TE WHARE WĀNANGA O
AWANUIĀRANGI

MĀ TE TURE, TE TURE ANŌ E ĀKI: CULTURALLY-INSPIRED REMEDIES TO LEGISLATIVE HARM

JOSHUA KALAN
2021

A thesis presented to Te Whare Wānanga o Awanuiārangi in fulfilment of the requirements for the degree of Doctor of Philosophy Degree in Māori Studies, Te Whare Wānanga o Awanuiārangi

Copyright.

Declaration

To the best of my knowledge and belief this thesis contains no material previously published by any other person except where due acknowledgment has been made.

This thesis contains no material that I have submitted towards the award of any other degree or diploma in any other university or other institution.

This thesis represents research I have undertaken. The findings and opinions in my thesis are mine and they are not necessarily those of Te Whare Wānanga o Awanuiārangi.

This thesis has been stored at Te Whare Wānanga o Awanuiārangi. It is therefore available for future students and researchers to read and reference.

Joshua Magan Kalan

Signature:

Date:

In loving memory of Kevin ‘KT’ Taylor and Tayelva “Tally’ Petley.

Taken from us too soon.

Rest in peace dear friends.

Kia au tō moe e kare mā.

ACKNOWLEDGEMENTS

Thanks to everyone, friends, family and acquaintances who in one way or another encouraged me to persevere in this PhD journey. It must have worked! Likewise thanks to my academic supervisor, Professor Virginia Warriner for your guidance and keen powers of observation.

Thanks to Ipo's Café, home of the best works breakfast in all Mataatua. Always a safe haven and sheltering retreat, you are sorely missed!

Thanks be to Beowulf, Professor Van Helsing and the Three Billy Goats Gruff for the enduring legacy and power of your example. Thank you Mr. Arthur Guinness for the elixir of life and stuff of legend. Thanks also to The Sound 105.7fm for supplying the soundtrack to productivity.

Thank you to Te Whare Wānanga ō Awanuiārangi for your patience and understanding in letting me drip-feed my fees through the years. You didn't have to, but it made all the difference. Kia ora.

Thank you to my blessed whānau, Tunisia and our tamariki. Thank you for your patience, love and understanding while I have worked away at this mahi. Despite the many pressing and semi-valid kaupapa out there, it is ultimately you whom I come home to and the ones who matter most.

Finally, to my fellow earthlings and inhabitants of this planet. Let's keep hope alive in these troubled and unprecedented times. We are all the family we have. Let's be kind to ourselves and each other.

Mauri oho. Mauri tū. Mauri ora ki a tātau katoa.

Haumi e! Hui e! Tāiki e!

ABSTRACT

This study explores how culturally-inspired interventions are being used to disrupt the over-representation of Māori becoming harmed and entangled in the criminal justice and child protection systems. The study introduces the concept of 'legislative harm', moreover that exposure to and interaction with legislative processes is inherently harmful to individuals and whānau. Culturally-inspired interventions are being used across a number of legislative frameworks to mitigate legislative harm and divert people away from harmful statutory processes and support them towards empowerment and wellbeing.

This study examines how culturally-inspired interventions are being used in the Eastern Bay of Plenty across three distinct statutory environments, New Zealand Police, Oranga Tamariki and the Courts, to intervene and divert individuals, tamariki, rangatahi and their whānau away from injurious statutory processes and grievous legislative harm. The study moreover considers the utility of pūrākau as a research methodology to reframe these statutory agencies as metaphorical new age taniwha, and thereby awaken fresh insights and possibilities.

'Oho Ake' is a parallel youth justice process developed by Tūhoe Hauora. It uses culturally-inspired practice to support whānau, provide guidance and divert tamariki, rangatahi and their whānau out of the criminal justice system operated by New Zealand Police.

Likewise, 'Hui-ā-Whānau' is an extension of Oho Ake. Also operated by Tūhoe Hauora, it similarly uses culturally-inspired practice in the Oranga Tamariki space to support and empower tamariki and their whānau out of the entanglement of the statutory child protection system towards self-determination and whānau empowerment.

Similarly, 'The Mending Room' operated by Tūhoe Te Uru Taumatua, is a culturally-inspired and restorative intervention in the Court system. It creates a space based on good will, commitment and people-centred problem-solving to mend the harm and address the underlying causes that influence offending. Thereby diverting people away from harmful statutory processes.

Nine case studies, twelve interviews and secondary sources of quantitative data were used to examine the development of each of these culturally-inspired interventions. In so doing, the research supports the case for increased iwi self-determination and control over detrimental statutory processes which have historically impacted upon their wellbeing and brought them harm.

CONTENTS

LIST OF FIGURES

CHAPTER ONE

INTRODUCTION

Inā te rua taniwha!	*Behold the lair of the fiend!*
Putē ōna karu!	*Its furious glaring eyes!*
Murara te ahi!	*Blazing with fire!*
Tau mai te Pō	*Let the Night settle in*
Tākina te whakaihi	*Let the slumberous spells consign you*
Ki Rarohenga rawa iho	*To the uttermost Depths below*
Moea te Pō	*Sleep in darkest Night*
Te Pō-nui	*The Great Night*
Te Pō-roa	*The Long Night*
Te Pō riro atu ai e!	*The All-Consuming Night!*

He karakia whakamoe taniwha, nā Tūpara Tokoaitua (1895).
An invocation to sedate taniwha, by Tūpara Tokoaitua (1895).
(Cowan, 1987, p. 235).

He mihi

He hōnore, he korōria ki te Atua, he maungārongo ki te whenua, he whakaaro pai ki ngā tāngata katoa. Tīhei mauri ora! Kei te hotuhotu tonu te manawa, kei te rere tonu ngā roimata ki a rātau mā kua ngaro rā i te tirohanga kanohi. Hoki mai ki a tātau e mahue mai nei, tēnei te mihi ki te tini, ki te rahi e pae nei ki te kaupapa kōrero e hora nei. Nau mai, piki mai, nau mai, haere mai ki tēnei rangahau. Waiho mā te karakia a Tokoaitua te kaupapa nei e huaki, e whakamoe anō hoki ko ngā momo taniwha wetiweti kei roto. Tēnā koutou katoa!
Honour and glory to God in the highest, peace on earth and goodwill to all. I sneeze – it is the breath of life! The heart throbs incessantly and tears flow unceasingly for those who have passed beyond sight. As for us who remain, greetings to one and all on the occasion of

the undertaking before us. Greetings and welcome to this research. Let Tokoaitua's invocation serve as a fitting start to this venture and moreover incapacitate whichever taniwha lie in wait for us within. Greetings to one and all!

1.0 Chapter Introduction

This chapter provides a rationale and context to the study. It describes the background to this examination on culturally-inspired remedies to legislative harm and introduces the aims, research and the various questions upon which the study is based. The significance of the study is described followed by an overview of the research methodology and methods. This chapter then concludes with a brief overview of the proposed thesis and an introduction to pūrākau as a conceptual framework and research method before closing with a chapter summary.

1.1 Introducing the Research

Te Uepu Hāpai i Te Ora (Safe and Effective Justice Advisory Group, 2019a) in its 2019 report, He Waka Roimata (Transforming Our Criminal Justice System) is unapologetic and confronting in its account of how the criminal justice and social welfare systems in New Zealand are basically broken, dysfunctional and actively hostile towards the needs and well-being of Māori. The statutory agencies charged with administering justice and protection for all New Zealanders have historically failed Māori. Far from a recent observation, this issue was highlighted with the release of the Pūaoteatatū Report in 1988 (Ministerial Advisory Committee on a Māori Perspective on Social Welfare). The System itself is described as being essentially monocultural, over-represented by Māori in all negative statistics and thereby threatens to implode. Research suggests that the more contact that Māori as individuals and whānau have with The System as encountered through its statutory agencies, for example, New Zealand Police, or Work and Income, the worse the outcomes are likely to be for them. The well-worn statutory pathway, or downward spiral for Māori that begins with child welfare (Oranga Tamariki) and ultimately ends in imprisonment (Corrections) has been described as 'the pipeline'. One prominent Māori member of parliament has adroitly remarked that the System actually feeds upon the very dysfunction which it creates (Waititi 2020) in a perpetual cycle of hopelessness. The rhetoric of successive governments and the lack of political will to effectively combat these issues ensures the situation remains the same.

The existing literature within the field of kaupapa Māori is replete with evidence of how poorly Māori have fared under the State system and its statutory processes. What isn't as well documented is how Māori respond to culturally-inspired alternatives to those statutory processes when given the chance. Likewise, calls for reform to address the dismal and historic over-representation of Māori within statutory frameworks and the condemnation of institutional racism go as far back as Pūaoteatatū and beyond. Consequently, Māori demands to access increased control over and input into the statutory processes that affect them is not new and is sufficiently supported by the literature, which is well-established and in plentiful supply. What isn't as well verified however are concrete, living and working examples and evidence of Māori intervention and self-determination within those statutory processes. The field of social work, in particular kaupapa Māori social work, offers evidence-based confirmation and proof of the efficacy of culturally-inspired practices in supporting and assisting individuals and whānau from a kaupapa Māori framework. The success of culturally-inspired kaupapa Māori practice and its attendant tikanga and values within the discipline of social work both at an individual level and at a whānau level has been well established. On the other hand, the evidence describing how culturally-inspired methods can equally be used to effect change and intervene in the very statutory processes which have beleaguered Māori for generations is rather light. Likewise, te mana motuhake ō Tūhoe, the self-determination of Tūhoe, is a subject that I, as a descendant of Tūhoe, have perhaps more than a passing interest in. In keeping with the recent emergence of Ngāi Tūhoe into post-settlement mode there is a small but growing body of literature around it. What is not readily available however is demonstration and proof of how that self-determination, te mana motuhake ō Tūhoe, intersects with and relates to the reality of the current Crown jurisdiction. This research project will examine how culturally-inspired methods are being used to intervene in harmful statutory and legislative processes.

1.1.1 Legislative Harm

A key supposition of this study, which was identified in my Masters research, is that the more exposure and contact that Māori have with The System and its legislative processes, the worse the outcomes will be for them (Kalan, 2017). Closely related to the concepts of structural and systemic violence (Galtung, 1969), 'legislative harm' is the preferred term used in this study, since the study will focus specifically on the statutory agencies at the centre of

this study and the harmful consequences accompanying them, rather than the wider historical, social, societal and economic factors normally associated with structural and systemic violence (Farmer et. al. 2006).

