinota Whanui in relation to any such office or membership so long as I hold it;

AND I hereby undertake in consideration of my holding any such office or membership immediately to resign that office or membership together with all the rights and emoluments appertaining thereto whenever I shall be called upon so to do by the General Synod / Te Hinota Whanui or by any person or persons lawfully acting under its authority in that behalf.

Given under my hand this                    day of                    in the presence of:

[NOTE: Cl. 29 - This Clause is a restatement of Clause 27 as at present in the Constitution.]

29. Any doubt which shall arise in the interpretation of the Constitution for the time being of this Church shall be submitted for final decision to the General Synod / Te Hinota Whanui or to some Tribunal established by it in that behalf.

[NOTE: Cl. 30 - This Clause replaces Clause 28 as at present in the Constitution.]

The proviso is different, first in that the assent of a majority of the Diocesan Synods is required, and secondly in that the assent of Te Runanga o Te Pihopatanga o Aotearoa is required, thus entrenching the Constitution including the principles of partnership and bicultural development as elsewhere expressed in this draft Constitution.]

30. It shall be lawful for the General Synod / Te Hinota Whanui to alter amend or repeal all or any of the provisions hereof save and except those which have been hereinbefore declared to be FUNDAMENTAL PROVISIONS,

PROVIDED always that no such alteration shall be made until it shall have been first proposed in one General Synod / Te Hinota Whanui and been assented to by a majority of the several Diocesan Synods and by Te Runanga o Te Pihopatanga and finally agreed to in the meeting of the General Synod / Te Hinota Whanui next ensuing.

## PART B - O TE PIHOPATANGA O AOTEAROA

[NOTE: Cl. 31 - This is a new provision recognising Te Pihopatanga o Aotearoa and declaring its responsibility and powers. It should be read with Clauses 33 and 35 below. This Clause 31 and Clauses 33 and 35 express fully in the Constitution what is now only partly expressed in Clause 2 of and other parts of Title A Canon IV and in Title B Canon XIII. It is part of the expression in the Constitution of the principle of bicultural development.]

31. Within this Church Te Pihopatanga o Aotearoa has responsibility for provision of ministry to and among Maori including not only persons with Maori ancestry but all others who wish to be ministered to within Tikanga Maori. Te Pihopatanga has power to structure and organise itself in such manner as it shall from time to time determine, including power to create and work through Rohe and other subdivisions and to create episcopal offices.

[NOTE: Cl. 32 - This likewise is part of the expression in the Constitution of the principle of partnership.]

32. Te Pihopatanga o Aotearoa as a whole and through its constituent parts shall function in partnership with the Dioceses together and severally and their constituent parts.

[NOTE: Cl. 33 - This is new and in conjunction with Clause 35 below creates the autonomy desired to implement the principle of bicultural development. Most if not all of Title B Canon XIII would be repealed.]

33. For the purposes of carrying into effect the objects of these presents in Te Pihopatanga o Aotearoa there shall be a representative Governing Body or Te Runanga o Te Pihopatanga o Aotearoa, consisting of representatives of the three Orders within Te Pihopatanga o Aotearoa, and any decision of such representative governing body shall be assented to by Te Pihopa.

PROVIDED THAT the General Synod / Te Hinota Whanui may by Canon make provision that will enable Te Runanga o Te Pihopatanga o Aotearoa to meet and conduct its business where the office of Te Pihopa is vacant or Te Pihopa is unable to be present or otherwise unable or unwilling to act.

PROVIDED FURTHER that the General Synod / Te Hinota Whanui may by Canon make provision that will enable any ordained minister or lay member of any other Christian Church recognised by Resolution of General Synod / Te Hinota Whanui and duly appointed to serve in or represent a cooperating parish or cooper-

ative venture to be admitted to and have a seat in the House of Clergy or House of Laity, as is appropriate, in Te Runanga o Te Pihopatanga o Aotearoa or Runanga-a-Rohe with the right to vote except when such Runanga or Runanga a-Rohe shall be acting under the following provisions, namely:

- (a) Clause 14(b) hereof (alteration to Formularies)
- (b) Clauses 37 and 38 hereof (nominating a Bishop)
- (c) Clause 30 hereof (amending this Constitution)
- (d) In respect of any proposal or matter pursuant to the Church of England Empowering Act, 1926.

[NOTE: Cl. 34 - This Clause is intended as a general power of delegation. It together with draft Clause 43 replaces Clause 17 of the present Constitution.]

34. The General Synod / Te Hinota Whanui may delegate to Te Runanga o Te Pihopatanga o Aotearoa, or to any other appropriate body within Te Pihopatanga o Aotearoa either specifically or generally as the case may require or under such general regulations as shall from time to time be laid down, any of the powers conferred upon General Synod / Te Hinota Whanui by these presents.

[NOTE: Cl. 35 - This is new. See the notes to Clause 33 above. The wording of the Clause itself follows closely the provisions of Clause 44 below relating to Diocesan Synods.]

35. Te Runanga o Te Pihopatanga o Aotearoa may within the limits and scope of its responsibilities, exercise all such powers and make all such Regulations, not inconsistent with this Constitution or with any Canon or Regulation of the General Synod / Te Hinota Whanui, as may be necessary for the order and good government of the Church in Te Pihopatanga o Aotearoa.

PROVIDED always that any person or persons aggrieved by any act or decision of Te Runanga o Te Pihopatanga o Aotearoa in any matter may appeal to the General Synod / Te Hinota Whanui or to any Board or Court of Appeal established by the General Synod / Te Hinota Whanui in that behalf and the General Synod / Te Hinota Whanui or such Court of Appeal shall finally decide such appeals.

[NOTE: Cl. 36 - This Clause together with draft Clause 45 is a restatement of Clause 22 as at present in the Constitution.]

36. The General Synod / Te Hinota Whanui shall have power to make any Regulation controlling altering repealing or superseding any Regulation which may have been made by Te Runanga o Te Pihopatanga or any Runanga-a-Rohe.

[NOTE: Cl. 37 - This Clause is new in that it does not require the nomination to be supported by the Clerical and Lay Orders voting separately and in that only General Synod / Te Hinota Whanui may sanction the nomination.]

37. Whenever it is necessary to provide a person to be Te Pihopa o Aotearoa for Te Pihopatanga o Aotearoa the Presiding Bishop / Te Pihopa Matamua shall convene and preside over an Electoral College or shall appoint a commissary to do so.

Such Electoral College shall consist of those persons entitled to vote in Te Runanga o Te Pihopatanga o Aotearoa, who may determine their own process of consultation, procedure, decision-making and nomination.

The Presiding Bishop / Te Pihopa Matamua shall submit the nomination to the General Synod / Te Hinota Whanui, and if it be sanctioned by the General Synod / Te Hinota Whanui the Presiding Bishop / Te Pihopa Matamua shall take the necessary steps for giving effect to the nomination once the nominee has declared in writing both assent to the Constitution and adhesion and submission to the authority of the General Synod / Te Hinota Whanui and has accepted the nomination.

[NOTE: Cl. 38 - This Clause is new and provides for Pihopa-a-Rohe. Refer to draft Clause 48 for the requirements of sanctioning, assent, adhesion, submission and acceptance.]

38. Whenever it is necessary to provide a person to be a Bishop within Te Pihopatanga o Aotearoa, being a Pihopa-a-Rohe, Te Pihopa o Aotearoa shall convene and preside over an Electoral College or shall appoint a commissary to do so.

Such Electoral College shall consist of those entitled to vote in the Runanga-a-Rohe concerned and subject to anything that may be prescribed by Te Runanga o Te Pihopatanga o Aotearoa and by the General Synod / Te Hinota Whanui such Electoral College may determine its own process of consultation, procedure, decision-making and nomination save that this shall culminate in the Electoral College by a majority of Clerical votes and a majority of Lay votes either nominating a person to become Bishop or delegating its right of nomination to any person or persons.

[NOTE: - This sets out the Declaration presently found in Clause 26 of the Constitution but with the Declaration being limited to only those obligations which relate to the office or membership in question. It follows draft Clause 28, but is repeated here as it is to be printed in Maori.]

DECLARATION OF ADHESION AND SUBMISSION TO THE ANGLICAN CHURCH IN AOTEAROA, NEW ZEALAND AND POLYNESIA.

