

Listen to the taniwha: the challenge of lore

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Abstract

This article is a result of many years of observation of *pākehā* (Caucasian New Zealanders) ignorance and Māori intransigence with regard to definitions and understandings around *tikanga* (customs). *Tikanga* Māori aims to provide guidelines and standards of behaviour through lore, which is followed even today on a daily basis both at work and in non-work situations by Māori. These standards of behaviour are so entrenched in the minds of Māori that, to a large extent, they have survived and continue to flourish, although somewhat modified, despite the overwhelming influence of Western ideals and values. This paper uses the taniwha (a mythical creature in Māori lore) and compares tradition to current safety and health legislation to illustrate the difference between the lore of indigenous people and the law of the white settlers in Aotearoa/New Zealand.

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Introduction

The past thirty years has seen a resurgence of Māori language (*te reo*) and customs (*tikanga*) in Aotearoa/New Zealand. This resurgence of language and custom can be conceptualised as 'the voice' of the indigenous people of this land as they emerge from a period of post-colonial trauma. In this respect Māori, (the *tangata whenua*) are no different from other indigenous peoples asserting their rights after the period of colonisation and cultural reproduction (Bordieu, 1977) that has dominated New Zealand society for the past 150 years. New Zealand is no different to many other former colonies, in that the dominant discourse of the colonizers – in this case the United Kingdom – has taken precedence over indigenous discourse and *tikanga*. This can be seen as an example of what Said (1993, p. xiii) calls narrations:

The power to narrate, or to block other narratives from forming, and emerging, is very important to culture and imperialism, and constitutes one of the main connections between them.

This has been the case in Aotearoa/New Zealand, where the settlers imposed their narration and governance systems on the Māori people. This paper explores the issue of narration by discussing the taniwha (a mythical creature in Māori lore) and compares the traditional lore of the Māori people to contemporary New Zealand law on health and safety in the workplace.

The current situation

Most pākehā (Caucasian New Zealanders) are familiar with Māori words such as taniwha, *tapu*, *tohunga*, *wāhi tapu*, *whenua tapu*, *hīkoi* and *raupatu*, and place names such as Meremere, Whakatane and Awatapu. Likewise, New Zealanders are familiar with floods and other natural occurrences that are reported in newspapers such as the *New Zealand Herald*, in particular, the recent flooding at Awatapu and the halt to road construction at Meremere due to the taniwha that lived in the river. They are generally familiar with cultural issues such as *himene* (hymns), *hongi* (traditional greeting) and conventions on such things as feet on table, hats on table, sitting on tables, often referred to by pākehā as 'Māori mumbo jumbo'. There are also the statutory issues such as the Resource Management Act, Health & Safety in Employment Act, Environment Court and Waitangi Tribunal. Over the past 30 years the relationship between Māori and pākehā has at times been fraught with anger, frustration, disbelief, misinformation and misinterpretation over the Māori assertion of *tinorangatiratanga* (sovereignty). This sovereignty, guaranteed by The Treaty of Waitangi – the founding document of the nation – over *reo* (language), *tikanga*, *te takutai moana* (foreshore), *kaimoana* (fisheries) and *whenua raupatu* (land claims), has led to court cases, appeals to the Privy Council, Māori occupation of council facilities and *hīkoi* (protest marches).

More recently, attacks on *taonga* (tangible and intangible things of importance) by persons unknown, the burning of *wharenui* (meeting houses) and the desecration of *marae* (akin to

the village green) has been in the news. The unfortunate feature about all this angst has been the inability of Kaumātua (keeper of Māori lore) and Māori consultants/professionals to be able to provide some understanding of Māori concepts for the pākehā. Mead (2003, p. 5) describes tikanga Māori as 'Maori customary values and practices' as a means of social control. He comments that it is difficult to imagine any social intercourse where tikanga Māori has no place. There have been numerous environment court cases which Māori have lost, partly because of the testament of their 'experts' and witnesses having little credence (in pākehā eyes) but also because of an inability to convince the courts that tikanga Māori concepts should be given some sort of legitimacy and authority as a parallel, but alternative and also complementary, view of the world.

An article in *The New Zealand Herald* (Binning & Aronson 2002) regarding the proposed Northland Prison at Ngāwhā notes that the prison could be delayed if an appeal based on a taniwha called Takauere succeeded. The *Herald* reports the Environment Court as saying:

While respecting the freedoms of those who believe in Takauere, the members of the court are not compelled to find that the taniwha exists, or that its pathways and other characteristics would be adversely affected, if we are not persuaded by the evidence of those facts.