For the purposes of this study, 'Legislative harm' refers to the harm caused to an individual or group as a result of being coerced and compelled by law to become involved with a statutory agency. The term 'Legislative harm' also more accurately reflects the central hypothesis of this research as reflected in the whakatauākī which frames the title of this study – more on this shortly. In terms of the statutory agencies at the focus of this study, the associated harmful consequences range from the more conspicuous and extreme – for example, wrongful imprisonment or being abused in State care at one end of the spectrum - to negligence and incompetence encountered at a Government agency's front desk at the other as described in the Pūaoteatatū Report (Ministerial Advisory Committee on a Māori Perspective, 1988). The literature further suggests that this harm is typically more acutely experienced by Māori (Jackson, 2007), especially as it relates to institutional racism and the attendant inequitable levels of service and outcomes (Health Quality & Safety Commission, 2019, p. 11). The sad result is what confronts Aotearoa at this present time – a system burgeoning with the over-representation of Māori in leading negative statistics and social deprivation (Marriott & Sim, 2014). Perhaps the challenge presently facing society is how to best turn this situation around and reverse these negative trends.

1.1.2 Culturally-Inspired Remedies

This research provides a unique opportunity for insight into the ways that culturally-inspired remedies are being used across three distinct statutory frameworks to divert Māori away from harmful legislative processes, furthermore halting the needless descent of whānau and individuals into the entanglement of 'The System'.

The culturally-inspired remedies at the centre of this study reveal how kaupapa Māori practices and indigenous knowledge is being used to reverse Māori entanglement in The System and empower Māori individuals and whānau into pursuing their own self-determination - resulting in improved lifestyles and wellness based on tikanga. The opportunity for these indigenous interventions in the current statutory framework arises out of the systemic and routine failure of Government to address the significant over-representation of Māori entering and re-entering the current legislative framework - specifically those

statutory frameworks enacted by New Zealand Police, Oranga Tamariki and the Ministry of Justice. The entrenched systemic failure of these three statutory agencies nonetheless exposes a structural deficiency through which Iwi can potentially demonstrate how to achieve improved outcomes for Māori in a way that is consistent with their wider efforts toward self-determination (Durie, 1998).

This study explores how culturally-inspired methods are being used to remedy and mitigate the legislative harm caused to Māori through exposure to the system – especially as it relates to the New Zealand Police, Oranga Tamariki and Ministry of Justice statutory processes. It will examine the features of these culturally-inspired methods that contribute to their success and compare these with conventional statutory approaches. The culturally-inspired methods identified in this study come in the form of three distinct and separate interventions that have been tailored to each specific legislative context.

1.2 Background to the Study

The first culturally-inspired remedy to legislative harm at the centre of this study is 'Oho Ake'. Oho Ake is a parallel youth justice process which was launched in June 2010 by Tūhoe Hauora in conjunction with the New Zealand Police in Whakatāne (Kalan, 2017). It was developed out of concern for the large numbers of Māori children and young people that were entering and re-entering the youth justice system where conventional statutory-prescribed methods had failed. Oho Ake is a referral process where child and youth offenders and their families are offered an opportunity through Police Youth Aid Services to engage in Alternative Action (McLaren, 2010) with Tūhoe Hauora, or default to the current state-operated youth justice system. Tūhoe Hauora's response typically includes cultural reconnection through tikanga; whānau needs assessment and various 'wrap-around' services. Oho Ake then, is basically a detour out of the current youth justice process, or put simply, a parallel youth justice process, that belongs to and is operated by Tūhoe Hauora.

The second culturally-inspired remedy to legislative harm at the centre of the study is Hui-ā-Whānau'. Hui-ā-Whānau began as a pilot programme and 'spin-off' of Oho Ake's success (Kalan, 2017). In the initial stages it was funded by the Ministry of Social Development. Based on its subsequent successes however, it is now practically a permanent fixture in the newly developed 'prevention space' of Oranga Tamariki in Whakatāne (Oranga Tamariki

Act 1989, s7AA (2)(c)(i-vi)). Operationalised by Tūhoe Hauora in the Tāneatua, Ruatoki and Waimana catchment area and beyond, this initiative involves Tūhoe Hauora practitioners convening 'Hui-ā-Whānau', empowering families to formulate and implement their own Whānau Plans as a culturally-inspired alternative and pre-emptive counter-measure to Oranga Tamariki's Family Group Conference.

Significant to the development of both Oho Ake and Hui-ā-Whānau was the key role which the Pūaoteatatū Report (Ministerial Advisory Committee on a Māori Perspective, 1988) had in shaping the 'retrofitted' Oranga Tamariki Act 1989. By specifically highlighting the requirement to include iwi, hapū and whānau in decision-making as it affects the welfare of the child and young person (Oranga Tamariki Act 1989, s7AA(2)(b)), it created potential within current legislation for culturally-inspired methods to be initiated, as signalled in the whakatauākī that shapes the title of this thesis: *Mā te ture, te ture anō e āki; It is through the law itself that the law may be curtailed.* This whakatauākī, according to Binney (1995), was first uttered by freedom fighter and prophet Te Kooti Rikirangi as he neared the end of his life in Ōhiwa, around 1893 (p. 490):

Ko te waka hei hoehoenga mo koutou i muri i a au, ko te Ture, ma te Ture anō te Ture e āki.

The canoe for you to paddle after me is the Law. Only the Law will correct the Law.

The third culturally-inspired remedy to legislative harm at the centre of the study is 'The Mending Room'. The Mending Room is financed and facilitated by Tūhoe Te Uru Taumatua, the Ngāi Tūhoe post-settlement governance entity, in Tāneatua. The Mending Room is a localised expression of Te Pae Oranga, which began originally as the Iwi and Community Justice Panels, which have been operating in Christchurch and Lower Hutt for the past ten years (Akroyd et al., 2016). The Mending Room provides a culturally-inspired alternative to conventional Court proceedings for low level offenders. In particular and in contrast to the current Court process however, The Mending Room gives voice to offenders, creating an opportunity to explain the circumstances which led to their offending to a panel comprised of people from within their community. From this conversation underlying and contributing social factors and behavioural issues have an opportunity to be identified. Likewise, victims of crime are afforded a greater opportunity to be involved in the process

and describe how the offending has affected them. Furthermore The Mending Room enjoys a level of autonomy to implement culturally-inspired and creative consequences with tailored responses to address these underlying factors in a way which is ultimately more productive, meaningful and restorative to the offender and to the victims of crime than the current Court process. In addition, The Mending Room is a space for Ngāi Tūhoe to test and develop its post-settlement capacity and resilience to address offending and victimisation according to its own values, principles and philosophies in a way that is consistent with advancing its course towards self-determination (Ngāi Tūhoe, 2011).

Having spent the past sixteen years in the otherwise unenviable role of Iwi Liaison Officer with the New Zealand Police in Whakatāne, it has nonetheless been an advantage to be well positioned to observe first-hand the development and value of each of these culturally-inspired interventions as they came into operation and moreover play a small part in their development. For reasons that shall be described further in the chapter on methodology and methods, Insider Research therefore was an obvious and pivotal research methodology from which to undertake this study, alongside Kaupapa Māori and qualitative methodologies.

1.3 Aim and Research Questions

The overall aim of the research is to investigate how culturally-inspired methods can be used to remedy and mitigate legislative harm. Furthermore to identify the features of culturally-inspired methods that contribute to their success and compare these culturally-inspired methods with the standard conventional approaches of current legislative frameworks.

This study is designed to answer these questions and provide insights into how Māori individuals and whānau might be better engaged and supported within the current statutory framework as operated by New Zealand Police, Oranga Tamariki and the Courts, or rather, be diverted away from these processes completely. To this end, the study draws upon multiple sources of evidence including the examination of case studies and qualitative data derived from semi-structured interviews with key stakeholders across each of the specific statutory environments. This evidence in turn is triangulated with secondary sources of quantitative data to support these results. Furthermore the study examines how these culturally-inspired methods utilise cultural frames - Tūhoe tikanga and ways of knowing - to better engage whānau and individuals, to support their participation, and to promote enhanced dialogue and

connections with the ultimate aim of promoting whānau and individual autonomy. It is by a combination of these research approaches that key learnings can be unravelled, evaluated and used to guide improved ways of engaging with Māori to support better outcomes and success.

In order to achieve these research objectives a number of questions are posed:

1. How are culturally-inspired methods being used to reduce the entry and re-entry of Māori into statutory processes?
2. What makes a culturally-inspired method effective?
3. What distinguishes culturally-inspired methods from conventional approaches?

1.4 Significance

This study is significant for a number of reasons. Firstly, it will identify culturally-inspired and appropriate models of dealing with Māori and deflecting them away from the legislative harm of the current New Zealand Police, Oranga Tamariki and Ministry of Justice Court processes. Secondly, the outcomes will either strengthen or challenge the case for increased Iwi self-determination over the current legislative processes presently controlled by Government.

It is anticipated that this study will serve to demonstrate how the principles and intent of Ngāi Tūhoe self-determination, te mana motuhake ō Tūhoe, can begin to be practically explored and expressed in contemporary New Zealand society. Moreover in the tension and creative space between the lived Tūhoe experience of the 'here and now' and the coming utopian 'not quite yet'.

Finally, on a personal level, this study is important as not only will it draw my PhD journey to a close, but it will bring closure and a degree of satisfaction and acknowledgement of the substantial efforts taken by a small but significant team of players to get these culturally-inspired remedies off the ground. Moreover documenting this interesting journey.

1.5 Overview of methodology and methods

The purpose of the study is to investigate how culturally-inspired methods can be used to remedy and mitigate legislative harm; identify the features of culturally-inspired methods that contribute to their success; and compare culturally-inspired methods with the standard conventional approaches of current legislative frameworks. It is therefore important that the

research employs a suitably robust methodology. In this instance Kaupapa Māori Research methodology, which includes pūrākau as research methodology, qualitative methodology and Insider Research methodology were considered appropriate.
This study uses a variety of methods to answer the research questions. This is purely because each question requires a different approach and some methods are more appropriate to the questions and the participants than others. In summary these methods are nine case studies and twelve interviews supported by secondary sources of quantitative data.

1.5.1. How are culturally-inspired methods being used to reduce the entry and re-entry of Māori into statutory processes?

Yin (2003) suggests that the case study method enables a researcher to both focus on a 'case' and yet retain a holistic and real-world perspective. Examining case studies from Oho Ake, Hui-ā-Whānau and The Mending Room is therefore the preferred method to answer this research question since the specific context within each of these culturally-inspired interventions are self-contained, focused and well defined, but the outcomes have consequences for the wider community, particularly Māori. Case study also allows for in-depth learnings and a holistic approach to the research, particularly within cultural processes where a purely quantitative approach would likely overlook the deeper meanings and cultural nuances.