I, A.B. DO DECLARE my submission to the authority of the General Synod / Te Hinota Whanui of this Church established by a Constitution agreed to on the 13th day of June 1857 and as subsequently revised and amended from time to time and to all the provisions of the Constitution from time to time in force to the extent that that authority and those provisions relate to the office of..... / membership of ..... and to any other office or membership I may at any time hold.

AND I further consent to be bound by all the regulations which may from time to time be issued by the authority of the General Synod / Te Hinota Whanui in relation to any such office or membership so long as I hold it;

AND I hereby undertake in consideration of my holding any such office or membership immediately to resign that office or membership together with all the rights and emoluments appertaining thereto whenever I shall be called upon so to do by the General Synod / Te Hinota Whanui or by any person or persons lawfully acting under its authority in that behalf.

Given under my hand this                      day of                      in the presence of:

## PART C - OF DIOCESES

[NOTE: Cl. 39 - This is new. Currently the Canons make some provisions for boundary changes and creation of new Dioceses but not for amalgamation.]

39. Within New Zealand, the General Synod / Te Hinota Whanui may from time to time but only with the consent of each Diocese affected, alter the boundaries of Dioceses and create new Dioceses and amalgamate Dioceses.

[NOTE: Cl. 40 - This is part of the expression in the Constitution of the principle of partnership.]

40. The Dioceses together and severally and through their constituent parts shall function in partnership with Te Pihopatanga o Aotearoa and its constituent parts.

[NOTE: Cl. 41 - This Clause seeks to incorporate in modified and comprehensive form the provisions of Clause 19 of the present Constitution. It would no longer be mandatory for a Diocesan Synod to be similar to the General Synod in constitution and mode of procedure and much of Title B Canon 11 could be made optional. It does incorporate a provision for the specific assent of the Diocesan Bishop to any decision.]

41. For the purposes of carrying into effect the objects of these presents in each Diocese there shall be a representative Governing Body or Diocesan Synod, consisting of representatives of the three Orders within such Diocese, and any decision of any such representative governing body shall be assented to by the Diocesan Bishop.

PROVIDED THAT the General Synod / Te Hinota Whanui may by Canon make provision that will enable a Diocesan Synod to meet and conduct its business in any case where the office of Diocesan Bishop is vacant or any Diocesan Bishop is unable to be present or otherwise unable or unwilling to act.

PROVIDED FURTHER that the General Synod / Te Hinota Whanui may by Canon make provision that will enable any ordained minister or lay member of any other Christian Church recognised by Resolution of General Synod / Te Hinota Whanui and duly appointed to serve in or represent a cooperating parish or cooperative venture to be admitted to and have a seat in the House of Clergy or House of Laity, as is appropriate, in any Diocesan Synod with the right to vote except when any such Synod shall be acting under the following provisions namely:

- (a) Clause 14(b) hereof (alteration to Formularies)
- (b) Clauses 46 to 48 hereof (nominating a Bishop)
- (c) Clause 30 hereof (amending this Constitution)
- (d) In respect of any proposal or matter pursuant to The Church of England Empowering Act, 1928.

[NOTE: Cl. 42 - This provision is new and permissive. There is debate as to whether it is required at all.]

42. A representative body of the several Dioceses within New Zealand may meet in Synodical Conference, which conference shall consist of three distinct orders viz. Bishops Clergy and Laity.

[NOTE: Cl. 43 - This Clause is intended as a general power of delegation. It together with draft Clause 34 replaces Clause 17.]

43. The General Synod / Te Hinota Whanui may delegate to any Synodical Conference, Diocesan Synod or to any Board, commission or other body either specifically or generally as the case may require or under such general regulations as shall from time to time be laid down, any of the powers conferred upon General Synod / Te Hinota Whanui by these presents.

[NOTE: Cl. 44 - This Clause is a restatement of Clause 20 of the present Constitution.]

44. Every Diocesan Synod may within the limits of such Diocese, exercise all such powers and make all such Regulations, not inconsistent with this Constitution or with any Canon or Regulation of the General Synod / Te Hinota Whanui, as may be necessary for the order and good government of the Church in such Diocese.

PROVIDED always that any person or persons aggrieved by any act or decision of any Diocesan Synod in any matter may appeal to the General Synod / Te Hinota Whanui or to any Board or Court of Appeal established by the General Synod / Te Hinota Whanui in that behalf and the General Synod / Te Hinota Whanui or such Court of Appeal shall finally decide such appeals.

[NOTE: Cl. 45 - This Clause together with draft Clause 36 is a restatement of Clause 22 as at present in the Constitution.]

45. The General Synod / Te Hinota Whanui shall have power to make any Regulation controlling altering repealing or superseding any Regulation which may have been made by any Synodical Conference or Diocesan Synod.

[NOTE: Cl. 46 - 48 - This is a re-writing of part of Clause 23 of the present Constitution. The term Electoral Synod is eliminated in favour of the term Electoral College which can then be applied to all bodies meeting to nominate a bishop. Further re-drafting may be required depending upon any change desired after the recommendations of the Commission on the procedure for sanctioning nominations are known.]

46. When it is necessary to provide a person to be a Diocesan Bishop the Presiding Bishop / Te Pihopa Matamua shall convene and preside over an Electoral College or shall appoint a commissary to do so. An Electoral College shall consist of those persons entitled to Clerical Votes and to Lay Votes in the Synod of the Diocese concerned.

Subject to anything which may be prescribed by the General Synod / Te Hinota Whanui, each Electoral College may determine its own process of consultation, procedure, decision-making and nomination save that this shall culminate in the Electoral College by a majority of Clerical votes and a majority of Lay votes either nominating a person to become the Bishop or delegating its right of nomination to any person or persons.

47. The procedure for nominating a person to become a bishop other than one who is to be a Diocesan Bishop, or Te Pihopa o Aotearoa, or Pihopa-a-Rohe, shall be prescribed by the General Synod / Te Hinota Whanui but shall include the same requirements of sanctioning and of assent and of adhesion and submission and of acceptance as stated in Clause 48 of this Constitution.

48. The Presiding Bishop / Te Pihopa Matamua shall submit the nomination of any person to be a Bishop (other than to be Te Pihopa o Aotearoa) to the General Synod / Te Hinota Whanui if in session or otherwise to the Standing Committees of the Dioceses and Te Runanga Whaiti o Te Pihopatanga o Aotearoa.

If the nomination is sanctioned by the General Synod / Te Hinota Whanui or by a majority of the Standing Committees and Te Runanga Whaiti, the Presiding Bishop / Te Pihopa Matamua shall take the necessary steps for giving effect to the nomination once the nominee has declared in writing both assent to the Constitution and adhesion and submission to the authority of the General Synod / Te Hinota Whanui and has accepted the nomination.

#### PART D - OF THE DIOCESE OF POLYNESIA

[NOTE: Cl. 49 - This is new. It is also tentative pending the report from the Commission considering the relationship of the Diocese of Polynesia to the Church.]

49. The Diocese of Polynesia may with the concurrence of the General Synod / Te Hinota Whanui subdivide itself into several Dioceses and thereafter with the like concurrence those several Dioceses may alter their respective boundaries and further subdivide and amalgamate.

#### PART E - GENERAL

[NOTE: Cl. 50, 51 - These repeat with some changes but divided into two Clauses, the present Clause 29. The word "Clergyman" is omitted because it is no longer in the Canons and it does not appear in this draft Constitution. All bishops are excluded from the meaning of the term "Clergy".]

50. In this Constitution and in the Code of Canons if not inconsistent with the context thereof or by express words excluded all words and phrases referring to the diaconate, priesthood and episcopate, and in particular, but without limiting the generality hereof the words "Bishop", "Priest", "Deacon", "Curate", "Pastor", "Vicar" and "Minister", shall be capable of including females. The use in any of the Formularies of the Church of words importing females may, consistently with the above provision and when the occasion and circumstances require, be substituted for words importing males.

51. In this Constitution and in the Code of Canons if not inconsistent with the context thereof respectively and unless there are clear words to exclude or restrict such meaning the words and phrases following shall severally have the meanings hereinafter stated, namely,

Words importing the singular number include the plural number and words importing the plural number include the singular number.

Words importing the masculine or female gender include the female or masculine gender as the case may be.

"Clergy" includes all persons in Holy Orders who shall hold any spiritual charge or cure or a Bishop's licence or permission to officiate in this Church, but shall not include a Bishop.