Pākehā law

In any review of the findings of the Environment Court that involves Maori issues, one fact emerges. This is that the Court is unlikely to give any weight to intangible or unsubstantiated facts as proposed by Māori in reference to taniwha. However, it is in these rulings that the *wero* (challenge) of failure in the courts could be viewed by Māori as an opportunity to persuade pākehā courts that there is another, equally legitimate, view of the world. Māori could then articulate what this means in pākehā terms. This is not an attack on tikanga Māori, for when court cases are invariably lost, considerable time and effort are spent following the appeals process (if any). The effort then becomes focused on the appeals process and the gathering of facts and expert testimonials, rather than looking at how the evidence could be presented and interpreted in a new light, to assist the court in reaching an understanding about tikanga Māori. Understandably, reiterating or rehashing the concepts of tikanga, which are misinterpreted by pākehā, will be counterproductive. Indeed, even most Māori, including academics, will have several interpretations of what tikanga means.

If Māori cannot agree on what is or isn't tikanga, how can one expect pākehā to? Tikanga comes from the word 'tika' which is translated in a literal sense as ethical and moral behaviour, or conduct which is correct, right, fair and just. Tikanga carries with it responsibilities and obligations to protect, nurture, uphold and maintain the safety, health and welfare of Māori and the environment in which they live. Mead (2003, p. 6), describes tikanga Māori as the Maori ethic, which refers in particular to a 'system or philosophy of conduct and principles practiced by a person or group'. Judging by the editorials in the *New Zealand Herald*, by both Māori and pākehā correspondents, there is a need to try and provide some clarity around tikanga. An article in the *Herald* (Misa 2002) makes the comment that the mainstream pākehā media still continues to shape and distort perceptions of Māori. This, it is argued, is a continuation of the colonisation practices of cultural reproduction and narration.

Although many New Zealand readers will have an idea or interpretation of tikanga in this paper, these concepts have been redefined in a health and safety sense. This paper is not designed to be an authoritative document on tikanga, but is written primarily as a resource document that can provide an alternative window of understanding. It is aimed at enabling both Māori and pākehā to clarify the vexing issues surrounding Māori cultural behaviour, based on the principles of *tapu* (forbidden or restricted) and *noa* (free from *tapu*).

An alternative view

It is argued in this paper that there is an alternative cultural view of health and safety called tikanga. An understanding of the traditional Māori values encapsulated in tikanga can lead to meaningful discussion and debate by providing a framework for a two-world view of health and safety. A pākehā perspective is one based in a legal framework inherited from the English, while the Māori perspective is based on the lore of tikanga, the concepts of *tapu* and *noa*. Reed (2001, p. 176) posits that the belief in *tapu*:

... was the most important of all aspects of Maori life and thought, because it affected everyone directly and indirectly from birth to death ... the force which governed the whole of life, taking the place of law.

It is important to recognise that the primary focus for Māori is how to maintain the *mana* (wellbeing) of all *whānau* (kin), in which the cohesive principles of *tapu* and *noa* play an important part in their connections with each other and with their physical, spiritual and mental environment. The term *mana* can mean authority, control, influence, power or prestige, depending on its context. However, when used in a health and safety sense the *hauora* (wellbeing) of *whānau* is predicated on their *mana*. That is, the healthier they are, the more *mana* they have. *Mana* involves the individual, extended family and wider community (Hapu and Iwi), and is concerned with *whaiora* (healthfulness) and *aituā* (freedom from harm or harmful effects) (Ryan 2003, p. 13).

Christianity has, in most cases, supplanted the reliance of Māori on their gods in their everyday lives. However, there is still a vibrant and healthy respect for the parallel acceptance of spiritual powers/phenomena and natural laws. Best (1995, p. 27) writes that superstitious beliefs 'are not swept away in a few generations; they persist, grimly tenacious, in spite of introduced faiths and teachings'. This flows over into both a place of work (carving, tattooing, gardening, canoe building, weaving, fishing, business etc.) and a non-place of work (kite flying, oratory, powhiri, cooking, sport, leisure, home, education etc.).

For Māori there is no distinction between tikanga at work or in non-work situations; the interface is seamless. The adherence to custom and practices associated with *tapu* and *noa* and the respect accorded those who have *mana* occurs whether at work or at home. Although they are not employees in the strict sense, i.e. being paid a wage, or paying taxes and where the job is generally short-term, the 'job' of being Māori is for life. For Māori, wages or money does not pass hands except in the case of paid employment in a pākehā sense. The rewards of being Māori, to a large extent, are based on a sense of belonging and contributing to the aims and aspirations of the *whānau* as well as being accorded a measure of *mana*, or respect, by one's peers and superiors.

