

a client, discrimination in offering services, record keeping and record disposal. In each of these Ludbrook identifies the general principles involved and the parameters of practice, establishes the legal framework, and (where possible) provides practical examples and direction.

There are separate chapters on confidentiality, privacy, and legal privilege, with the distinction between these three being thoroughly examined and detailed. There is also a comprehensive chapter on report writing, another topic that seldom receives this level of attention. While the author does focus attention on report writing for legal purposes (e.g., within the Family Court setting) he also provides a good general orientation to the task and potential legal pitfalls.

The style and format of the writing is fairly 'legal', or maybe it is just my perception of lawyers and how they write. Ludbrook tends to get straight to the point, a style that is somewhat exaggerated by the liberal use of numbered sub-headings which makes the book very easy to navigate around. This is also pleasing as it leaves the reader with a feeling both that the author is expert, and that ground is being covered quickly, and given that the book is a heavy 462 pages cover-to-cover this is important. The legal elements of the book have been well packaged to make them accessible to non-lawyers, but precise enough to be a useful guide that is a nice complement to Seymour et al (2011).

So, why should a psychologist read this book? ... because it is challenging, authoritative, well organised, and relevant.

Counselling and the Law: A New Zealand Guide (2nd Edn)

Robert Ludbrook (2012)

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Ngāpuhi Speaks: He Wakaputanga and Te Tiriti o Waitangi

Independent report on Ngāpuhi Nui Tonu Claim

Reviewed by Raymond Nairn

Reviewing *Ngāpuhi Speaks* I want to demonstrate why psychologists, like other health professionals, should read a book that summarises evidence presented in a claim to the Waitangi Tribunal and to convey at least some of the excitement I felt when reading it.

Ngāpuhi Speaks summarises evidence given by Ngāpuhi and the Crown to the initial Waitangi Tribunal hearing of the Ngāpuhi Nui Tonu claim (Ngāpuhi Nui Tonu is the greater Ngāpuhi alliance, "effectively Auckland to Te Rerenga Wairua", p. 10). That initial hearing: spread over four sessions and several months of 2010 and 2011 concerned Ngāpuhi and Crown understandings of *He Wakaputanga o te Rangatiratanga o Nu Tireni* (the Declaration of Independence, 1835) and *Te Tiriti o Waitangi*. To create the summary the independent panel: Dr Susan Healy, Dr Ingrid Huygens, and Takawai Murphy attended all those sessions during which they were supported by a kaitiaki, Hori Parata, and a historical and translation advisor, Nuki Aldridge. Their work means we now have an opportunity to know about the thinking and actions of Ngāpuhi rangatira in early nineteenth century Aotearoa which is very important because, for the first time, we can appreciate how those rangatira planned and acted in that world, what they intended to achieve through *He Wakaputanga*, and by signing *Te Tiriti*, providing an invaluable detailed account of Māori perspectives on that world and these documents.

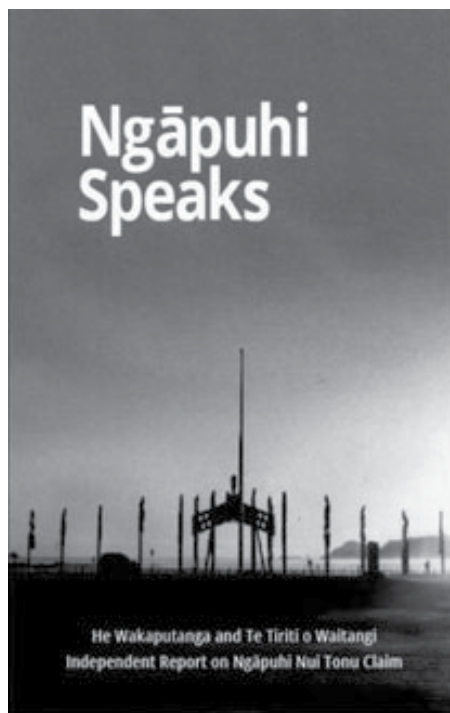
To make the world of the rangatira accessible the writers have: summarised a large volume of evidence organised by a narrative flow. That flow drew me into a world shaped by Māori beliefs and practices, where I met active, forward thinking people. The evidence is organised in a broadly chronological fashion across three sections: Part A – *He Wakaputanga o te Rangatiratanga o Nu Tireni*; Part B – *Te Tiriti o Waitangi*; and Part C – Effects from February 1840 to the Present Day. Each begins with an outline of its structure and separate sub sections for Ngāpuhi evidence and Crown responses. Clear headings, careful indexing and systematic numbering of sub-sections and further subdivisions mean it is relatively easy for readers to keep track of both immediate issues and the larger picture.