# Revised Draft Constitution Presented to a Special Session General Synod, November 1990

Church of the Province of New Zealand, Proceedings of a Special Session of the 49<sup>th</sup>  
General Synod, Wellington, 15-18 November 1990, pp.S.9-S.26a.

## STATUTE 509

### TO AMEND THE CONSTITUTION

#### WHEREAS

1. At a General Conference held at Auckland on the 13th day of June 1857, the Bishops and certain clergy and laity representing a numerous body of members of the Church agreed to a Constitution to unite those members together by voluntary compact;
2. The said Constitution has from time to time been revised and amended by the General Synod in the manner provided in the Constitution;
3. The General Synod at its meeting at Rotorua in 1986 set up a Bicultural Commission to report upon and recommend amendments to the Constitution in order "that the Constitution of the Province be revised so that:
  - (i) the Preamble reflects the growth of the Church in New Zealand from 1814 to the present day;
  - (ii) the principles of partnership and bicultural development are expressed and entrenched;
  - (iii) the provisions of the Church of England Empowering Act 1928 are incorporated and Te Pihopatanga o Aotearoa and Te Runanga o Te Pihopatanga o Aotearoa are involved in the same way as Diocesan Bishops and Synods;"
4. The Provincial Bicultural Commission on Revision of the Constitution - Te Rōpu Whakatika i te Pouhere o te Hāhi Mihinare reported to General Synod at Napier in May 1988, and its brief was enlarged and membership varied, with instructions to consult widely on its proposals and report to a combined meeting or Hui of the General Synod and Te Runanga o Te Pihopatanga o Aotearoa;
5. The Commission presented a Report and recommendations to the several Dioceses in New Zealand, Te Pihopatanga o Aotearoa and the Diocese of Polynesia in July 1989 for study and comment back to the Commission;
6. The Commission received numerous submissions on its Report and proposals and presented a Final Report and Proposals for the Revision of the Constitution to General Synod and a General Conference or Joint Hui of General Synod and Te Runanga o Te Pihopatanga o Aotearoa meeting at Wellington in November 1990;

AND WHEREAS General Synod and Te Runanga o Te Pihopatanga o Aotearoa are agreed upon amendments to the Constitution in order to

- (i) Reflect the growth of the Church within the Province from 1814 to the present day;
- (ii) Express and entrench principles of partnership and bicultural development;

- (iii) Recognise and make appropriate provision for the unique character and diverse cultures of the Diocese of Polynesia;
- (iv) Incorporate certain provisions of the Church of England Empowering Act 1928;

**BE IT THEREFORE ENACTED** by the Bishops, Clergy and Laity of the Church of the Province of New Zealand in General Synod assembled as follows:

1. The short title of this statute shall be "The Constitution Amendment Statute 1990".
2. The Constitution is hereby amended by repealing the Preamble thereto and substituting therefor the words contained in the First Schedule hereto, to the intent that such words shall constitute the Preamble to the Constitution.
3. (a) The Fundamental Provisions in Māori as contained in Section 1 of the Second Schedule hereto are hereby inserted alongside the Fundamental Provisions presently printed in the Constitution in English.  
(b) The words contained in Section II of the Second Schedule hereto are hereby inserted immediately preceding the Fundamental Provisions.
4. The Constitution is hereby amended by repealing clauses 7 to 29 thereof (both inclusive), being the provisions in the Constitution not Fundamental, and substituting therefor the clauses and provisions contained in the Third Schedule hereto.
5. The Constitution, having been first approved in te reo Māori by Te Pīhopa o Aotearoa after consultation with Te Runanga Whāiti, is hereby declared to be equally authentic in Māori and in English.
6. This statute shall be made known to the several Diocesan Synods and to Te Pīhopatanga o Aotearoa as provided by clause 28 of the Constitution.

## SCHEDULES

### FIRST SCHEDULE

[The First Schedule of the Statute consists of those words to be found on pages 1 to 14 inclusive of the blue-covered wire-bound booklet entitled.

"TE POUHERE" - "CONSTITUTION" (as first adopted 18 November 1990).

an official copy of which is attached to the Minute Book of the Committee of the General Synod, and signed for identification purposes by the Provincial Secretary, and the Chairperson of the Committee of General Synod.]

### SECOND SCHEDULE

[The Second Schedule of the Statute is in two parts.

Section I consists of the words in te reo Māori under the heading NGA RITENGA PUMAU on pages 15 and 17 of the above-described booklet.

Section II consists of the words in te reo Māori on page 19 of the above-described booklet, under the heading WAHANGA A, and the words in English on page 20 under the heading PART A.

Please note carefully that the words in English on pages 16 and 18 under the heading THE FUNDAMENTAL PROVISIONS do not form part of this schedule, as they have remained part of the Constitution, unaltered. They have been printed in this form in order that the full text of the Constitution, as revised, is available to the Church.]

### THIRD SCHEDULE

[The Third Schedule of the Statute consists of those words to be found on pages 21 to 70 inclusive of the above-described booklet.]

I certify that this Statute was passed by the General Synod on the 18th day of November 1990. As witness my hand this 2nd day of March 1991.

+ Brian Davis President

CONSTITUTION OF THE ANGLICAN CHURCH  
IN AOTEAROA, NEW ZEALAND AND POLYNESIA

WHEREAS (1) the Church is the body of which Christ is the head and all baptised persons are members, believing that God is one and yet revealed as Father, Son and Holy Spirit - a Holy Trinity, and

- (a) lives to be the agent and sign of the Kingdom of God,
- (b) is called to offer worship and service to God in the power of the Holy Spirit and
- (c) as the community of faith, provides for all God's people the turangawaewae, the common ground;

AND WHEREAS (2) the Church

- (a) is **ONE** because it is one body, under one head, Jesus Christ,
- (b) is **HOLY** because the Holy Spirit dwells in its members and guides it in mission,
- (c) is **CATHOLIC** because it seeks to proclaim the whole faith to all people to the end of time and
- (d) is **APOSTOLIC** because it presents the faith of the apostles and is sent to carry Christ's mission to all the world;

AND WHEREAS (3) the mission of the Church includes

- (a) proclaiming the Gospel of Jesus Christ,
- (b) teaching, baptising and nurturing believers within eucharistic communities of faith,
- (c) responding to human needs by loving service and
- (d) seeking to transform unjust structures of society, caring for God's creation, and establishing the values of the Kingdom;

AND WHEREAS (4) the Church, in striving to express the perfect oneness prayed for by Christ, and affirming the transforming power of the Gospel,

- (a) advances its mission,
- (b) safeguards and develops its doctrine and
- (c) orders its affairs,

within the different cultures of the peoples it seeks to serve and bring into the fullness of Christ;

AND WHEREAS (5) this Church has developed in New Zealand from its beginnings when Ruatara introduced Samuel Marsden to his people at Oihi in the Bay of Islands in 1814, first in expanding missionary activity as Te Hāhi Mihinare in the medium of the Māori language and in the context of tikanga Māori, initially under the guidance of the Church Missionary Society, and secondly after  
[Preambles]

-S.12(a)-

the arrival of George Augustus Selwyn in 1842 as a Bishop of the United Church of England and Ireland spreading amongst the settlers in the medium of the English language and in the context of their heritage and customs and being known as the Church of England, so leading to a development along two pathways which found expression within tikanga Māori and tikanga Pākehā;

AND WHEREAS (6) by the Treaty of Waitangi, signed in 1840, the basis for future government and settlement of New Zealand was agreed, which Treaty implies partnership between Māori and settlers and bicultural development within one nation;

AND WHEREAS (7) in 1840 there was also recognised the freedom of the inhabitants of New Zealand to hold and practise their religious faith within the several branches of the Church then present, or according to their own customs;

AND WHEREAS (8) on the 13th day of June in the year of our Lord, 1857, at a General Conference held at Auckland, the Bishops and certain of the Clergy and Laity representing a numerous body of the members of the said United Church, and including Missionary clergy but without direct Māori participation or the inclusion of tikanga Māori, agreed to a Constitution for the purpose of associating together by voluntary compact as a branch of the said United Church for the ordering of the affairs, the management of the property, the promotion of the discipline of the members thereof and the inculcation and maintenance of sound Doctrine and true Religion to the Glory of Almighty God and the edification and increase of the Church of Christ;