Historically the place of work was generally confined to the *rohe* (tribal area) and was only extended outside the *rohe* in periods of warfare, visits to friendly and some times unfriendly tribes, food gathering, trading and bartering, strategic alliances, *tangi* and other important events. In modern times, the working *rohe* has now become global for many Māori as evidenced by the tens of thousands who live outside their tribal areas but still manage to practice *taha* and *tikanga* Māori.

Health and safety law

Health and safety law in New Zealand is governed by the Health and Safety in Employment Act 1992 (HSE Act) and its amendments. The principal object of the Act is to prevent harm to employees (*kaimahi*) at work using all practicable steps (*ngā mahi katoa e rite ana*). The government's guide to the HSE Act (Occupational Safety & Health Service 1992, p. 5) places the focus on 'the prevention of harm arising out of work activities'. To achieve this, it imposes duties on employers, employees, principals and others, and promotes excellent health and safety management systems (*kaupapa whakanoa*) by employers. The law also requires that employers and those who have responsibilities under the Act have a systematic approach for dealing with hazards and ensuring that where hazards are significant, they are managed by eliminating (*whakakoretia*), isolating (*aukatitia*) or minimising (*whakaititia*) the impact they may have on persons in or near the workplace. The Act also provides for the making of regulations (*kaupapa tika*) and codes of practice (*kaupapa ārahitanga*) and the imposition of penalties (*utu*) for non-compliance.

Regulations are promulgated from time to time under the Act. These are mandatory and, among other things, impose duties on employers, employees, designers, manufacturers and others relating to health and safety. The regulations may apply with respect to places of work, plant, processes or substances and may deal with particular problems that have arisen. Approved codes of practice are provided for in the Act. They are statements of preferred work practices or arrangements, and may include procedures (*kaupapa*), which could be taken into account when deciding on the practicable steps to be taken. Interestingly, compliance with codes of practice is not mandatory; however, they may be used as evidence of good working practice in court. Penalties for non-compliance (*hara*) resulting in knowingly causing the death of an employee for an action or non-action can result in a fine of up to \$500,000 and/or two years imprisonment.

Health and safety lore

Māori health and safety lore is based on the concept of *tikanga*. This means that there are general principles and guidelines as well as set rules for describing who has duties and responsibilities. *He Hinekore ki te Ao Maori* (Ministry of Justice 2001) states that, 'In a sense *tikanga* can be defined as law in its widest sense, while *kaupapa* and *kawa* is the process and ritual of *tikanga*'. Māori lore provides definitions or *kaupapa* to be followed in everyday work and non-work life. These include:

- an outline of the hierarchy of hazard management controls for eliminating, isolating and minimising harm to individuals by strict rules of *tapu* (managed systems and practices to prevent harm),
- *karakia* (a chant which draws on the surrounding environment as well as all things within the environment to obtain a benefit, focus one's mind on the task at hand, allay fears, provide a sense of oneness or avert trouble),
- *rāhui* (health and safety warnings),

- *aūkati* (a line of prohibition demarcating the hazard),
- *pou* (signpost or pole indicating an actual or potential hazard), and
- the healing processes for *noa* (injury prevention, case management and rehabilitation), which endeavour to protect and/or mitigate the individual from harm or injury.

According to Mead (2003, p. 193), ‘The aukati is much like the notion of “drawing a line in the sand” that cannot be crossed’ and ‘rāhui is a means of prohibiting a specific human activity from occurring or from continuing’. Where the concept of *noa* makes an important impact is in the area of injury prevention processes, case management or *manaakitanga* (specific health and safety care needs are identified, designed and implemented to achieve *whakatika*) as well as the processes of rehabilitation or *whakanoa* (restoration to as normal a working life as possible).

Lore can also provide the rules for breaches of protocols (codes of practice) and the penalties for non-conformance can mean ostracism of the perpetrator (*whakamā*), pardon, forgiveness or absolution (*murū*), dispute resolution and healing (*whakanoa*) by/or through disputes processes. Salmond (1994, p.13) posits that ‘utu was a human way of protecting mana, and it operated on the principle that for every slight on a person’s mana, equal return should be taken’. This feeling of reciprocity meant that individuals or groups of *whānau* were forever involved in skirmishes of varying degrees of escalation.