However, that doesn't explain how the book contributes to psychologists' understanding or achievement of more culturally competent practice as specified by the Psychologists Board (2006). First and central to its contribution is the detailed presentation of Māori as a successfully functioning people who: governed themselves, traded with Europeans here and overseas, and, led by rangatira seeking to secure their people's wellbeing, orientation to the international world. Meeting these people I learnt about: hapū structures, establishment and maintenance of inter-hapū and inter-iwi relationships and alliances and how such supra-hapū huihuinga rangatira (gatherings or meetings

of leaders) related to Ngāpuhi responses to issues at home and engagement with the international world. Interwoven with that story are informative and accessible accounts of the Ngāpuhi worldview and key concepts like mana (authority), tikanga (laws), and ritenga (societal norms, practices) underpinning Ngāpuhi hapū self-government. Given how individual witnesses spoke about the world of their tupuna and the concern of Te Taumata Kaumātua (Senior Council) that the evidence be accessible for all Ngāpuhi and other peoples it was clear that this worldview and these practices remain vitally important.

Picking a single example: I hadn't understood that it is the hapū who carry the mana of their land which, for the purposes of governing land and people, is invested in their rangatira by the people of the hapū who remain "the leader of the leaders" (Hohepa, p. 30). Nor had I grasped that a hapū's autonomous authority "exercised in protection of land, production of resources and for the ordering of human affairs" (p. 29) was also displayed in making alliances and sustaining relationships for inter-hapū projects such as: large scale fishing, food production, managing the environment, or defence. All activities were guided by tikanga and, where new situations required new laws, rangatira meeting together would propose suitable developments to which individual hapū would commit themselves. Considerable evidence was given about Te Wakaminenga (Confederation of Hapū), a formalisation of such huihuinga rangatira, a body I'd only know of because it is named in Articles 1 & 2 of *Te Tiriti* (Nairn, 2007, pp.23-4). As witnesses explained, Te Wakaminenga "was a place to make 'command decisions'...while leaving

intact the mana of each hapū" (p. 44), not the centralised, hierarchical Westminster style governing body familiar to and desired by Pākehā like Busby. Witnesses insisted Te Wakaminenga was set up by their tupuna to protect hapū economies and trade interests and to develop laws for dealing with the newcomers (p. 42). They also said *He Wakaputanga* arose from deliberations within Te Wakaminenga with the wording finalised through discussions that included Busby, Henry Williams, and James Clendon.



Over the years I have read a great deal about *Te Tiriti* and expected *Ngāpuhi Speaks* would confirm what I knew but, as I engaged with *He Wakaputanga* and *Te Tiriti* primarily through the understandings of Ngāpuhi rangatira, I was challenged to reflect critically on what I 'knew'. I saw that I had relied on written records, failing to recognise how those accounts, provided by Pākehā playing various roles in Britain's imperial

project, rendered Māori thoughts and initiatives invisible while concurrently obscuring their interested nature. Approaching *He Wakaputanga* and *Te Tiriti* from within a Māori worldview enabled me to see both the culturally embedded character of Busby, Henry Williams, Hobson etc's behaviour and thought and how the written accounts rendered the agency of Māori people invisible, perpetrating a still uncorrected assault on their dignity as a people. I had failed to appreciate the interested nature of much I knew which had led to writing (e.g. Nairn, 2007) in ways that undermined my aspiration to have "Respect for the dignity of persons and peoples" (Code of Ethics, 2002). *Ngāpuhi Speaks* not only challenged me to review what I knew in this particular instance but also to think critically about my preference for written over oral forms of knowledge, and my prioritising of familiar, 'at hand' knowledge and practice over the unfamiliar and less readily accessed.