1.5.2. What makes a culturally-inspired method effective?

The interview is the method chosen to answer the second research question. Gill et al., (2008) suggest that the flexibility of the semi-structured interview is appropriate as it allows the participants freedom to respond in more detail and offer new insights beyond the scope of the original enquiry.

1.5.3. What distinguishes culturally-inspired methods from conventional approaches?

Triangulating the case studies (Yeasmin & Rahman, 2012) with qualitative data gained from the interviews in addition to secondary sources of quantitative data collected from the agencies identified in this study will enhance the robustness of the research and allow additional insights. Using a triangulated approach to compare and contrast the Oho Ake, Hui-ā-Whānau and The Mending Room processes with the relevant data associated with each of the corresponding statutory agencies will illuminate the differences and similarities between the culturally-inspired methods and more conventional approaches.

1.6. Overview of thesis

Chapter One introduces my research topic and provides some background to the study. This is followed by the aim of the study, its significance, an overview of the methodology and research questions and the methods that will be used to answer those questions. This will be followed by an overview of the thesis and a brief initiation into pūrākau, the power of story, as research method and conceptual framework.

Chapter Two is a review of the literature on the origins and legacy of legislative harm; Pūaoteatatū and the Oranga Tamariki Act; culturally-inspired social work practice and restorative justice models; culturally-inspired remedies to statutory harm within Aotearoa and abroad; self-determination and devolution and Te Mana Motuhake ō Tūhoe. It will also identify some pūrākau relating to taniwha.

Chapter Three discusses the research frameworks and methodologies within which my research is based. These are Kaupapa Māori methodology, including pūrākau as research methodology, Insider Research and qualitative methodology. The chapter also describes the methods I will use to seek answers to my research questions. In brief these methods are case study, semi-structured interviews and comparative study and analysis based on the triangulation of qualitative and quantitative sources of data. It also describes the research participants and outlines the ethical considerations of this study.

Chapter Four presents and organises the findings, results and answers to the research questions under the appropriate subheadings.

Chapter Five provides some further discussion around the key themes and issues identified in the findings.

Chapter Six summarises the thesis, *'Mā te ture, te ture anō e āki: Culturally-inspired remedies to legislative harm,'* with a recap of the main points of the study. It will conclude with a summary and overall conclusion to the research.

1.7. Pūrākau and the power of story – A tale of three taniwha

From a Kaupapa Māori framework, Pūrākau and the devices of metaphor and allegory are routinely employed as powerful tools with which to inform and excite the imagination beyond the confines of the ordinary. Pūrākau – the power of story – can transcend the

research process from the mundane, temporal and purely intellectual, to a more nuanced, multi-faceted and holistic experience. Lee (2009), who has specialised in Pūrākau as research methodology, explains,

> Pūrākau is a term not usually associated with academic writing or research methodology; rather, pūrākau is most commonly used to refer to Māori 'myths and legends'. Pūrākau, however, should not be relegated to the category of fiction and fable of the past. Pūrākau, a traditional form of Māori narrative, contains philosophical thought, epistemological constructs, cultural codes, and worldviews that are fundamental to our identity as Māori (p. 1).

Consequently I have been inspired – almost obliged - to approach parts of this study from a position that favours and utilises elements of Pūrākau as methodology and a culturally-inspired means of framing the central narrative of this research. Pūrākau – indigenous storytelling – is also a powerful and political assertion as Sium and Ritskes (2013) observe,

> Indigenous stories affirm that the subjectivity of Indigenous peoples is both politically and intellectually valid. Indigenous stories also proclaim that Indigenous peoples still exist, that the colonial project has been ultimately unsuccessful in erasing Indigenous existence (p. 4).

As indigenous researchers in Aotearoa we can be 'unapologetically Māori', to use a popular Māori Party campaign slogan. The device of pūrākau is quite possibly an essentially neglected tool in our indigenous researcher's kete – a culturally significant technique, overdue to be reclaimed in the indigenous research space. As Lee (2005) elaborates,

> A pūrākau approach encourages Māori researchers to research in ways that not only takes into account cultural notions but also enables us to express our stories to convey our messages, embody our experiences and keeps our cultural notions intact (p. 8).

On a personal level, pūrākau describing the phenomenon of taniwha, supernatural 'monsters' and their interactions with humans, have always provoked my curiosity. These taniwha are recorded as being of varied dispositions and character, ranging from the benevolent and

benign, to the terrible marauding devourers of men, women and children, whole villages, which feature prominently in the pūrākau and oral histories that endure to this day.

Upon contemplating the interaction between our ancestors, our mātua tīpuna and their experiences with taniwha, I was naturally compelled to draw comparisons and ponder what the parallels are for us, *ngā uri whakaheke ō rātou mā,* in these contemporary modern times. Where did these beings disappear to? Where does a taniwha's wairua go when it dies? Where are they now? Who are the taniwha of today? When I reflect upon the wanton destruction and misery inflicted by ferociously ravenous and hostile taniwha, or *ngārara kaitangata,* of the likes of Ngārara Huarau, Pekehaua and Te Kaiwhakaruaki, as a Māori researcher it is not a difficult challenge of the imagination to envisage their contemporary counterparts and parallels in the statutory agencies at the centre of this study. Both appear 'other-worldly' and hostile to Māori interests. Both seem to require routine 'consumption' of large numbers of Māori groups and individuals to ensure their survival. Both seem to leave people in a worse state than when they found them. Perhaps the similarities end there.

Government apparatus and systems are often referred to as 'the machine', 'the system', or 'the powers that be'. Even within te ao Māori the analogy of 'the shark and the kahawai' is now commonplace. Likewise, reframing these agencies as taniwha in a contemporary modern pūrākau is similarly a quite natural and organic transition and a useful way to conceptualise the dynamic forces impacting disproportionate numbers of Māori individuals and whānau in Aotearoa today. These three functions of the state, New Zealand Police, Oranga Tamariki and the Ministry of Justice, represent the statutory processes which Māori are arguably most often in contact with and thereby affected. As a nod and potential parallel to the marauding taniwha narratives of former times (Reed, 1963), these are the State entities and processes which perhaps have most routinely and harmfully impacted upon Māori individuals and whānau for generations (Te Uepū Hāpai i te Ora: Safe and Effective Justice Advisory Group, 2019a).

In the words of Sium and Ritskes (2013), indigenous stories place indigenous peoples at the centre of their research and its consequences. Jo-Ann Archibald (2008) describes a truly indigenous education is one where storywork and First Nations stories are employed to educate the heart, mind, body and spirit.

From an indigenous researcher's persepective, one might consider that as a conceptual framework, this study highlights a modern pūrākau, a metaphor and allegory, of three contemporary taniwha ('Te Tari Pirihimana', 'Oranga Tamariki' and 'Ngā Kooti') and the

heroic and culturally-inspired efforts to rescue, free and divert people away from their destructive grip. As we follow this tale of three taniwha, the convention of pūrākau will weave in and out as appropriate through the course of the study. At times it may be plainly conspicuous. At times it may be barely visible. It is there nonetheless. So with your permission, allow me to be your storyteller as we journey through this pūrākau together.

1.8. Chapter Summary

This chapter has provided the background to the study, identifying the aim and an overview of the research questions. The significance of the study has been described, as have the overview of the methodologies and methods that will be used to answer the research questions. This was followed by an overview of the thesis and a brief initiation into pūrākau, the power of story, as a conceptual framework and research method.

The following chapter reviews the literature on the origins and legacy of statutory harm; Pūaoteatatū and the Oranga Tamariki Act; culturally-inspired social work practice and restorative justice models; culturally-inspired remedies to statutory harm within Aotearoa and abroad; self-determination and devolution and Te Mana Motuhake ō Tūhoe. The chapter will also examine the available literature on pūrākau about taniwha.

CHAPTER TWO

LITERATURE REVIEW

Ko au! ko au! ko Tū! He ariki!	*It is I! It is I! It is Tū! A highborn noble!*
Ko au! Ko Tū!	*It is I! It is Tū!*
Ko tōu ariki i runga nei,	*Your lord and master above here,*
Ka whanatu au ki te kura-winiwini i raro nei,	*Advancing to the shuddering demon below there,*
Ki te kura-wanawana i raro nei,	*To the quivering demon below there,*
Ki te pipipi i raro nei,	*To the pitiful mollusc below there,*
Ki te potipoti i raro nei,	*To the insignificant sandhopper below there,*
Ko koe, koia rukuhia, koia whaia,	*It is you, that is dived for, that is pursued,*
Ki te tūāpapa o tōu whare…	*To the very foundation of your dwelling…*

Te Aokehu's karakia to subdue Tutaeporoporo.

(Kauika, 1904, p. 92).

2.0 Chapter Introduction

The previous chapter provided the background to the study, identifying the aim and an overview of the research questions. The significance of the study was described, as were the overview of the methodologies and methods that will be used to answer the research questions. This was followed by an overview of the thesis and an initiation into pūrākau and the power of story.

This chapter reviews the available literature on:

- The origins and legacy of legislative harm;
- Pūaoteatatū and the Oranga Tamariki Act 1989;
- Culturally-inspired social work practice and restorative models;

- Culturally-inspired remedies to statutory harm within Aotearoa and abroad
- Self-determination and devolution
- Te Mana Motuhake ō Tūhoe
- Pūrākau narratives about taniwha

2.1 Towards a definition of legislative harm

This study examines how culturally-inspired methods and interventions are being used to remedy legislative harm. While the concept of culturally-inspired methods and interventions will be examined later in this chapter, considerations and an appropriate definition of 'legislative harm' invites further discussion.

The idea of legislative harm was identified in my Masters research (2017) which examined Hui-ā-Whānau as a culturally-inspired alternative to the Family Group Conference in the Ngāi Tūhoe rohe (Kalan, 2017). In that study participants were emphatic that the more involvement that individuals and whānau had with New Zealand Government statutory agencies, particularly within the criminal justice and child protection frameworks, the more harm they were likely to face. This present study further explores that idea and builds upon those findings.

During the process of finding an appropriate designation for the harm inflicted upon individuals and whānau within legislative frameworks, the term 'statutory harm' was coined at the outset. This was to acknowledge the social, emotional and cultural harm directly caused by statutory agencies. I imagined it could be a term that could potentially be used interchangeably with 'legislative harm'. However the term 'statutory harm' was shortly dispensed with because of potential confusion and misunderstanding it could create with existing and similarly sounding concepts as 'statutory rape', for example – more specifically, harm 'as required, permitted, or enacted by statute.'(Oxford, 2021). No such ambiguity exists within te reo Māori (Māori language) however. 'Te Ture' (the Law) remains 'Te Ture', as signified in the title of this thesis: Mā te ture, te ture anō e āki – it is only through the law that the law can be curtailed. The premise of this thesis is that it is the law itself, as expressed through the legislative and statutory frameworks themselves, that cause the harm.