The primary purpose is to ensure that the *wairua* (an actual state of wellbeing) and the *mauri* (the need to maintain homeostasis, or equilibrium, in a system by a feedback mechanism (*kaitiaki*) reacting to changes in the environment such that for every negative disturbance in the balance of life, there is a need to provide positive rebalance) of all parties is protected. Also, it is understood that harm and the effects of harm are removed, isolated or mitigated with the outcome of resolution (*whakanoa*) and healing is achieved to maintain the life balance. *Wairua* manifests itself as *āhua*, or as Reed (2001, p 9) states, ‘an inherent presence recognized by others’, and it is projected as *ihi*, (characterised by charisma, outward projection of excitement). Some have more *ihi* than others. The recipient of positive *ihi* feels this as *wehi* (corresponding to feelings of awe, adoration, excitement). On the other hand, the projection of negative *wairua* is manifested as *ihi kino* (characterised by feelings of avoidance) and *hara*. The recipient of *ihi kino* feels this as *wana* (flight, fight or fright syndrome) and may enter a state of physical (*kōhuki tinana*), spiritual (*kōhuki makutu*) or mental strain (*kōhuki hinengaro or tūroro*). The term strain is used here to describe a person’s state of unwellness brought about by excessive stress, so that a person’s coping mechanisms are unable to deal with the stressful situation (stressor).

It is important to note that there is very little health and safety information available in the Māori language to describe pākehā concepts of health and safety in a tikanga sense. This issue, where there is no direct or close approximation between an indigenous culture and language to English is not unusual. It is argued that after 150 years of domination by the English speaking majority this can be seen as a prime example of Bordieu’s (1977) cultural reproduction and the use of knowledge and discourse by the dominant culture to entrap Māori in a bureaucratic system of surveillance. In order to partly remedy this situation, the Occupational Safety & Health Service (2002) has put together an *English-Māori Glossary of Occupational Safety and Health Terms*. Some of these terms have been further explained and extended by the authors to provide some clarity.

A significant hazard (taniwha)

A significant hazard in terms of the HSE Act is an actual or potential cause or source of serious harm. In Māori terms a significant hazard can be called a 'taniwha'. In Māori lore this term is used to describe some natural disaster, event, occurrence, circumstance or situation devoid of any apparent human agency, that has harmed or has the potential to harm and which has in the past, through human observation and pending any rational description, been described as such. Headlines such as 'Taniwha plans to disrupt Waitangi', 'Māori spirits in motorway', 'Monster halts highway construction', attest to the mainly pākehā-oriented media comment that went on in the absence of a seemingly rational explanation.

White (2002, p. 17) comments that, 'Taniwha may simply be a useful device that Maori used to warn people of danger.' He goes on to say that taniwha are usually associated with dangerous areas of water and their presence might serve as a warning to those who might otherwise be harmed. His final argument is that in terms of mocking Māori beliefs, should he also mock his Catholic friends who believe that communion wine turns into the blood of Christ when they sip it?

The term taniwha can be used by Māori to modify the behaviour of their *whānau* so that they are aware of the dangers of straying within the influence of this 'creature'. The best description is that they are identifying a significant hazard, which is an actual or potential cause or source of serious harm (HSE Act 1992) to individuals or the *whānau*. The most apt explanation could be that at some time in the past someone had noted an earthquake, flood, landslide, atmospheric storm, tornado, lightning, tsunami, drowning, or an intervention by an unknown agency for good or bad and had used the term taniwha to describe these natural occurrences in the absence of a scientific explanation as understood by pākehā. Not all taniwha are dangerous and, in fact, they can be used as a warning to *whānau* not to gather food from a particular place out of season or to prevent access to particular areas of inherent danger. Most *Iwi* (tribes) have taniwha as *kaitiaki* (guardians) to protect themselves from enemies or to involve them in special ceremonies or rituals; these are imbued with a *mauri*.

Taniwha have also been ascribed to people, but in a metaphorical sense as in the traditional Tainui saying:

Waikato taniwha rau
He piko he taniwha
He piko he taniwha

In English, this reads, 'Waikato, river of a hundred chiefs (taniwha) on every bend a chief'. This was a warning to potential enemy raiding parties that there were numerous villages on the Waikato River under the *mana* of a chief.

The focus of law/lore

While the focus of the HSE Act is on the place of work and the activities that occur therein, Māori health and safety lore does not make a distinction between work and non-work. It is anathema to Māori to sit on a table or kitchen bench used for the preparation and eating of food; these areas are *tapu*. This also applies to putting feet, shoes and hats on the table, as well as washing tea towels with socks, towels and underwear.