AND WHEREAS (9) this Constitution declares the Doctrine and Sacraments which the Church holds and maintains, and provides for a Representative Governing Body within the heritage and custom of the participants in the 1857 General Conference for the management of the affairs of the said Branch of the Church, to be called the General Synod;

AND WHEREAS (10) Clause Three of the Constitution made provision for the said Branch to frame new and modify existing rules (not affecting doctrine) with a view to meeting the circumstances of the settlers and of the indigenous people of Aotearoa / New Zealand;

AND WHEREAS (11) after the continuing development of Te Hāhi Mihinare the first Bishop of Aotearoa was appointed in 1928, and a measure of autonomy as Te Pīhopatanga o Aotearoa was provided in 1978, and new forms of mission and ministry have emerged;

AND WHEREAS (12) the principles of partnership and bicultural development require the Church to

- (a) organise its affairs within each of the tikanga (social organisations, language, laws, principles, and procedure) of each partner;
- (b) be diligent in prescribing and in keeping open all avenues leading to the common ground;
- (c) maintain the right of every person to choose any particular cultural expression of the faith;

AND WHEREAS (13) Te Runanga o Te Pīhopatanga o Aotearoa and the General Synod, meeting together in a General Conference in November 1990, covenanted with each other and agreed to certain amendments and revisions of the Constitution to implement and entrench the principles of partnership between Māori and Pākehā and bicultural development and to incorporate and extend the principal provisions of the Church of England Empowering Act, 1928;

AND WHEREAS (14) before 1857, the Church had already established missions among the peoples of Melanesia and then provided in the Constitution to be associated with any missionary Dioceses which may be formed in the Pacific, this leading in 1975 to the formation of the Church of Melanesia;

[Preambles]

-S.13(a)-

AND WHEREAS (15) in 1925 the Diocese of Polynesia became an Associated Missionary Diocese following the pioneering ministry of the Anglican Priest, William Floyd, begun in Fiji in 1870, and in 1990 became a full, equal and integral Diocese in the life of the Province, and at the General Synod following the General Conference in November of that year was acknowledged to be a partner in this Church;

AND WHEREAS (16) the said Church of England Empowering Act, 1928, of the New Zealand Parliament conferred certain powers in substitution for the powers purporting to be conferred by Clauses two, three and four of the Constitution;

AND WHEREAS (17) the Church entered into an Act of Commitment in 1967 with the Presbyterian Church of New Zealand, the Methodist Church of New Zealand, the Associated Churches of Christ and the Congregational Union in New Zealand; in 1986 accepted the principle of Unity by Stages; and, continues to pray and work for the unity which Christ wills;

AND WHEREAS (18) this Church is part of and belongs to the Anglican Communion, which is a fellowship of duly constituted Dioceses, Provinces or Regional Churches in communion with the See of Canterbury, sharing with one another their life and mission in the spirit of mutual responsibility and interdependence;

NOW THEREFORE the Bishops Clergy and Laity in General Synod assembled DO SOLEMNLY DECLARE AFFIRM and establish as follows:

[Preambles]

## PART A

This Anglican Church in Aotearoa, New Zealand and Polynesia is made up of Te Pihopatanga o Aotearoa, Dioceses in New Zealand, and the Diocese of Polynesia.

The Fundamental Provisions as set forth for this Church in the Constitution adopted by voluntary compact on the 13th day of June, 1857 at the General Conference held at Auckland, and as here set forth, have effect and are applicable to and within this Church.

Nothing expressed or implied in any other part of the Constitution shall detract from or diminish the full force and effect of the provisions of Clauses One, Five and Six of the Constitution (the powers conferred by the Church of England Empowering Act, 1928, being in substitution for the powers purporting to be conferred by Clauses Two, Three and Four of the Constitution) and the provisions of the said Act, and in the event of any conflict or doubt the provisions of the said Clauses One, Five and Six and the said Act shall prevail.

[Part A]

## THE FUNDAMENTAL PROVISIONS

1. This Branch of the United Church of England and Ireland in New Zealand doth hold and maintain the Doctrine and Sacraments of CHRIST as the LORD hath commanded in His Holy Word, and as the United Church of England and Ireland hath received and explained the same in the Book of Common Prayer, in the Form and Manner of Making, Ordaining, and Consecrating of Bishops, Priests, and Deacons, and in the Thirty-nine Articles of Religion. And the General Synod hereinafter constituted for the government of this Branch of the said Church shall also hold and maintain the said Doctrine and Sacraments of CHRIST, and shall have no power to make any alteration in the authorised version of the Holy Scriptures, or in the above-named Formularies of the Church: (1857)
2. PROVIDED THAT nothing herein contained shall prevent the General Synod from accepting any alteration of the above-named formularies and Version of the Bible as may from time to time be adopted by the United Church of England and Ireland, with the consent of the Crown and of Convocation. (1857)
3. PROVIDED ALSO THAT in case a Licence be granted by the Crown to this Branch of the Church of England to frame new and modify existing rules (not affecting doctrine) with the view of meeting the peculiar circumstances of this Colony and native people, it shall be lawful for this Branch of the said Church to avail itself of that liberty. (1857)

-S.14(a)-

- i. AND WHEREAS opinions have been expressed by eminent legal authorities in England that the property of the Church in New Zealand might be placed in jeopardy, unless provision were made for the contingency of a separation of New Zealand from the Mother Country, and for that of an alteration in the existing relations between Church and State; it is hereby further declared that, in the event of a separation of the Colony of New Zealand from the Mother Country, or of a separation of the Church from the State in England and Ireland, the General Synod shall have full power to make such alterations in the Articles, Services, and Ceremonies of this Branch of the United Church of England and Ireland in New Zealand as its altered circumstances may require, or to make such alterations as it may think fit in the authorised version of the Bible. (1857)

And the said BISHOPS, CLERGY, and LAITY do further declare and establish as follows:

5. There shall be a Representative Governing Body for the management of the affairs of the Church to be called the General Synod of the Branch of the United Church of England and Ireland, in the Colony of New Zealand, which shall consist of three distinct Orders, viz.: the BISHOPS, the CLERGY, and the LAITY, the consent of all of which Orders shall be necessary to all acts binding upon the Synod, and upon all persons recognizing its authority. (1857)
6. The above Provisions shall be deemed FUNDAMENTAL, and it shall not be within the power of the General Synod, or of any Diocesan Synod, to alter, revoke, add to, or diminish any of the same. (1857)

[Fundamental Provisions]

And the said BISHOPS, CLERGY, and LAITY in General Synod assembled do further declare and establish as follows:

## FURTHER PROVISIONS

### PART B

Subject to the provisions of the Church of England Empowering Act, 1928 and to the Fundamental Provisions -

1. This Church holds and maintains the Doctrine and Sacraments of Christ as the Lord has commanded in Holy Scripture and as explained in
- The Book of Common Prayer 1662
  - Te Rawiri
  - The Form and Manner of Making, Ordaining, and Consecrating Bishops, Priests and Deacons
  - The Thirty Nine Articles of Religion
  - A New Zealand Prayer Book - He Karakia Mihinare o Aotearoa
2. The General Synod (also known as Te Hīnota Whānui) shall also hold and maintain the said Doctrine and Sacraments of Christ.
3. The General Synod / Te Hīnota Whānui shall have no power to make any alteration to the Authorised Version of the Holy Scriptures, being the version of the Holy Bible first published in England in the Year of our Lord 1611, or to Ko Te Paipera Tapu, but may order or permit the use in public worship of other versions in the manner hereinafter mentioned.
4. The General Synod / Te Hīnota Whānui shall have no power to make any alteration to the Formularies being the Book of Common Prayer, the Ordinal and the Articles mentioned in the Fundamental Provisions of this Constitution as already duly altered, added to or diminished and any Formularies which have been duly framed or adopted except in the manner hereinafter mentioned.

[Part B]

-S.15(a)-

5. It shall be lawful for the General Synod / Te Hīnota Whānui from time to time in such way and to such extent as may seem to it expedient, but subject to the provisions in this Constitution and in the said Act, to alter, add to, or diminish the Formularies, or any one or more of them, or any part or parts thereof, or to frame or adopt for use in the Church or in any part of it new Formularies in lieu thereof or as alternative thereto or of or to any part or parts thereof and to order or permit the use in public worship of a version or versions other than the Authorised Version of the Bible or of any part or parts thereof:

**Provided that** the provisions of this Clause shall not empower or be deemed to empower the General Synod / Te Hīnota Whānui to depart from the Doctrine and Sacraments of Christ as defined in the Fundamental Provisions of this Constitution.