In moving towards a definition and rationale for legislative harm, the related theories of structural violence and legal violence were encountered in my preliminary reading as an appropriate place to begin given their similarities. Both theories firstly indicate an action of

violence or harm and secondly they suggest that the harm caused is impersonal and systemic, which resonated with the idea of legislative harm.

Within the social sciences, the theory of structural violence was introduced by Norwegian sociologist Johan Galtung (1969) in his contributions to the field of Peace Studies in the late nineteen sixties.

This theory of structural violence was further developed by others such as Sennett and Cobb (1972) and Gilligan (1997), but more recently highlighted and articulated by medical anthropologist Paul Farmer (2003) in his work with the marginalised, impoverished poor and AIDS patients of Haiti. Structural violence shares similarities with the concept of structural, systemic and institutional evil as articulated by Moe-Lobeda (2013), Card (2010) and Wink (1992), which proposes that malignant and malevolent consequences can emanate more so from the structures within human society rather than individual actions and choices. The widespread normalised denigration of women within some cultures, apartheid and the prevalence of slavery and human trafficking throughout the world could be considered as examples of structural evil. Likewise, structural violence in the third world as described by Farmer is expressed in the everyday hardships faced by the poor and marginalised and includes inaccessibility to safe drinking water, inadequate or no housing, barriers to education and basic health care including immunisation to basic diseases.

Structural violence refers to the often ‘invisible’ and indirect harm that is caused to individuals and groups of people within society, which usually includes the most marginalised, dispossessed and poor. This is invariably a result of social and systemic injustice associated with unequal access to power and the inequitable distribution of resources.

Structural violence remains invisible because those with the power to remedy the harm, the status quo, remain distanced and aloof from the impact their decisions have upon the vulnerable. One example in the west might be the indiscriminate consumption of designer label fashion without regard for the substandard work conditions and pitiful remuneration that affects the workers who produce those items in developing nations. Structural violence, as opposed to ‘direct violence’, typified by ‘a punch in the nose’ (physical attacks and injury) is ‘invisible’ in the sense that it has become so normalised within the institutions and power structures within society that the harm it causes remains largely unseen, because it has become status quo. For example in contemporary Aotearoa New Zealand, the English

language and its associated nuances has become so normalised and entrenched within society (media, government communications and forms etc.), that the emphasis on English as the dominant mode of communication to the exclusion of other languages naturally privileges some groups over others. Those who are not proficient in the English language, particularly the uneducated, the marginalised and some ethnic minorities, cannot fully participate and have limited access to the resources and services enjoyed by others, resulting in harm or violence. But this harm is invisible to the status quo because for them it's 'business as usual'.

Another example of the invisibility of structural violence is the physical constraints and obstructions people with disabilities have to routinely navigate every day. The violence done to them daily remains unseen and invisible to the abled status quo, for whom society's infrastructure and architecture as a whole, ramps and disability access notwithstanding, has been created (Smith et al., 2021). Structural violence is also 'indirect' because the harm caused is embedded in the power structure itself and does not require an 'actor' through which to execute the harm (Galtung, 1969). One example is the decision to cancel rural school bus runs as unfeasible due to low passenger numbers, which in turn disadvantages rural families (New Zealand Herald, 2012). Another example is the removal of bricks and mortar services like banks and post offices and the global shift towards internet transactions which generally disenfranchise the elderly and those without internet access (Radio New Zealand, 2018). Under the current housing crisis and economic downturn some families (the lucky ones) have been forced to return to traditional homelands – usually isolated rural communities - and survive on the unemployment benefit. As part of this process they are invariably required to routinely report to their nearest Work and Income New Zealand (WINZ) office, which may be hours away. With no public transportation to get to their appointments they must rely on their own means to get there. If perchance some mishap occurs and they fail to show, they could be penalised and have their welfare payments cut (Work and Income New Zealand). One might conclude they have been penalised for choosing to live where they do, to return to their traditional homeland was potentially critical, perhaps a birth right, that there was no public transport or services available locally was a structural deficiency beyond their control. To have the benefit stopped as a consequence was a penalty imposed by Government policy. This is an example of the indirectness of structural violence. 'Nobody' did the deed, but harm, 'violence' was inflicted nonetheless (Galtung, 1969).

Structural violence has been characterised, particularly through Farmer's (1999) research as a flow-on effect from the global rise in neo-liberal ideologies and reforms beginning in the late nineteen seventies. Neo-liberalism as an economic theory supposedly promotes free and open economies based on entrepreneurial business growth in the advances of self-reliance (Barnett & Bagshaw, 2020). The idea being that the benefits of a free and open economy will 'trickle down' to all citizens (Rua et al., 2019). However it is also an ideology that among other things has promoted the privatisation of the social sector which has directly influenced the consequent retrenchment of the state from its traditional responsibility for the welfare of its citizens. The flow-on effects of neo-liberal ideology and reforms in Aotearoa would see privatisation, general cost-cutting and the withdrawal of state resources from health, education, welfare, public transport and housing (Barnett & Bagshaw, 2020). Particularly in Aotearoa, the privatisation of primary industries where a traditionally high percentage of Māori had been employed for generations, would result in large numbers of them being forced out of work (Rua et al., 2019).

For example the privatisation of the primary industries and subsequent lay-offs of employees from within 'the three F's'- farming, forestry and fisheries, and to a lesser extent telecommunications, railways and the postal service, was to prove disastrous. Moreover a direct bearing on ensuing generational poverty, welfare dependency and increased levels of social harm. This would include alcohol and substance abuse, family violence, over-incarceration, mental health issues, homelessness and suicide, the signs of which are as near as today's newspaper.

Further identified as an effect of structural violence is the theory of legal violence (Menjivar & Abrego, 2012), which has its origins in research associated with the plight of illegal migrant workers from Mexico in the United States of America. Legal violence occurs where the legal system controls the process of defining a person to be either 'legal', or 'undocumented' and the harmful results which can follow. Legal violence is characterised by the constant and persistent threat that undocumented migrant workers and immigrants face from the United States legal system and its agencies. As a consequence of their illegal and undocumented status in America, migrants are subject to the full force of that country's legal system with none of the statutory rights and guarantees afforded to US citizens. They live in daily fear and mistrust of federal agencies where their identity is criminalised and they are devalued as individuals (Saleem et al., 2016). Victims of crime will not report crimes to the authorities for fear of imprisonment or deportation. Undocumented workers are forced to

endure harsh working conditions and substandard living arrangements for fear of being reported or worse. This is legal violence.

In contrast with structural violence however, legal violence is both direct and physical. Undocumented people can be imprisoned or deported, those being the fortunate ones that come to the attention of authorities. Others can simply be made to 'vanish' because of their vulnerable status. Children can be separated from parents in 'detention centres', effectively imprisonment. This was highlighted in recent years at border controls under the Trump administration (The Guardian, 2021). Furthermore illegal migrants have no access to state funded healthcare, housing, education or forms of legal assistance. Children born in the States to illegal parents are at risk of detection and separation from their parents and are compelled to lie to keep themselves safe.

A contemporary example of legal violence within Aotearoa would be the deportation from Australia of '501' deportees, named after the character section of the Australian Migration Act 1958 which allows their visas to be cancelled (Administrative Appeals Tribunal, 2021). These are people who, for the most part. were merely born in Aotearoa but have spent the majority of their lives and formative years in Australia and have subsequently gone on to become criminal offenders. Still others may actually be innocent of criminal offending themselves and are merely 'guilty by their association' with others. Relegated to the Australian justice system's 'too hard basket', or perhaps, 'good riddance basket', these citizens of Australia find themselves unwanted. The wholesale deportation of these individuals back to Aotearoa where they are in most cases left to struggle without established support systems and whānau would be an example of legal violence.

Likewise consider the children of New Zealand Australian citizen, Suhayra Aden (New Zealand, 2021). Her Australian citizenship was revoked by the Australian government because of her association with ISIS Islamic State and her children left stranded in Turkey. They could similarly be considered as victims of legal violence along with their mother.

So where does 'legislative harm' fit in?

Legislative harm, as identified in this study, shares similarities to structural violence in that the harm inflicted upon its recipients can remain largely unseen and invisible to the status quo within Aotearoa New Zealand. Likewise, the harm inflicted is structural, systemic and indirect, there being no individual 'actor' directly responsible for the harm. Notwithstanding the utility of a pūrākau lens, as proposed in the previous chapter, enables indigenous

researchers to regard the structure itself as an entity – which in this study I have reframed as a taniwha. An indigenous frame also empowers us to trace the genealogy or whakapapa of the theory of structural violence and therein identify a central point of departure with the other aforementioned theories. Whereas structural violence has been largely attributed to the proliferation of neo liberalist global reforms from the late seventies, the legislative harm at the centre of this study has a significantly older and established pedigree originating in the British colonisation of Aotearoa, moreover the ensuing and generational legislative breaches of the Treaty of Waitangi by successive colonial governments.

Turning the focus now to differentiate legal violence from legislative harm, while there are similarities, legislative harm differs from legal violence in that the harm experienced through legal violence is direct, whereas harm caused by legislative harm, in addition to that caused by direct exposure to the legislative frameworks of statutory agencies, can also include harm that is both direct and indirect. For example, when the law demands that an offender must be imprisoned, the harm done to that person is direct, in that their freedom has been restricted and they have become physically restrained. Conversely the harm done to that person's family on the outside who as a result may now have diminished household income with one family member down is indirect.

Legal violence is direct and visible, generally because the power structure is served by maligning the 'otherness' of its targets, as is the case of undocumented migrants in the United States (Menjivar & Abrego, 2012). Beyond this, visibility also depends to a large extent on the publicity and attention given to the violence. Yet another point of difference between legal violence and legislative harm is the positioning of 'otherness' within the legislative context. With legal violence, people are harmed because they have been defined as foreign, undocumented, illegal and therefore 'other'. Conversely with legislative harm, people are harmed precisely because they have been defined and recognised by the state in Aotearoa as legal persons, and therefore subject to the legislative framework of the state and its agencies.