Ngāpuhi Speaks begins with a very detailed account, from the perspective of Ngāpuhi rangatira, of the development and purposes of *He Wakaputanga* (the Declaration) on which is based the most detailed exegesis of *Te Tiriti* I have ever read. I learnt, among much else that the official translation of Article 1 of *Te Tiriti*, is unhelpfully misleading. That translation is:

The Chiefs of the Confederation, and all the chiefs who have not joined the Confederation, give absolutely to the Queen of England for ever the complete government of their land.

Whereas, the text that was signed said:

Ko nga Rangatira o Te Wakaminenga me nga Rangatira katoa hoki, kihai i uru ki taua Wakaminenga, ka tuku rawa atu ki te Kuini o Ingarangi ake

tonu atu, te Kawanatanga katoa o o ratou wenua.

Obviously I can't reproduce the entire discussion of the article so I'm focusing on what I found particularly enlightening. First, 'ka tuku rawa atu' – translated as 'give absolutely' – though it primarily means permit or give permission, was used when the rangatira - 'e kore e tukua matou' – refused to permit any [other] group to frame laws or exercise governorship in the lands of Te Wakaminenga. Clearly, Article 1 of *Te Tiriti* has the rangatira giving permission for someone else to frame laws and exercise governorship in "their lands" so we need to know who are the 'their' referred to. To identify that referent we need to understand 'o o ratou wenua' – of their land(s), as it was read by the rangatira. It certainly does not mean the land of the rangatira. In *He Wakaputanga* the rangatira declare their sovereign authority as being 'o to matou wenua' (over our land) so, had they intended to permit someone else to exercise 'Kawanatanga' over their lands, the phrase 'o o matou wenua' (over our lands) would have been used as it was in the first article of *He Wakaputanga*. Speakers at the hearing made it very clear that 'o o ratou wenua' referred back to 'nga wahi katoa o Nu Tirenī i tukua ... ki te Kuini' (all the parts of New Zealand given to the Queen, *Te Tiriti*, Preamble) and not the entire country.

This book provided valuable cultural knowledge, enriched my understanding of *Te Tiriti*, and encouraged critical self-reflection. The last being fuelled by the Crown agents who, then and in the hearings, patently failed to engage with what they saw or were being told. Some failures, as when Busby could only see Te Wakaminenga as a centralised, governing body to which the rangatira would have to surrender the mana of

their hapū, occurred because he was so embedded in his culture and society he could neither comprehend that there could be different ways to achieve 'he wenua rangatira' – a land in a state of prosperous peace - or the possibility of very different conceptualisations of a civilized society. Summaries of the Crown's evidence and arguments offer clear instances of failures arising from an unbending commitment to a (self) interested position. One such example is (pp. 121-2) the Crown dismissing Te Whakaminenga [the Crown routinely uses the modern rather than the original spelling] a purely notional body. The Crown counsel had heard numerous witnesses attest to the body's formation in 1808, name places where the rangatira met [the last occasion being in 1888] and discussing business conducted. Despite that Crown counsel continued to rely on Busby's assertion that the body 'had not assembled spontaneously' (p. 122), deafness that enabled the Crown to uphold its intended conclusion that as Te Wakaminenga was a paper tiger *He Wakaputanga* had no significance beyond signalling Māori aspirations. A practitioner who similarly over-rode a client's evidence would be violating both the Code of Ethics and requirements they practise in a culturally competent manner.

Clearly *Ngāpuhi Speaks* is a partisan account but, unlike so many others about Te Tiriti and Māori, Pākehā relations, is upfront about its commitments. Tribunal procedures determined that most of the evidence would come from the claimants. While the desire of Ngāpuhi Kuia and Kaumātua to have an accessible summary of their tupuna's thoughts, actions and plans to share with the descendants of those tupuna ensures the authority of this account that now stands alongside other interested accounts. Finally, the urge to keep

the thoughts, actions and plans of the rangatira before people today is a guarantee that the worldview, beliefs and practices of the rangatira continue to be nurtured in Te Ao Māori.

Dr Susan Healy, Dr Ingrid Huygens, Takawai Murphy (the independent observers of the Tribunal sessions)

Commissioned on behalf of the Kuia and Kaumātua of Ngāpuhi Nui Tonu.

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