6. Such alteration, addition, diminution, framing, adoption, ordering, or permitting shall be deemed to be duly and validly made and to be authorised by Clause 5 of Part B of this Constitution only if -

- (a) The General Synod / Te Hīnota Whānui shall at any session have adopted a specific proposal for such alteration, addition, diminution, framing, adoption, ordering, or permitting with a view to making the same known to the several Diocesan Synods and to Te Runanga o Te Pīhopatanga o Aotearoa; and thereafter
- (b) Te Runanga o Te Pīhopatanga o Aotearoa, the Diocese of Polynesia and a majority of the Diocesan Synods in New Zealand shall have assented to the proposal so made known to them; and thereafter
- (c) The General Synod / Te Hīnota Whānui at a session after there shall have been a fresh General Election of its members subsequent to such proposal having been adopted, shall have confirmed the same by a majority of two-thirds of the members in each order.

**Provided that** not less than one year nor more than five years shall have elapsed between the first adoption of the proposal in the General Synod / Te Hīnota Whānui and its final confirmation therein; and

- (d) Such of the provisions of Title C, Canon I, of the Canons of the General Synod now in force (or any provisions hereafter made by the General Synod / Te Hīnota Whānui in amendment thereof or in substitution therefor) as are applicable to the circumstances, *mutatis mutandis*, shall have been observed; and
- (e) Either -
  - (i) A period of one year (from the day on which the General Synod / Te Hīnota Whānui shall under paragraph (c) of this section have confirmed the proposal) shall have elapsed without an appeal from the said proposal having been made in accordance with section five of the said Act to the Tribunal referred to in that section upon the ground that the proposal involves a departure from the Doctrine and Sacraments of Christ as defined in the Fundamental Provisions of this Constitution; or
  - (ii) If such an appeal shall have been made within such period, the same shall have been dismissed.

[Part B]

-S.16(a)-

## PROVISIONS NOT FUNDAMENTAL

### PART C

1. There shall be a meeting of the General Synod / Te Hīnota Whānui in every alternate year, dating from the Year of our Lord 1990 at such time and place as shall from time to time be prescribed in that behalf by the General Synod / Te Hīnota Whānui.
2. A fresh General Election shall take place before each biennial meeting of the General Synod / Te Hīnota Whānui, in such manner as may be prescribed from time to time in that behalf by the General Synod / Te Hīnota Whānui.
3. In accordance with Clause 5 of the Fundamental Provisions of this Constitution, each Diocese in New Zealand shall be entitled to be represented in the General Synod / Te Hīnota Whānui in each of the Orders of Bishops, Clergy and Laity. The representatives of each Order shall be elected by their respective Orders in each Diocese in such manner as that Diocese may determine. Each Diocese shall be entitled to be represented by one or more bishops, three members of the Clergy and four members of the Laity. An additional number of representatives of one or more of the three Orders may be elected by some dioceses as may be determined by the General Synod / Te Hīnota Whānui from time to time.
4. In accordance with Clause 5 of the Fundamental Provisions of this Constitution, Te Pīhopatanga o Aotearoa shall be entitled to be represented in the General Synod / Te Hīnota Whānui in each of the Orders of Bishops, Clergy and Laity. The representatives of each Order shall be elected by their respective Orders in Te Pīhopatanga in such manner as Te Pīhopatanga may determine.

Te Pīhopa o Aotearoa shall in the calendar year preceding each ordinary session of the General Synod / Te Hīnota Whānui advise the Primate / Te Pīhopa Mātāmua of the number of members of each Order who shall represent Te Pīhopatanga o Aotearoa at the next ensuing session of the General Synod / Te Hīnota Whānui.

5. In accordance with Clause 5 of the Fundamental Provisions of this Constitution, the Diocese of Polynesia shall be entitled to be represented in the General Synod / Te Hīnota Whānui in each of the Orders of Bishops, Clergy and Laity. The representatives of each Order shall be elected by their respective Orders in the Diocese of Polynesia in such manner as that Diocese may determine.

The Bishop in Polynesia shall in the calendar year preceding each ordinary session of the General Synod / Te Hīnota Whānui advise the Primate / Te Pīhopa Mātāmua of the number of members of each Order who shall represent that Diocese at the next ensuing session of the General Synod / Te Hīnota Whānui.

6. Every act of the General Synod / Te Hīnota Whānui shall be assented to by a majority of the members of each of the three orders; it having been previously assented to by a majority of the representatives of Te Pīhopatanga o Aotearoa, by a majority of the representatives of the Diocese of Polynesia and by a majority of the representatives of the Dioceses in New Zealand who in each case were present in person and voting at a duly constituted meeting, if so requested by any member of the General Synod / Te Hīnota Whānui. If all the representatives of Te Pīhopatanga o Aotearoa, or all the representatives of the Diocese of Polynesia, or all the representatives of the Dioceses in New Zealand shall abstain from voting the act in question shall be deemed to have been assented to by a majority of those representatives.

[Part C]

-S.17(a)-

The General Synod / Te Hīnota Whānui shall determine the qualification and eligibility of all persons admissible to take part in its proceedings, and may determine the qualification and eligibility of all persons admissible to take part in the proceedings of any body recognising or under the authority of the General Synod / Te Hīnota Whānui in any manner whatsoever.

**PROVIDED THAT** every member of the General Synod / Te Hīnota Whānui shall have been baptised.

3. The General Synod / Te Hīnota Whānui may associate itself with any Dioceses which may be formed among the other islands of the Pacific Ocean upon such terms and conditions including representation on the General Synod / Te Hīnota Whānui as it may from time to time prescribe.
9. The General Synod / Te Hīnota Whānui shall have full power to make all such regulations, not inconsistent with this Constitution, as it shall consider necessary for the order, good government and efficiency of this Church, and it may frame such regulations, not inconsistent with this Constitution, as shall be found necessary from time to time for the management of property, for the government of people holding office or receiving emoluments, for the administration of trusts and such other purposes generally as may seem expedient.
10. The General Synod / Te Hīnota Whānui shall establish a Tribunal or Tribunals for the purpose of deciding all questions of Doctrine and Discipline and may establish a Court or Courts of Appeal from the decision of any such tribunal.
11. Any Regulation assented to by all the Diocesan Synods in New Zealand and in Polynesia and Te Runanga o Te Pīhopatanga with a view to its acquiring the force of a Regulation of General Synod / Te Hīnota Whānui shall be taken and deemed to be and shall have the force of a Regulation of General Synod / Te Hīnota Whānui.

**PROVIDED** always that no such Regulation may alter or repeal any provision of this Constitution.

12. One of the Bishops shall be appointed the Primate / Te Pīhopa Mātāmua by such procedure and with such authority as the General Synod / Te Hīnota Whānui shall by Canon prescribe.
13. If the office of Primate / Te Pīhopa Mātāmua be vacant, or if the holder of that office be absent from New Zealand or Polynesia or for any other cause be unable to act, then the duties of the Primate / Te Pīhopa Mātāmua under this Constitution shall be performed by the Acting Primate / Te Pīhopa Aporei, who shall be the bishop then in New Zealand or Polynesia and able and willing to act, who is the senior of the bishops in full-time active episcopal ministry, with seniority being determined by the date of episcopal ordination.
14. No doctrines which are repugnant to the Doctrines and Sacraments of Christ as held and maintained by this Church shall be advocated or inculcated by any person acknowledging the authority of General Synod / Te Hīnota Whānui or with the use of funds or property held under the authority of General Synod / Te Hīnota Whānui.

**PROVIDED THAT** joint or shared use of funds or property in common with other Christian Churches which use shall be approved by the Bishop and the Standing Committee of the Diocese concerned or by Te Pīhopa o Aotearoa and Te Runanga Whāiti or by the Standing Committee of General Synod / Te Hīnota Whānui shall not be a breach hereof.