The definition and dimensions of legislative harm can be further extrapolated by comparing and gauging the scale of the culturally-inspired remedies at the centre of this study – Oho Ake; Hui-ā-Whānau and The Mending Room - and their corresponding potency and scale to reduce and remedy harm. This is the equivalent of reading the medicine label to identify the corresponding ailments for which the medicine was intended. Arguably these culturally-inspired interventions may lack the scope and scale to dismantle and mitigate the broad

structural, systemic and institutionalised violence enmeshed within the fabric of Aotearoa. However, what this study aims to describe, is their effectiveness as a remedy to the harm that is inflicted by legislative frameworks upon individuals and whānau as expressed by the statutory agencies at the centre of this study. In the same way that antibiotics cannot cure leprosy, for example, but may certainly halt bacterial infections that can lead to deterioration, illness and death, so these culturally-inspired remedies might also divert and halt further progression into harmful legislative processes.

In moving towards a definition of legislative harm for the purposes of this study we might consider that 'legislative harm' has its origins in statutory breaches of Te Tiriti o Waitangi and continues to be expressed today through harmful legislation and exposure to the associated statutory agencies and their processes. Legislative harm refers to the associated hurt or detriment, either direct or indirect, experienced by individuals or groups in the course of being subject to those statutory processes and agencies.

2.2 The origins and legacy of legislative harm

Following the signing of Te Tiriti ō Waitangi in 1840 and the establishment of the colonial government, the history of legislative harm in Aotearoa, in particular the impact upon tangata whenua, is well documented. It has been broadly established within the literature that legislation played a key role in subverting Māori interests to alienate them from their land and resources and would be further used, as it was with the indigenous populations in other countries, to subvert and erase indigenous identity to further the goal of assimilating Māori into colonial frameworks. The impact of legislation and the ensuing legislative harm has been thoroughly explored and established in the work of Moana Jackson (1988) and a generation of kaupapa Māori researchers (Cram et al., 2002; L.T. Smith, 1999; G. H. Smith, 2012; Bevan-Brown, 1998) , so it is not necessary to reproduce those arguments here. Moreover the recent work of Bryers-Brown (2015) and Taonui (2021) have specifically identified and examined key pieces of legislation and described the harmful impacts they have had upon tangata whenua. For example, Bryers-Brown has described the psycho-social domination of Māori through the enactment of five particularly harmful statutes, in particular The Native Lands Act (1862); The Native Reserves Act (1864); The Suppression of Rebellion Act (1863); The Native Schools Act (1867) and The Tohunga Suppression Act (1907). Taonui in addition has focused upon the land alienating and destabilising and destructive aspects of legislation under The Native Land Purchase Ordinance 1846; The New

Zealand Settlements Act 1863; the establishment of the Native Land Court as an alienating instrument with The Native Lands Acts 1862 and 1865; The West Coast Reserves Settlement Act 1881; The Native Lands Rating Act 1882 and The Public Works Lands Act 1864.

This pattern of harm through legislation – 'legislative harm' – particularly towards Māori, has continued unabated throughout this country's history in the form of unfavourable or patently discriminatory laws and the Crown's brutal methods of enforcing them. This double-pronged instrument of oppression (unjust laws and brutal enforcement) describes the collective worldwide experience of indigenous peoples under colonisation in what Gattey (2013) has termed 'empires of uniformity' (p. 49).

> Compounding the use of military force, the ideological operation of "white lawfare" to consolidate settler hegemony was "a shared historical trajectory."

As stated previously, the subject of the indigenous experience of colonisation in Aotearoa has been sufficiently explored in the available literature as to render further exploration here unnecessary. With this basis firmly in mind, it is appropriate at this juncture to shift focus to the three statutory agencies at the centre of this study and their history of legislative harm.

2.3 New Zealand Police

The New Zealand Police as we know it today had its origins in logistical security measures introduced with Governor Hobson and the signing of the Treaty of Waitangi (Rourke, 1993). Generally comprised of heavily armed personnel from New South Wales and Ireland who were accustomed to dealing with convicts (Gilbert & Newbold, 2017), it was primarily concerned with keeping the unruly behaviour of settlers in check and then, under the designation of the Armed Police Force in 1846, quelling Māori resistance to the colonial government. The focus on peace keeping and law enforcement would thereafter extend to the respective frontiers of the 'gold rush' and the rapid growth of mining communities. The most critical change within law enforcement however, one which was to arguably have the most enduring and generational impact, particularly upon Māori, was the creation of the Armed Constabulary in 1867 (Rourke, 1993), from which our present New Zealand Police force is derived. As Brooks (2017) points out, whereas in the United Kingdom, police officers were selected from the community and functioned with the consent of the people, New Zealand Police has its origins in the military, which has an enduring stigma. As the enforcers of

Crown rule, the armed constabulary executed the armed expulsion, genocide and imprisonment of Māori in the illegitimate confiscation of Māori land and suppression of resistance (Pearless, 2009). Again, this account has also been widely documented within the available literature so there is no need to re-examine it here. Suffice to say, the genocide and trauma inflicted upon Māori during the horrific years of raupatu, particularly the role of the armed constabulary as the enforcer of Crown rule and State policy would leave an enduring legacy of pain and distrust towards New Zealand Police which exists to this day. Empowered by the Policing Act 2008, legislative harm expresses itself through New Zealand Police in a number of ways.

Firstly, Māori are over-represented in apprehension and prosecution rates by police (Ministry of Justice, 2020a) and the overall New Zealand criminal justice system in general (Bradley & Walters, 2011). On the other hand, Māori also feature highly as victims of crime, which, according to the Department of Corrections (2009) may simply reflect that crime occurs within families, social networks and neighbourhoods, or rather, that the impact of broader social deprivation contributes to Māori susceptibility to be victims of crime (Ministry of Justice, 2019). Since the New Zealand Police are effectively 'the gatekeepers' to the criminal justice system, they control who gets to enter the system at the point of arrest (Morrison, 2009). Studies that have highlighted the ethnic disparities in arrest rates and the corresponding link with disproportionately high rates of Māori imprisonment per capita would indicate the presence of racial discrimination in the early stage of the justice system as controlled by police. For example Morrison (2009) has referred to the large body of literature describing how police stop-and-search practices directly contribute to significant tensions between police and ethnic communities. Furthermore, Mäori youth are more likely to enter into the formal youth justice system for less serious offences than European youth (Ministry of Justice, 2018) and thereafter face heavier penalties than non-Māori in the court process (Te Uepu Hāpai i te Ora, 2019a). As gatekeepers, police have more flexibility and discretion than other statutory agents within the justice system. Police primarily decide who gets arrested and for what. Police can also decide when to stop, search or arrest people including for what type and how many offences they will be charged with (Morrison, 2009). Systemic bias within New Zealand Police works in succession with socio-economic disadvantage and deprivation stemming from the accumulative and generational trauma of colonisation (Gilbert & Newbold, 2017), resulting in Māori over-representation in the criminal justice system. One familiar yet disagreeable police practice is the tendency to 'over-charge', to lay

additional or more serious charges against an individual and ‘see what sticks’, knowing that charges can always be withdrawn or challenged later in the court process (Spencer, 2011). Police have considerable discretion to decide whether to lay or review charges, which includes determining which cases get diverted away from the court system or whether to issue a warning or caution. A review into police-issued pre-charge warnings (PCW’s), that is, cautions offered for lower level ‘summary offences’ that attract a maximum sentence of six month’s imprisonment, found that Māori offenders were less likely to be issued with a PCW compared with non-Māori offenders for the same offence. (Independent Police Conduct Authority, 2016).

Beyond the structural and procedural considerations of legislative harm, studies also reveal that Māori are at more risk of direct physical violence at the hands of police. Māori are seven times more likely than non-Māori to be subject to pain-inducing tactical responses like pepper spray and taser (New Zealand Herald 2020). Police were criticised recently for targeting Māori communities in a recent armed response trial despite the racially motivated horror of the 2019 Christchurch shootings. Māori are moreover more likely to be fatally shot (New Zealand Police, 2019) by police and die in police custody than non-Māori (Independent Police Conduct Authority, 2020).

2.4 Oranga Tamariki

Oranga Tamariki is the most recent embodiment of the State’s statutory child protection obligations following Child Youth and Family (1989 - 2017) and the former Department of Social Welfare. Oranga Tamariki’s workload is allocated between the dual functions of care and protection, which deals with issues of child welfare and safety; and youth justice, which deals with child and youth offenders. Oranga Tamariki is empowered by the Oranga Tamariki Act 1989. While many of the concerns relating to the New Zealand child protection industry are not new, as documented in the Pūaoteatatū Report (examined later in this chapter), legislative harm is expressed through Oranga Tamariki in a number of ways.

A chief criticism of Oranga Tamariki, moreover the state’s traditional child protection system, especially as it relates to children in state care, is that for many children, it is all but a ‘pipeline’ to despair. Moreover a conveyor belt that subjects them to horrific abuse and neglect in a succession of ‘care’ facilities and foster homes that ultimately ends in prison or suicide. This is particularly the case for Māori, as described in the Whānau Ora

Commissioning Agency's Summary Report, *'Ko Te Wā Whakawhiti, It's Time For Change: A Māori Inquiry into Oranga Tamariki'* (Kaiwai et al., 2020) Elizabeth Stanley (2016) has described this pipeline of state violence as 'The Road to Hell' in her research into the mass institutionalisation of children into state care in New Zealand from the 1950's to the 1980's. Routine abuse within state care has also been identified as inducing the metamorphosis of its victims - angry, afraid, broken and disaffected youth and children – into ethnic gangs and organised crime (Stanley, 2016). In addition, the statutory removal and displacement of tamariki from their whānau into state care has been the cause of intergenerational loss and trauma and disruption to whakapapa (Human Rights Commission, 2020). Studies moreover describe the 'lost generations' of missing tamariki, whānau and siblings who have been displaced and separated from each other and their cultural identity through the state's child protection policies and the enduring harm inflicted therein (Judge, 2017; Scoop, 2017).

In 2021, the majority of children in state care, fifty-seven percent, are Māori (Oranga Tamariki Quarterly Report, 2021). Considering that Māori make up just fifteen percent of the overall New Zealand population, tamariki Māori and their whānau are over-represented within Oranga Tamariki's systems. For this reason among others, Oranga Tamariki has been slammed as being little more than a machine sustained by the raw fodder of tamariki Māori. As veteran social worker Paora Moyle (2015) explains:

> Our child protection system…is a self-generating machine of supply and demand transacting profitable brown units and providing the jobs we all love and love to hang on to...I'm talking about the targeting and commodification of Māori children (p. 12).