The recent debate over xenotransplantation, or the ‘the surgical transfer of cells, tissues, or especially whole organs from one species to another’, has entered Maori debate in recent months (Toi te Taiao 2005). The mixing of the *mauri* of different species is *tapu* unless it can be shown that the long-term outcome is *noa*. For example, Bovine Spongiform Encephalopathy (BSE, or mad cow disease) and its human variants, Creutzfeldt-Jakob Disease/Variant Creutzfeldt-Jakob Disease, are examples of where the mixing of human and animal *mauri* was *tapu*. However, mixing *mauri* by the consumption of beneficial plant material by humans is considered *noa*.

The pākehā world is founded on scientific methods as the only way yet discovered for ‘sifting the truth from the lies’ (James 2003). The advantage the scientific method is that it is completely unbiased as long as the experiment can be reproduced exactly to determine whether the results are true or false. The outcome or conclusion will hold irrespective of the religious conviction, state of mind or state of consciousness of the investigator and/or the subject being investigated. For modern Māori, a fair amount of thought and human action is still directed by the spiritual (that which cannot be explained using scientific methods) in their everyday lives. This belief in spiritual principles and entities rests on faith rather than sound empirical data. This can be reinforced by the interpretation of natural phenomena (floods, earthquakes, storms, accidents, etc.), according to preconceived and often, to Māori, logical systems of belief handed down from *tupuna* (ancestors) over millennia.

Knowledge of the so-called real-world can thus be seen as having two perspectives, one based on pākehā law, which brings with it an emphasis on scientific and empirical data, and the other based on Māori lore. The difference between the two perspectives is a matter of how the evidence is gathered, evaluated, interpreted and applied. The scientific and empirical data is collected, analysed and evaluated generally by a trained professional; in most cases that person would be termed a scientist or some such technical person. In a court of law they are used as expert witnesses to provide some authority and credibility in the presentation and interpretation of factual evidence. The Māori equivalent is a *tohunga*, not a witch doctor as some pākehā think, but a craftsperson or expert who is trained in a *whare wānanga* (a specialist field of lore); the pākehā equivalent of a university.

However, in a court of law, their authority and credibility is given a lot less weight, if any, than their pākehā counterparts, for there has been a spate of negative comments in recent Environment Court rulings. This has even been extended to Māori academics who act as expert witnesses for their *whānau*, by espousing the *korero* (discussion) of tikanga. It should come as no surprise then that Māori, through their institutionalised spiritual beliefs, are concerned with the protection of their *whānau*, *whenua tapu* (land), *wāhi tapu* (sacred places), *taonga* (things of importance), *tapu* and *taniwha*, *urupā* (burial grounds), *Papatūānuku* (the earth) and all manner of creatures, and that these beliefs have no empirical evidence. In other words, it is a matter of health and safety lore from a cultural perspective based on tikanga.

Conclusion

This paper is a result of many years of observation of pākehā ignorance and Māori intransigence with regard to definitions and understandings around tikanga. Tikanga Māori aims to provide guidelines and standards of behaviour through lore which is followed even today on a daily basis both at work and in non-work situations by Māori. These standards of behaviour are so entrenched in the minds of Māori that to a large extent they have survived

and continue to flourish, somewhat modified, despite the overwhelming influence of Western ideals and values.

Lore is not seen as an imposition but as the normal way of interacting communally with other Māori and with the environment in which we all coexist. Modern Western society through its governments attempts to provide guidelines and standards of societal behaviour, and can achieve this to a certain extent by creating laws and regulations that govern how people interact socially, domestically and nationally. The plethora of laws and their application can sometimes be seen as arbitrary and an imposition on a society which places a great value on individual responsibility and accountability for one's actions good or bad.

The difficulty with health and safety legislation, and indeed all legislation, is that it is one-dimensional, unlike lore. The current health and safety law deals with work activities as a separate aspect of a person's life while ignoring the domestic or non-work aspect. From a Māori perspective, tikanga suggests that non-work activity has a huge influence on health and safe working behaviour. How is this different from other peoples such as the Aboriginal culture of Australia? We suggest that there is no difference, and that the dominant Anglo culture has been codified through legal means while indigenous people's rights and culture have been suppressed in their own lands. Hence the importance of understanding the role of the taniwha in traditional lore.

Pākehā New Zealanders should not have anxiety about tikanga Māori. Both groups of people are trying to achieve the same ends by different means, that is, the wellbeing of both our cultures in partnership and through law/lore by listening to the taniwha.

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