[Part C]

-S.18(a)-

15. No person shall hold any licence or permission under the authority of the General Synod / Te Hīnota Whānui or hold any office under that authority or be entitled to receive any income emolument or benefit from and out of any property held under that authority unless and until a declaration of adherence and submission to the authority of the General Synod / Te Hīnota Whānui shall have been signed by such person in the form set out at the end of this Clause or in words to the like effect. Office shall be interpreted to include membership of any synod, runanga, vestry, board, commission, council, or other similar body under the authority of the General Synod / Te Hīnota Whānui. Any such membership or office shall be vacated or licence or permission terminated upon the holder thereof declining or failing to sign such declaration when required to do so by any person or persons acting under the authority of the General Synod / Te Hīnota Whānui.

**DECLARATION OF ADHERENCE AND SUBMISSION TO THE ANGLICAN  
CHURCH IN AOTEAROA, NEW ZEALAND AND POLYNESIA.**

I, A.B. DO DECLARE my submission to the authority of the General Synod / Te Hīnota Whānui of this Church established by a Constitution agreed to on the 13th day of June 1857 and as subsequently revised and amended from time to time and to all the provisions of the Constitution from time to time in force to the extent that that authority and those provisions relate to the office of ..... / membership of ..... and to any other office or membership I may at any time hold.

AND I further consent to be bound by all the regulations which may from time to time be issued by the authority of the General Synod / Te Hīnota Whānui in relation to any such office or membership so long as I hold it;

AND I hereby undertake in consideration of my holding any such office or membership immediately to resign that office or membership together with all the rights and emoluments appertaining thereto whenever I shall be called upon so to do by the General Synod / Te Hīnota Whānui or by any person or persons lawfully acting under its authority in that behalf.

Given under my hand this                      day of                      in the presence of:

[Part C]

-S.19(a)-

## PART D

### Of Te Pīhopatanga o Aotearoa

1. Within this Church Te Pīhopatanga o Aotearoa has responsibility for provision of ministry to those who wish to be ministered to within tikanga Māori, and for the promotion of mission within that tikanga.

Te Pīhopatanga has power to structure and organise itself in such manner as it shall from time to time determine.

2. Te Pīhopatanga o Aotearoa as a whole and through its constituent parts shall function on the basis of the covenant expressed in this Constitution and in partnership with the Dioceses in New Zealand and the Diocese of Polynesia together and severally and their constituent parts.

3. Any person or persons or organised body in the Church may under arrangements agreed to by Te Pīhopatanga o Aotearoa and any Diocese in New Zealand or the Diocese of Polynesia, be and act under the joint authority of both Te Pīhopatanga and such Diocese.

4. In order to give effect to these provisions in Te Pīhopatanga o Aotearoa there shall be a representative Governing Body or Te Runanga

[Part D]

## PART E

### Of Dioceses in New Zealand

1. Within this Church the Dioceses in New Zealand have responsibility for provision of ministry to those who wish to be ministered to within tikanga Pākeha and for the promotion of mission within that tikanga.

Each Diocese in New Zealand has power to structure and organise itself in such manner as that Diocese shall from time to time determine.

Within New Zealand, the General Synod / Te Hīnota Whānui or any body authorised by it may from time to time but only with the consent of each Diocese affected, alter the boundaries of Dioceses and create new Dioceses and amalgamate Dioceses.

2. The Dioceses in New Zealand together and severally and through their constituent parts shall function on the basis of the covenant expressed in this Constitution and in partnership with Te Pīhopatanga o Aotearoa and the Diocese of Polynesia together and severally and their constituent parts.

3. Any person or persons or organised body in the Church may under arrangements agreed to by any Diocese in New Zealand, with Te Pīhopatanga or the Diocese of Polynesia, be and act under the joint authority of such Diocese and Te Pīhopatanga or the Diocese of Polynesia.

4. A representative body of the several Dioceses within New Zealand may meet in Synodical

-S.20(a)-

[Part E]

## PART F

### Of the Diocese of Polynesia

1. The Diocese of Polynesia is a full, equal and integral Diocese in the life of this Church with responsibility for provision of ministry to those who wish to be ministered to within the tikanga of the Diocese of Polynesia, and for the promotion of mission within that tikanga.

The Diocese of Polynesia has power to structure and organise itself in such manner as it shall from time to time determine.

The Diocese of Polynesia may with the concurrence of the General Synod / Te Hīnota Whānui subdivide itself into several dioceses and thereafter with the like concurrence those several dioceses may alter their respective boundaries and further subdivide and amalgamate.

2. The Diocese of Polynesia as a whole and through its constituent parts shall function on the basis of the covenant expressed in this Constitution and in partnership with Te Pīhopatanga and the Dioceses in New Zealand together and severally and their constituent parts.

3. Any person or persons or organised body in the Church may under arrangements agreed to by the Diocese of Polynesia with Te Pīhopatanga or any Diocese in New Zealand, be and act under the joint authority of the Diocese of Polynesia and Te Pīhopatanga or such Diocese in New Zealand.

4. [reserved]

[Part F]

[Aotearoa ...

o Te Pihopatanga o Aotearoa, consisting of representatives of the three Orders within Te Pihopatanga o Aotearoa, and any decision of such representative Governing Body shall be assented to by a majority in each Order including Te Pihopa.

PROVIDED THAT Te Runanga o Te Pihopatanga o Aotearoa may make provision that will enable such representative Governing Body to meet and conduct its business where the office of Te Pihopa o Aotearoa is vacant or Te Pihopa o Aotearoa is unable to be present or otherwise unable or unwilling to act.

PROVIDED FURTHER that Te Runanga o Te Pihopatanga o Aotearoa may make provision that will enable any ordained minister or lay member of any other Christian Church recognised by Resolution of General Synod / Te Hinota Whānui and duly appointed to serve in or represent a cooperating parish or cooperative venture to be admitted to and have a seat in the House of Clergy or House of Laity, as is appropriate, in Te Runanga o Te Pihopatanga o Aotearoa with the right to vote except when such Runanga shall be acting under the following provisions, namely:

(a) Part B Clause 6(b) hereof (alteration to Formularies)

(b) Part D Clauses 9 and 10 hereof (nominating a Bishop)

(c) Part G Clause 4 hereof (amending this Constitution)

(d) In respect of any proposal or matter pursuant to The Church of England Empowering Act, 1928.

5. In order to give effect to these provisions within Te Pihopatanga o Aotearoa, Te Pihopatanga may establish representative Governing Bodies or Hui Amorangi consisting of

[Part D]

[Dioceses ...

Conference, which conference shall consist of three distinct orders viz. Bishops Clergy and Laity.

5. In order to give effect to these provisions in each Diocese there shall be a representative Governing Body or Diocesan Synod, consisting

-S.21(a)-

[Part E]

[Polynesia ...

5. In order to give effect to these provisions in the Diocese of Polynesia there shall be a representative Governing Body or Diocesan Synod, consisting of

[Part F]

[Aotearoa ...

representatives of the three Orders and any decision of such Governing Body shall be assented to by a majority in each Order in that body.

PROVIDED THAT Te Runanga o Te Pihopatanga o Aotearoa may make provision that will enable such representative Governing Body or Hui Amorangi to meet and conduct its business where the office of Pihopa is vacant or Te Pihopa is unable to be present or otherwise unable or unwilling to act.

PROVIDED FURTHER that Te Runanga o Te Pihopatanga o Aotearoa may make provision that will enable any ordained minister or lay member of any other Christian Church recognised by Resolution of General Synod / Te Hīnota Whānui and duly appointed to serve in or represent a cooperating parish or cooperative venture to be admitted to and have a seat in the House of Clergy or House of Laity, as is appropriate, in such Hui Amorangi with the right to vote except when such Hui Amorangi shall be acting under the following provisions, namely:

(a) Part B Clause 6(b) hereof (alteration to Formularies)

(b) Part D Clauses 9 and 10 hereof (nominating a Bishop)

(c) Part G Clause 4 hereof (amending this Constitution)

(d) In respect of any proposal or matter pursuant to The Church of England Empowering Act, 1928.

6. The General Synod / Te Hīnota Whānui may delegate to Te Runanga o Te Pihopatanga o Aotearoa, or to any other appropriate

[Dioceses ...

of representatives of the three Orders within such Diocese, and any decision of any such representative Governing Body shall be assented to by a majority in each Order including the Diocesan Bishop.

PROVIDED THAT the General Synod / Te Hīnota Whānui may by Canon make provision that will enable a Diocesan Synod to meet and conduct its business in any case where the office of Diocesan Bishop is vacant or any Diocesan Bishop is unable to be present or otherwise unable or unwilling to act.