As expressed previously in my Masters research, not everybody wants to do themselves out of a job (Kalan, 2017). Another criticism of Oranga Tamariki, and social work in Aotearoa in general, is the lack of Māori practitioners and the unsuitability of the New Zealand Social Workers Registration Board to assess and accredit social workers as culturally competent to work with Māori whānau (Moyle, 2015). Oranga Tamariki staff are similarly unable to navigate their way with competence through Māori social spaces or utilise culturally-responsive methods themselves, such as correctly investigating a child's whakapapa. Concerns over the cultural competence of Oranga Tamariki social workers were echoed in the 2020 report on Oranga Tamariki by the Whanau Ora Commissioning Agency (Kaiwai et al., 2020).

The statutory child protection process itself has been described as harmful, confusing and unworkable for whānau to navigate (Kaiwai et al., 2020). It has been described as discriminatory to Māori and lack of communication from the agency to the whānau is commonplace (Kaiwai et al., 2020). The statutory child protection process has been further criticised as being coercive, manipulative and in practice, centred on the statutory professionals (Bradley & Walters, 2011) at the expense of whānau, who are effectively displaced and marginalised. This has been highlighted in the research on Family Group Conferences (FGC), especially in the case of 'intent to charge' youth justice (YJ), FGC's where the statutory professionals (lawyers, social workers, police) habitually pre-empt the outcomes of the hui 'offline'(Tauri, 2015). The whānau thereafter are simply coerced into 'the plan' because they want to avoid their child being unduly prosecuted in court (Kalan, 2017).

The dubious practice of child uplifts, drawn into the public eye by a well-publicised incident at a Hawke's Bay Hospital in 2019 (Beehive, 2019), is yet a further indictment on Oranga Tamariki's harmful policies and practices. While I believe it is generally accepted that there will be situations where children may need to be uplifted from their family members for their own safety, the way this is executed demands the utmost transparency, integrity, empathy, communication and skill. Moreover this practice of child uplifts by the department, particularly those involving tamariki Māori, was arguably the proverbial 'straw that broke the camel's back' in inciting significant backlash from Māori society and urgent calls for reform (Whānau Ora, 2019).

Section 78.7 (Oranga Tamariki Act 1989) placement practices have also brought Oranga Tamariki into the firing line where denied access to whānau and lack of communication is a recurring theme in the research.

Finally, the demanding workforce conditions of working within Oranga Tamariki itself has been identified as a significant source of harm and risk for whānau and tamariki enmeshed in its processes (Kaiwai et al., 2020). The research describes a 'professional' environment characterised by high caseloads resulting in stress and burnout and aggravated by a culture of workplace bullying. This unsurprisingly has a flow-on affect for Oranga Tamariki clients, the majority of whom are tamariki Māori and their whānau.

2.5 Courts of New Zealand – Ngā Kōti o Aotearoa

Presently operating within the Ministry of Justice framework, the New Zealand Court system had its genesis in the colonial expansion into the pacific and was developed over time following the signing of the Treaty of Waitangi. The rapid immigration of colonial settlers into Aotearoa, the insatiable appetite for land and the inevitable Māori resistance hastened the British Empire's imperative to establish the rule of law, English law, into the new colony. As the New Zealand Law Commission (2001) confirms,

> A process of denial, suppression, assimilation and co-option put Māori customs, values and practices under great stress. Aspects of this process continue today. (p. 22).

Consequently, this transplanted judicial system which had hitherto (perhaps as pretence) been involved chiefly with the regulation of unruly colonist behaviour in a land where iwi authority continued unchallenged, promptly converted the Law into a mechanism of land confiscation and suppression. In truth this strategy simply followed the colonial model as imposed upon other indigenous peoples under the empires' regime (Rahman et al., 2017).

Within the New Zealand criminal justice system (following the Police) it is the District Courts which are the next phase of the statutory machinery through which the majority of offenders must pass. Most civil and criminal matters start off in a District Court, of which there are currently 58 throughout Aotearoa. The District Court presides over minor civil matters and criminal prosecutions and, among other things makes decisions on bail, remand, release conditions and sentencing (District Court, 2021). The District Court also incorporates the Family Court and Youth Court, which enables it significant latitude across Māori entering the justice system. It is sufficient then for the purposes of this study to focus chiefly on the indigenous experience of the District Court, the function of the judiciary machinery to which Māori are largely exposed to. Beyond the imposition of court-imposed penalties, legislative harm through the Courts is expressed in a number of ways.

Predictably, given what is known about the over-representation of Māori in police apprehension and prosecution numbers, Māori are likewise over-represented in the courts. Māori youth are more likely to enter into the formal youth justice system for less serious offences than European youth (Maxwell et al., 2004). Furthermore, racial bias and discrimination in the court system has been identified as a concern (Maxwell et al., 2004). Studies exploring the sentencing process highlight the ethnic disparities in legal representation and whether bail, plea decisions or probation is granted (Morrison, 2009).

These disparities extended to the provision and quality of pre-sentence reports (Morrison, 2009).

The 'He Waka Roimata' inquiry into the criminal justice system highlighted many examples of legislative harm within the court system (Te Uepu Hāpai i te Ora, 2019a). Participants in that study identified the inconsistent treatment of offenders and victims, citing incompetent legal practitioners and the haphazard 'lucky dip' nature of legal representation through the legal aid process. Little time was available to meet with duty-solicitors before sentencing. For example, in my experience some clients are introduced to their lawyers only minutes before sentencing. The caricature of the judicial process as a proverbial 'sausage machine' is not exaggerated. The report further identified that the judicial system is effectively inaccessible to non-English speaking communities and its processes are typically drawn-out and painfully slow (Te Uepu Hāpai i te Ora, 2019a).

Likewise, the adversarial nature of the judicial system itself was also identified as a source of harm. For one it ignores and marginalises the role of victims (Te Uepu Hāpai i te Ora, 2019a). In addition the adversarial approach was described as having less to do with justice and more to do with 'game playing' and wordplay to confuse the decision makers. Furthermore the idea of cross-examination to determine credibility was identified as potentially brutal and dehumanising to witnesses.

Few alternatives to the adversarial court process were available to participants in the system, including tikanga based and restorative approaches more aligned to indigenous practice. The adversarial process is brutal and is exclusively geared toward determining a loser and a winner. This contrasts with indigenous restorative processes where the general overriding objective is to restore the mana of all affected and correct the imbalance of the social dynamics and harm caused by the offence (Bradley & Walters, 2011).

Problems associated with granting bail sentences were also highlighted in this report as harmful and problematic. In particular, those with no alternative but to be bailed to rural areas with no cell coverage (where electronic monitoring isn't possible), are simply forced into remand and imprisonment. The experience of incarceration itself is criticised as dehumanising, perpetuating the exact anti-social behaviour it purports to address. This again is well documented and superfluous to the scope of this study.

With respect to the Family Court, a separate study on whānau experiences, which coincidentally refers to the court as a taniwha (*Te Taniwha i Te Ao Ture ā-Whānau – Whānau*

Experiences of Care and Protection in the Family Court), described a lack of communication and explanation of the process or who was involved (Boulton et al., 2020). Participants could not understand the language and protocols of the court. Nor were they permitted to speak to the judge or share their thoughts, leaving them feeling excluded from the court process, intimidated and alienated. This experience of the court was not limited to Māori participants either. "The feeling of not being heard and having no agency was reiterated throughout these interviews, leaving the participants feeling alienated and powerless." (p. 12).

2.6 A tale of three taniwha…

In summarising the legislative harm caused by the three statutory agencies examined in this study, they are primarily described as being hostile to Māori. Studies describe the innate 'otherness' and alien nature of the statutory processes. This is not surprising, considering the criminal justice ideology has been simply transplanted here, like other invasive species (e.g. gorse, ragwort, stoats, possums, weasels and didymo etc.) from overseas, in particular Great Britain. In addition to its innate foreignness, the system is further described as being actively discriminatory and racist, one might say predatory, toward Māori.

Furthermore, the burgeoning over-representation of Māori within legislative processes is a conspicuous feature of the three statutory agencies examined in this study. The research shows that both the criminal justice and child protection systems are congested by the sheer volume of Māori who become enmeshed in these statutory processes. Moreover the routine inability and reluctance of Government to intervene and implement meaningful and permanent strategies to reverse this trend would suggest at the very least that the issue of Māori over-representation in the system is not a priority (Te Uepu Hāpai i te Ora, 2019a). Ominously, it might even be preferred, by those in power. The system is a ravenous beast. Industries built on brokenness and dysfunction survive on numbers. Māori conveniently provide those numbers. As mentioned previously, not everyone wants to do themselves out of a job.

In terms of these statutory agencies therefore, what has been described thus far, is a foreign invasive species hostile and harmful to the indigenous population. In addition it was established that these entities habitually consume large numbers of the Māori population as a routine function. On this basis, to compare these entities with the marauding taniwha of oral tradition would not be amiss. The use of metaphor and allegory, in particular pūrākau as a viable and valid research methodology, was introduced in the previous chapter to reframe the

statutory entities examined in this study as contemporary taniwha, namely, Te Tari Pirihimana, Oranga Tamariki and Ngā Kōti. Furthermore the capacity to re-interpret and reframe society's institutions as malevolent personifications is not a new approach, as identified by Wink (1992) in his extensive exploration of the nature of power structures and human complicity.

> In the ancient worldview the seer, or prophet was able to sense the diseased spirituality of an institution or state, and then bring that spirituality to awareness by projecting it in visionary form onto the heavenly realm and depicting it (even seeing it) as a demon on high (p. 7-8).

Embracing pūrākau as methodology similarly elevates indigenous ways of knowing, wherein the reframing and re-interpretation of these statutory agencies as taniwha is potentially more accessible and meaningful to an indigenous audience. As Wink (1992) suggests, "Projection is not a falsification of reality. It is sometimes the only way we have of knowing certain internal things" (p. 8). A pūrākau is more than a parable, but both can be used to convey knowledge and insights beyond what can merely be apprehended by the senses.

In reference to modern allegory, considering that these statutory institutions, exotic species of taniwha, were imported into Aotearoa from foreign shores by the Crown, to me evokes a natural comparison with the conquering liberator turned tyrant of the 'Game of Thrones' novels, Daenerys Targaryen (Martin, 1996, see Figure 1, p. 46). Using three ferocious fire-breathing dragons to expand her empire, all opposition was routinely subjugated, crushed and destroyed. Framed in this manner, it is not difficult then to imagine the British counterpart of this 'Queen of Dragons' as depicted on the New Zealand Coat of Arms (Ministry for Culture & Heritage), symbolic of Crown authority, moreover the statutory agencies examined in this study (see Figure 2, p. 46).

Like their primeval counterparts, these contemporary taniwha also have a history and relationship with the tangata whenua of this country. They also display a symbiotic and at times parasitic relationship with each other. Enabled thus by a worldview informed by pūrākau, these taniwha, Te Tari Pirihimana, Oranga Tamariki and Ngā Kōti, exhibit peculiar behaviour which will be further identified during the course of this study.

Figure 1. Daenerys Targaryen (www.reddit.com)

Queen of Dragons

OR

Figure 2. NZ coat of arms. (www.vectorstock.com)

Queen of Statutory Taniwha?

For example and in preview, it is not uncommon for one taniwha to hunt for and feed another (New Zealand Police feeds the Court system). One taniwha can command another (Family Court directs Oranga Tamariki e.g. child uplifts, a truly beastly act). One taniwha can even leave it's scent on potential prey and thereby single a victim out for the attentions of another taniwha (New Zealand Police obligatory information sharing with Oranga Tamariki). For example, if a child's name appears three separate times in any family harm incidents, Police are obligated to inform Oranga Tamariki in a Report of Concern (ROC). This is regardless of whether or not the child was directly involved, or was simply visiting the address, or the incident just happened to occur at the child's address, e.g. an adults' party getting out of hand. At variance with the facts, this child now has a record with Oranga Tamariki. Yet another trait common to all three taniwha is the inclination to over-indulge, regurgitate and ruminate on their victims (chewed up, spat out, repeat step one), which at the risk of seeming trite and simplistic, is an appropriate juncture to conclude this section.

2.7 Pūaoteatatū and the Oranga Tamariki Act 1989

A key finding of my Masters research was that significant opportunities for culturally-inspired intervention could be achieved by simply exploiting the opportunity that was present within existing law. This leads naturally to The Children, Young Persons and their Families Act 1989 and its 2017 retro-fitted reincarnation, The Oranga Tamariki Act 1989, moreover, the landmark report that gave rise to its impetus – the Pūaoteatatū Report of 1986 (Ministerial Advisory Committee on a Māori Perspective, 1988). Consequently an

investigation into Pūaoteatatū and how it was to ultimately influence the Oranga Tamariki Act 2017 is appropriate.

2.8 Mā te ture, te ture anō e āki – te pūao o te atatū

The Pūaoteatatū Report 1988, commissioned by the Department of Social Welfare through its Mäori Perspectives Committee, signalled a significant push for Government reform in the development of social work policy and practice in New Zealand. In particular as it related to Māori children's placement into state care and Māori families' experiences within the social welfare system. The Ministerial Advisory Committee was chaired by Tūhoe luminary and statesman John Rangihau. It was based upon evidence and responses gathered over a nine-month period which included sixty-five hui with Māori communities from across the country. The Report described a system that was inherently discriminatory against Māori and advocated considerable structural reform of the Department of Social Welfare and increased engagement with whānau, hapū and Iwi. This was described by Māori Responsiveness reformer Kim Workman in his appraisal of the New Zealand Criminal Justice System.

> The case for structural reform, and for the shifting of resources to Māori communities, was well argued and the report made a significant contribution to the Children, Young Persons and Their Families Act 1989, with greater recognition of customary Māori support structures. The Act mandated a radical reform of the youth justice system, and in so doing, attracted international attention (Workman, 2016, p. 94).

Comprising thirteen recommendations, Pūaoteatatū called for a total overhaul of the State social welfare system and removal of all forms of cultural racism, deprivation and alienation (Recommendations 1 & 2). Beyond calls for increased resourcing including culturally-specific training for Department staff, a significant focus of the Report in regard to this study was its recommendation for increased ownership and participation of whānau, hapū and Iwi in the child welfare process (Recommendations 3 & 4). This was radical and innovative for its time. Recommendation 4 was particularly significant in its direct call for a review of what was then the Children and Young Persons Act 1974 and the unapologetic demand for greater consideration of the role of whānau, hapū and Iwi in the welfare of their children:

> Recommendation 4

(c) The Children and Young Persons Act 1974 be reviewed having regard to the following principles: (i) that in the consideration of the welfare of a Maori child, regard must be had to the desirability of maintaining the child within the child's hapu;

(ii) that the whanau/hapu/iwi must be consulted and may be heard in Court of appropriate jurisdiction on the placement of a Maori child (Ministerial Advisory Committee on a Māori Perspective, 1988, p. 11).

In terms of Pūaoteatatū's direct influence on the new legislation, the principles outlined in Section 5(a), (b) and (c) of The Children, Young Persons and Their Families Act (1989) clearly highlighted the intention to give meaningful access to customary Mäori support structures when the Act came into being on November 1st, 1989:

a)…wherever possible, a child's or young person's family, whanau, hapu, iwi, and family group should participate in the making of decisions affecting that child or young person, and accordingly that, wherever possible, regard should be had to [their] views.

b)…wherever possible, the relationship between a child or young person and his or her family, whanau, hapu, iwi, and family group should be maintained and strengthened:

(c)…consideration must always be given to how a decision affecting a child or young person will affect—
(i) the welfare of that child or young person; and
(ii) the stability of that child's or young person's family, whanau, hapu, iwi, and family group:

Pūaoteatatū's direct bearing on The Children, Young Persons and Their Families Act 1989 is significant when considering Oho Ake and Hui-ā-Whānau as cultural remedies since it establishes that statutory provision had already been made in 1989 for greater participation and opportunities for whānau, hapū and Iwi within the child welfare system as Keenan has observed (Keenan, 1995). That the indigenous terminology 'pūao te atatū' literally references the first rays of day piercing the dark of night is significant. Furthermore, Pūaoteatatū's pivotal role in directly shaping structural and legislative reform supports the prophetic statement issued by freedom fighter Te Kooti Arikirangi shortly before his death more than a century earlier, 'Mā te ture, te ture anō e āki.' (Binney, 1995, p. 490). That is to

say, it is only through the law that the law, in particular its unjust and harmful aspects, can be curtailed and overcome.

Yet for a variety of reasons this increased engagement of whānau, hapū and iwi has never been fully realised over the thirty plus years since The Children, Young Persons and Their Families Act 1989 came into being. These reasons range from the typical and unspectacular, inadequate resources and cost-cutting (da Silva, 2013); administrative bureaucracy, changes in Government and staff turnover (Watt, 2003), to the downright discriminatory, the reluctance of State players to relinquish bureaucratic power and control (Workman, 2016), thereby stifling innovation and reform. Veteran Māori social worker, Paora Moyle (2015) specifically identifies institutional racism as a major obstacle to the implementation of the reforms advocated in Pūaoteatatū.

> Let's get real. Püao-te-ata-tū (breaking of the dawn) never got to see the light of day because the very thing the document sought to eradicate, institutional racism, blocked it. Those in positions of power to effect and implement those changes did not want to share that power (p. 12).

The over-riding and conspicuous lack of will among bureaucrats for culturally inspired practice and reform has also been described by University of Auckland social work expert Dr. Ian Hyslop, a former social worker, supervisor, and practice manager in statutory child protection services. It was this specific lack of will, according to Hyslop (2016), which would ultimately see Pūaoteatatū side-lined.

> It is important to see that it is not the vision that failed but the political will to make it happen … it gets reinterpreted as a failure of vision which is used to justify the move away from whanau-centred practice (p. 2).

The unrealised ideals and aspirations embodied within the Pūaoteatatū Report is an ongoing point of contention within social work circles in Aotearoa. Moreover evoking melancholy and cynicism as to why its compelling vison was never fully honoured and applied.

This lingering disappointment is predictably reproduced in the overall outcomes of the ensuing Children, Young Persons and Their Families Act 1989 and its 2017 reboot. Although the Act is explicit in its intentions towards giving consideration to whānau, hapū

and iwi participation through the Family Group Conference, the general consensus within the sector is that in practice it has been found wanting (Moyle, 2013). To put it simply, the Act merely introduced the Family Group Conference into the system, and paradoxically that in itself has been panned as tokenistic, co-optive (Tauri, 2005) and practically the exclusive domain of the professionals (Brooks, 2017).

The updated Oranga Tamariki Act of 2017 offers some renewed hope for reform however, in particular the new section 7AA which outlines the duties of the Oranga Tamariki chief executive in relation to the Treaty of Waitangi (Tiriti o Waitangi). These duties cover a range of obligations such as reducing disparities and improving outcomes for Maori, having regard to a child's inherent mana and whakapapa in whānau placement (although this has generally been understood as Crown-speak for child uplifts) and prioritising collaborative interventions and strategic partnerships with iwi and Māori organisations. That said, the literature is not overly abundant with examples of these strategic iwi partnerships in action, although some will be identified further in this chapter. The difference with the culturally-inspired remedies in this study is that they pre-empt the new section 7AA provision by several years. Oho Ake was launched in June 2010 and Hui-ā-Whānau followed suit in August 2016. As will be explained later in this chapter, the latent opportunities within the Oranga Tamariki Act 1989 shaped by Pūaoteatatū were openly exploited as the basis and rationale for culturally-inspired remedies to legislative harm. Mā te ture, te ture anō e āki.

Although there are numerous references to the uniqueness of Pūaoteatatū (Keenan, 1995; Hollis-English, 2015; Hyslop, 2016; Workman 2016; Boulton et al., 2020; Brooking, 2018), particularly in its denunciation of systemic racism and calls for urgent reform, what is absent from the literature are clear examples where Pūaoteatatū and its impact on subsequent legislation has been utilised as a rationale for culturally-inspired intervention in the statutory process. Studies denouncing the marginalisation of Pūaoteatatū are likewise numerous (Watt, 2003; da Silva, 2013; Hyslop, 2016; Workman, 2016; Brooking 2018), but concrete examples of culturally-inspired responses to the latent opportunities created within the legislation have been difficult to locate. But this is hardly surprising given that the literature clearly identifies entrenched monoculturalism and bureaucratic resistance as barriers to transformation (Mika, 2002; Brooking, 2018; Smale, 2019). Simply put, whānau, hapū and iwi have rarely been engaged by the statutory agencies, New Zealand Police and Oranga

Tamariki, to the full extent of the opportunities present within the legislation since its inception more than thirty years ago.

The significance of Pūaoteatatū for this study is that it expressed a compelling argument for increased self-determination by Mäori over the social welfare system as it related to their tamariki, mokopuna. Conversely, the way Pūaoteatatū was side-lined and marginalised into political obscurity by the State serves as an absorbing history lesson for aspiring reformers. Pūaoteatatū had a direct influence on The Children, Young Persons and Their Families Act 1989, particularly as it acknowledged the necessity for involving whānau, hapū and iwi in determining the well-being of the child. Consequently the rationale behind the Oho Ake and Hui-ā-Whānau processes as culturally-inspired interventions that draw upon the strengths of whānau, hapū and iwi to support tamariki and whānau is therefore not new. In giving genuine and meaningful consideration to the role of customary support structures and indigenous practice models in the welfare of the child and family, both Oho Ake and the Hui-ā-Whānau process might simply be a return to the original aspirations and ideals of Pūaoteatatū as an authentic expression of what had been anticipated more than thirty years ago.