PROVIDED FURTHER that the General Synod / Te Hīnota Whānui may by Canon make provision that will enable any ordained minister or lay member of any other Christian Church recognised by Resolution of General Synod / Te Hīnota Whānui and duly appointed to serve in or represent a cooperating parish or cooperative venture to be admitted to and have a seat in the House of Clergy or House of Laity, as is appropriate, in any Diocesan Synod with the right to vote except when any such Synod shall be acting under the following provisions, namely:

(a) Part B Clause 6(b) hereof (alteration to Formularies)

(b) Part E Clauses 10 and 11 hereof (nominating a Bishop)

(c) Part G Clause 4 hereof (amending this Constitution)

(d) In respect of any proposal or matter pursuant to The Church of England Empowering Act, 1928.

6. The General Synod / Te Hīnota Whānui may delegate to any Synodical Conference, Diocesan Synod or to any Board, commission

[Polynesia ...

representatives of the three Orders within such Diocese, and any decision of any such representative Governing Body shall be assented to by a majority in each Order including the Diocesan Bishop.

PROVIDED THAT such Diocesan Synod may make provision that will enable such representative Governing Body to meet and conduct its business where the office of Diocesan Bishop is vacant or the Diocesan Bishop is unable to be present or otherwise unable or unwilling to act.

PROVIDED FURTHER that the Diocesan Synod may by Canon make provision that will enable any ordained minister or lay member of any other Christian Church recognised by Resolution of General Synod / Te Hīnota Whānui and duly appointed to serve in or represent a cooperating parish or cooperative venture to be admitted to and have a seat in the House of Clergy or House of Laity, as is appropriate, in any such Diocesan Synod with the right to vote except when any such Synod shall be acting under the following provisions namely:

(a) Part B Clause 6(b) hereof (alteration to Formularies)

(b) Part F Clauses 10 and 11 hereof (nominating a Bishop)

(c) Part G Clause 4 hereof (amending this Constitution)

(d) In respect of any proposal or matter pursuant to The Church of England Empowering Act, 1928.

6. The General Synod / Te Hīnota Whānui may delegate to the Diocesan Synod of the Diocese of Polynesia, or to any

[Part D]

-S.22(a)-

[Part E]

[Part F]

[Aotearoa ...

body within Te Pihopatanga o Aotearoa either specifically or generally as the case may require or under such general regulations as shall from time to time be laid down, any of the powers conferred upon General Synod / Te Hīnota Whānui by this Constitution.

7. Te Runanga o Te Pihopatanga o Aotearoa may within the limits and scope of its responsibilities, exercise all such powers and make all such Regulations, not inconsistent with this Constitution or with any Canon or Regulation of the General Synod / Te Hīnota Whānui, as may be necessary for the order and good government of the Church in Te Pihopatanga o Aotearoa.

PROVIDED always that any person or persons aggrieved by any act or decision of Te Runanga o Te Pihopatanga o Aotearoa in any matter may appeal to the General Synod / Te Hīnota Whānui or to any Board or Court of Appeal established by the General Synod / Te Hīnota Whānui in that behalf and the General Synod / Te Hīnota Whānui or such Court of Appeal shall finally decide such appeals.

8. The General Synod / Te Hīnota Whānui shall have power to make any Regulation controlling altering repealing or superseding any Regulation which may have been made by Te Runanga o Te Pihopatanga o Aotearoa or by any Hui Amorangi.

9. Whenever it is necessary to provide a person to be Te Pihopa o Aotearoa for Te Pihopatanga o Aotearoa the Primate / Te Pihopa Mātāmua shall convene and preside over an Electoral College or shall appoint a commissary to do so.

Such Electoral College shall consist of those persons entitled to vote in

[Dioceses ...

or other body either specifically or generally as the case may require or under such general regulations as shall from time to time be laid down, any of the powers conferred upon General Synod / Te Hīnota Whānui by this Constitution.

7. Every Diocesan Synod may within the limits of such Diocese, exercise all such powers and make all such Regulations, not inconsistent with this Constitution or with any Canon or Regulation of the General Synod / Te Hīnota Whānui, as may be necessary for the order and good government of the Church in such Diocese.

PROVIDED always that any person or persons aggrieved by any act or decision of any Diocesan Synod in any matter may appeal to the General Synod / Te Hīnota Whānui or to any Board or Court of Appeal established by the General Synod / Te Hīnota Whānui in that behalf and the General Synod / Te Hīnota Whānui or such Court of Appeal shall finally decide such appeals.

8. The General Synod / Te Hīnota Whānui shall have power to make any Regulation controlling altering repealing or superseding any Regulation which may have been made by any Synodical Conference or Diocesan Synod.

9. [reserved]

[Polynesia ...

Board, commission or other body either specifically or generally as the case may require or under such general regulations as shall from time to time be laid down, any of the powers conferred upon General Synod / Te Hīnota Whānui by this Constitution.

7. The Diocesan Synod of the Diocese of Polynesia may within the limits of such Diocese, exercise all such powers and make all such Regulations, not inconsistent with this Constitution or with any Canon or Regulation of the General Synod / Te Hīnota Whānui, as may be necessary for the order and good government of the Church in such Diocese.

PROVIDED always that any person or persons aggrieved by any act or decision of any such Diocesan Synod in any matter may appeal to the General Synod / Te Hīnota Whānui or to any Board or Court of Appeal established by the General Synod / Te Hīnota Whānui in that behalf and the General Synod / Te Hīnota Whānui or such Court of Appeal shall finally decide such appeals.

8. The General Synod / Te Hīnota Whānui shall have power to make any Regulation controlling altering repealing or superseding any Regulation which may have been made by the Synod of the Diocese of Polynesia.

9. [reserved]

[Part D]

-S.23(a)-

[Part E]

[Part F]

[Aotearoa ...

Te Runanga o Te Pihopatanga o Aotearoa, which may determine its own process of consultation, procedure, decision-making and nomination.

Every nomination of a person to be a bishop shall be submitted for sanctioning as provided in this Constitution.

10. When it is necessary to provide a person to be a bishop with episcopal jurisdiction in relation to a Hui Amorangi, other than Te Pihopa o Aotearoa, Te Pihopa o Aotearoa shall convene and preside over an Electoral College or shall appoint a commissary to do so.

Such Electoral College shall consist of those entitled to vote in the Hui Amorangi concerned and subject to anything that may be prescribed by Te Runanga o Te Pihopatanga o Aotearoa and by the General Synod / Te Hīnota Whānui such Electoral College may determine its own process of consultation, procedure, decision-making and nomination save that this shall culminate in the Electoral College by a majority of Clerical votes and a majority of Lay votes either nominating a person to become bishop or delegating its right of nomination to any person or persons.

Every nomination of a person to be a bishop shall be submitted for sanctioning as provided in this Constitution.

11. The procedure for nominating a person to become a bishop other than those specifically provided for, shall be prescribed by the General Synod / Te Hīnota Whānui but shall include the same requirements of sanctioning and of assent and of adherence and submission and of

[Dioceses ...

10. When it is necessary to provide a person to be a Diocesan Bishop the Primate / Te Pihopa Mātāmua shall convene and preside over an Electoral College or shall appoint a commissary to do so. An Electoral College shall consist of those persons entitled to Clerical votes and to Lay votes in the Synod of the Diocese concerned.

Subject to anything which may be prescribed by the General Synod / Te Hīnota Whānui, each Electoral College may determine its own process of consultation, procedure, decision-making and nomination save that this shall culminate in the Electoral College by a majority of Clerical votes and a majority of Lay votes either nominating a person to become the bishop or delegating its right of nomination to any person or persons.

Every nomination of a person to be a bishop shall be submitted for sanctioning as provided in this Constitution.

11. The procedure for nominating a person to become a bishop other than those specifically provided for, shall be prescribed by the General Synod / Te Hīnota Whānui but shall include the same requirements of sanctioning and of assent and of adherence and submission and of

[Polynesia ...

10. When it is necessary to provide a person to be a Diocesan Bishop the Primate / Te Pihopa Mātāmua shall convene and preside over an Electoral College or shall appoint a commissary to do so. An Electoral College shall consist of those persons entitled to Clerical votes and to Lay votes in the Synod of the Diocese concerned.

Subject to anything which may be prescribed by the General Synod / Te Hīnota Whānui, each Electoral College may determine its own process of consultation, procedure, decision-making and nomination save that this shall culminate in the Electoral College by a majority of Clerical votes and a majority of Lay votes either nominating a person to become the bishop or delegating its right of nomination to any person or persons.

Every nomination of a person to be a bishop shall be submitted for sanctioning as provided in this Constitution.

11. The procedure for nominating a person to become a bishop other than those specifically provided for, shall be prescribed by the General Synod / Te Hīnota Whānui but shall include the same requirements of sanctioning and of assent and of adherence and submission

[Part D]

-S.24(a)-

[Part E]

[Part F]

[Aotearoa ...

acceptance as stated in Clause 12 hereof.

12. The Primate / Te Pīhopa Mātāmua shall submit the nomination of any person to be a bishop to the General Synod / Te Hīnota Whānui, if in session, or otherwise to every voting member of the General Synod / Te Hīnota Whānui.

If the nomination is sanctioned by the General Synod / Te Hīnota Whānui (if in session), or by the members of the General Synod / Te Hīnota Whānui, when not in session in accordance with regulations made in that behalf, the Primate / Te Pīhopa Mātāmua shall take the necessary steps for giving effect to the nomination once the nominee has declared in writing both assent to the Constitution and adherence and submission to the authority of the General Synod / Te Hīnota Whānui and has accepted the nomination.

The General Synod / Te Hīnota Whānui or any body authorised by it may make such regulations and authorise such procedures as are considered necessary for reaching and ascertaining the decision when the General Synod / Te Hīnota Whānui is not in session.

[Dioceses ...

acceptance as stated in Clause 12 hereof.

12. The Primate / Te Pīhopa Mātāmua shall submit the nomination of any person to be a bishop to the General Synod / Te Hīnota Whānui, if in session, or otherwise to every voting member of the General Synod / Te Hīnota Whānui.

If the nomination is sanctioned by the General Synod / Te Hīnota Whānui (if in session), or by the members of the General Synod / Te Hīnota Whānui, when not in session in accordance with regulations made in that behalf, the Primate / Te Pīhopa Mātāmua shall take the necessary steps for giving effect to the nomination once the nominee has declared in writing both assent to the Constitution and adherence and submission to the authority of the General Synod / Te Hīnota Whānui and has accepted the nomination.

The General Synod / Te Hīnota Whānui or any body authorised by it may make such regulations and authorise such procedures as are considered necessary for reaching and ascertaining the decision when the General Synod / Te Hīnota Whānui is not in session.

[Polynesia ...

and of acceptance as stated in Clause 12 hereof.

12. The Primate / Te Pīhopa Mātāmua shall submit the nomination of any person to be a bishop to the General Synod / Te Hīnota Whānui, if in session, or otherwise to every voting member of the General Synod / Te Hīnota Whānui.

If the nomination is sanctioned by the General Synod / Te Hīnota Whānui (if in session), or by the members of the General Synod / Te Hīnota Whānui, when not in session in accordance with regulations made in that behalf, the Primate / Te Pīhopa Mātāmua shall take the necessary steps for giving effect to the nomination once the nominee has declared in writing both assent to the Constitution and adherence and submission to the authority of the General Synod / Te Hīnota Whānui and has accepted the nomination.

The General Synod / Te Hīnota Whānui or any body authorised by it may make such regulations and authorise such procedures as are considered necessary for reaching and ascertaining the decision when the General Synod / Te Hīnota Whānui is not in session.

ng

[Part D]

-S.25(a)-

[Part E]

[Part F]

## PART G

### GENERAL

1. In this Constitution and in the Code of Canons if not inconsistent with the context thereof or by express words excluded all words and phrases referring to the diaconate, priesthood and episcopate, and in particular, but without limiting the generality hereof the words "Bishop", "Priest", "Deacon", "Curate", "Pastor", "Vicar" and "Minister", shall include both females and males. In the use of Formularies of the Church words denoting males may be replaced with words denoting females consistently with the above provisions and when the occasion and circumstances so require.
2. In this Constitution and in the Code of Canons if not inconsistent with the context thereof respectively and unless there are clear words to exclude or restrict such meaning the words and phrases following shall severally have the meanings hereinafter stated, namely,

Words importing the singular number include the plural number and words importing the plural number include the singular number.

Words denoting males or females include the other as the case may be.

"Clergy" includes all persons in Holy Orders who shall hold any spiritual charge or cure or a Bishop's licence or permission to officiate in this Church, but shall not include a Bishop.

3. Any doubt which shall arise in the interpretation of the Constitution for the time being of this Church shall be submitted for final decision to the General Synod / Te Hīnota Whānui or to some Tribunal established by it in that behalf.
4. It shall be lawful for the General Synod / Te Hīnota Whānui to alter amend or repeal all or any of the provisions hereof save and except those which have been hereinbefore declared to be FUNDAMENTAL PROVISIONS,

PROVIDED always that no such alteration shall be made until it shall have been first proposed in one General Synod / Te Hīnota Whānui and been assented to by Te Runanga o Te Pīhopatanga o Aotearoa, the Synod of the Diocese of Polynesia and a majority of the several Diocesan Synods in New Zealand and finally agreed to in the meeting of the General Synod / Te Hīnota Whānui next ensuing.

5. In applying this Constitution the Māori and English texts shall be considered together.

### **Motion Passed at Nelson Synod, 1990.**

Church of the Province of New Zealand, Diocese of Nelson, Proceedings of a Special Session of the 47<sup>th</sup> Synod to Consider Proposals to Amend the Constitution, 14 July 1990, pp.202-204.

- “1. That the early Christian experience in Palestine is a solemn warning of the need to respect as a matter of principle the freedom and dignity of an indigenous church.
2. That the following resolutions of the Synod of this Diocese be notified to the Provincial Bi-Cultural Commission on the revision of the constitution before July 1990 for their consideration in reviewing the proposed changes to the Constitution in preparation for General Synod in November:
  - (A) That this Synod affirms Paul’s words in Galatians 3:28, and rejoices that in Christ the walls of division are broken down, and that in Him Maori and Pakeha are one, but at the same time affirms in principle that every people being transformed by the Gospel is called to embody that Gospel in religious forms and church structures drawn significantly from their own culture.
  - (B) That this Synod recognises that in the world church different ethnic groups have developed ways of expressing their faith in accordance with their individual culture.
  - (C) That this Synod affirms the need for each part of the Church to be free, under the authority of General Synod, to express their Christian faith and discipleship, and therefore supports Maori desires to do this within the framework of Maoritanga but also sees as important the need for all cultures within the Church of the Province of Aotearoa, New Zealand and Polynesia to be able to develop their life and worship within their particular cultural expressions. However, it also sees as important the need to see all cultures bound as closely together as possible, so that the strengths that each culture has to offer can be drawn on by the whole body and so that the

Church can be seen by the wider community as expressing the unity that Christ prayed for.

- (D) That this Synod respects the desire of the Pihopatanga to work in partnership with the other Dioceses of the province, but questions whether the 50/50 representation on General Synod suggested will really achieve true partnership with all cultures that form the Church of the Province of Aotearoa, New Zealand and Polynesia, nevertheless this Synod supports in principle the provision for voting by Tikanga in respect of amendments to the constitution.
- (E) That this Synod recommends that more time needs to be spent on looking at the role of General Synod in relation to the various Dioceses, and asks that consideration be given to looking at the Constitution and altering it so that the major role of General Synod is reduced mainly to the task of maintaining the Anglican doctrine, and by so doing giving more freedom to all Dioceses to order their own affairs and proclaim the Gospel as relevant to their cultural and particular situations.
- (F) That this Synod affirms that sanctioning the nomination of any Bishop should continue to be by General Synod or, if General Synod is not in session, by a majority of the following: Te Runanga Whaiti & the Standing Committee of the Several Dioceses. We also see as important the right of the Pihopatanga to have Bishops as it feels is needed to best order its life and proclaim the Gospel of Christ.
- (G) That this Synod calls for the formation of a Maori Diocese, or Dioceses, to be a full, equal and integral part of the Church of the Province. Such Diocese or Dioceses, to be represented on the General Synod in the same way as every other Diocese. It is not necessary for each part of the Church to be represented by equal numbers on General Synod.

- (H) That this Synod while recognising the defects and shortcomings of the present Constitution, in both content and history, is unable to accept the changes proposed by the Bi-Cultural Commission in their report dated July 1989.”