2.9 Culturally-inspired social work practice

Since Oho Ake, Hui-ā-Whānau and The Mending Room are being presented in this study as culturally-inspired remedies to legislative harm, an examination of the literature as it relates to indigenous norms, including Māori social work principles, practice models and frameworks is appropriate. Indigenous norms and practices provide the point of difference in addressing the harmful effects present within statutory frameworks upon which to mitigate and remedy legislative harm.

2.10 Validating Mãori practice models

One critical assumption with regard to the Oho Ake, Hui-ā-Whānau and The Mending Room is that they embody and express cultural nuances that have been largely disenfranchised and subjugated by conventional social work practices. These culturally-inspired remedies create space where indigenous methods and ideologies can find freedom of expression without the need for justification and validity from hegemonic influences as noted by Kruger et al., (2004),

> Māori practitioners have been seeking the right and space to develop their own practice models for the prevention of whānau violence without having their practices mutated by legislation, policy, funding or a foreign paradigm and pedagogy. In many cases the experience of Māori practitioners has not been recognised or credentialed, which has made it difficult for Māori practice models to access public funding (p. 14).

Another underlying assumption relating to these culturally-inspired remedies is that Māori people respond best to Māori methods. Incidentally it is now widely accepted that what works for Māori will most likely work for everyone else as well (Bennett, 2021). Tauiwi-prescribed methods of dealing with Māori in the social welfare system haven't always worked for Māori, as evidenced in the overwhelmingly negative statistics, a pattern which is sadly repeated in Māori experiences in the national Health, Justice and Education sectors (Stats NZ, 2018). The instances of hope that counter these trends occur more frequently where culturally-inspired interventions have been given a chance to succeed. The kohanga reo and kura kaupapa Māori movements, health initiatives delivered by iwi social services and tikanga programmes in prisons are some examples. The failure of Eurocentric models and ideology to address Māori issues has also been observed by Kruger et al., (2004), in their study on Māori family violence: "If whānau violence interventions continue to be delivered from a Pākehā conceptual and practice framework that isolates, criminalises and pathologises Māori individuals we are adamant that nothing will change." (p. 14).

The assumption that Māori responses, in particular culturally-inspired responses based upon tikanga, work best to address Māori well-being has also been noted by Ruwhiu (2009),

> For effective social and community work with Maori and their whanau, the principles that guide practice and the actual practice deliverables need to be aligned with tikanga and kawa. Working with indigenous people around the world often involves a challenge in that healing solutions and well-being strategies are often embedded in their cultural intellectual property-in their tikanga and kawa-and practitioners need to be able to engage with those aspects (p. 115).

Calls for increased culturally-inspired responses in dealing with Māori issues have also come from within Government. For example, in 2009, *Practical Ideas for Addressing Maori Offending* (Becroft, 2009), a paper prepared by the Youth Justice Independent Advisory Group for the Youth Justice Ministers Group, recognised that standard Tauiwi measures to

address Māori youth offending were not working. In view of the failure of the System, the time had come for Government to take some calculated risks and allow for more culturally-based responses to address Māori youth offending (Becroft, 2009) and that increased priority and funding should be placed upon initiatives designed and implemented by Māori. Though it would appear that their recommendations have been largely ignored, the report did recognise the effectiveness of culturally-inspired practices in changing Māori offender's behaviours.

> Using proven effective practice combined with a high level of cultural involvement and protocols has proven more effective with Maori adults than those without the cultural content. This approach has also proven very effective and well accepted by other cultures (Becroft, 2009, p. 7).

Having identified the critical assumption that Māori people respond best to Māori solutions, the following section examines some key cultural concepts as they relate to and inform Māori social work practice and the wider relationship to the culturally-inspired remedies explored in this study.

2.11 Whakapapa

An appreciation and working knowledge of whakapapa can be a potent source of transformative practice and healing within the kaupapa Māori social services. A practice informed by whakapapa will be cognisant of a person's connectedness to their whānau, hapū and Iwi as opposed to Tauiwi approaches that focus solely on the individual in isolation as described by Kruger et al., (2004),

> The Taskforce is of the view that a system that focuses on individual pathology will produce models that are oriented towards individual victim blaming, treatments and removal of the offending individual from the whānau, hapū, iwi and cultural context in which whānau violence occurs. It is within this context that there is the potential for establishing constructive solutions and positive healing practices (p. 13).

The pre-eminence of whakapapa is further highlighted by Kruger et al., (2004), as the basis of Māori society and the foundation of tikanga, which is identified as another feature of culturally-inspired social work,

> Te ao Māori and being Māori do not exist if whakapapa is non-existent. If whakapapa is non-existent then you cannot have whānau, hapū and iwi. It is the construct that underpins the essence of Māori identities and the governance role of tikanga among whānau, hapū and iwi (p. 18).

The pivotal role of whakapapa in informing transformative social work practice and the absolute necessity for practitioners to be culturally competent to navigate whakapapa is again highlighted by Kruger et al., (2004),

> The challenge for the practitioner is to find the relationship and the point of contact to enable the practitioner and perpetrator to progress together towards healing. Healing cannot take place without a relationship being established between practitioner and perpetrator/victim/whānau/hapū/iwi. The practitioner must recognise that there are differing levels of awareness and willingness to accept the validity of whakapapa. Māori practitioners who subscribe to a Māori practice model will base relationships on the connection through whakapapa of the individual with the wider kin network and the context in which violence has occurred (p. 19).

2.12 Tikanga

According to Carswell et al., (2013), the absence of a strong cultural identity is a common factor among those children and 'needy' whānau that feature heavily in the system .
The role of tikanga therefore is crucial as a resiliency factor in reconnecting youth and whānau with their cultural identity. Restoring cultural capital and cultural mobility through tikanga realigns them with customary support structures and the beliefs and behaviours consistent with a traditional Māori world view. It enhances mana. The observance, practice and transmission of tikanga is therefore central to effective Māori social work practice as described by Kruger et al., (2004),

> Tikanga includes the enactment of whanaungatanga and the reverence for whakapapa. An effective Māori practitioner uses tikanga as a tool to educate whānau about the responsibilities of whakapapa and whanaungatanga. Contemporary Māori realities impede the use of tikanga to fix and make right acts of violence because often there is external interruption and a lack of knowledge about how to resolve whānau violence and begin the healing process. Māori practitioners are responsible for clarifying

> tikanga processes with whānau and guiding whānau back to the use of tikanga to prevent the reoccurrence of violence (p. 20).

The use of tikanga in reconnecting young people with their cultural identity was also recognised by the Independent Advisory Group to the Youth Justice Ministers (Becroft, 2009, p. 2).in recommendation 15 of their report: "Any practical solutions must therefore be considered against the goal of improving "cultural connectedness" for Maori young people…any solutions to address the Maori youth apprehension imbalance should aim to increase cultural connectedness amongst Maori young people."

2.13 Whakawhanaungatanga

The concept and practice of whakawhanaungatanga is also central to a Māori practice of social work. Through trust and respect it builds vital bridges between practitioner and client. By focusing on commonalities and connectedness, barriers to effective collaboration are removed. According to Kaa and Milroy (2001) in their report to the Ministry of Justice, *He Hinatore ki te Ao Māori – A glimpse into the Māori world: Māori perspectives on justice,* whakawhanaungatanga is analogous to the ritual of encounter routinely held on the marae to disperse hostilities and facilitate harmony,

> Whanaungatanga allows people to make links with kin and is the key principle that binds together the whänau, hapü and iwi… The tangata whenua and manuhiri relate to each other and establish their whanaungatanga through the linking of whakapapa. (pp. 189-190).

Without the proper respect and implementation of whakawhanaungatanga, practitioners will fail to effectively engage with Māori whānau and the door to transformative practice will remain firmly closed. The importance of whakawhanaungatanga in Māori social work practice is again confirmed by Ruwhiu, (2009), "A skilled social work practitioner working with indigenous people would place a premium on identifying these layers of 'people-bonding' and 'relational identification allegiances' to assist in healing processes and in securing support for those suffering." (p. 115).

Whakawhanaungatanga as it applies to the justice system recognises that within te ao Māori, criminal offences are not merely individual, but corporate and communal violations where both the impact and resolution of harm has ramifications for the wider social groupings.

Since we are all connected through whakapapa, crime is a corporate rather than individual offence, as Cleland and Quince (2014) explain,

> In Māori culture, the individual is identified in terms of their connection to people and territory. This preference for collectivism is reflected in the concept and practice of collective responsibility for disputes. The Māori system aims to account for past wrongs, but also focuses on future relationships and the reintegration of all parties involved back into the community (p. 168).

Williams (2013) also affirms the opportunities for whakawhanaungatanga in reclaiming power from the system for Māori while informing good criminal justice practice,

> After all, in a whānaungatanga-based culture, kin group responsibility for the wrongs committed by a member of the group is assumed. The tikanga of muru (restitution) reflects that basic idea. Finding means by which that kin group can participate in sentence selection processes, whether therapeutic or otherwise, assists the kin group and therefore the wider community to take responsibility for offenders in a manner consistent with tikanga Māori and good criminal justice practice (p. 29).

2.14 Manaakitanga

Manaakitanga, considered broadly across te ao Māori as a defining cultural value is also naturally an integral feature of Māori social work practice as Kaa and Milroy (2001), explain, "Manaakitanga, literally translated, is to care for a person's mana. Manaakitanga means to care for a person's well-being in a holistic sense – that is physically, mentally and psychologically." (p. 166). The significance of the practice of manaakitanga to social work practice with Māori has also been articulated by Ruwhiu (2009),

> It is of critical importance that social and community work practitioners working across cultures and especially with indigenous peoples, take stock of the impact that mana has on practice assessments, interventions and reflections. The health and wellbeing of both those being supported and those providing the support are at risk should one person 'trample over another's mana'. To 'lose mana' is a deeply felt

> experience, and in the modern context it is also associated with losing respect and honour (p. 116).

Manaakitanga can also be expressed in practice through the depth and quality of relationship a practitioner is able to build and maintain with the client as Carswell et al., (2013), identified in their State-commissioned evaluation of the Family Group Conference,

> A strong theme to emerge was the importance of the relationship with social workers and their follow-through and communication with children, young people and whānau/caregivers after the FGC. A few cases illustrated how a consistent relationship with a social worker who communicated well, and followed through, made a big difference to a family's experience of the FGC and implementation of the plan (p. 9).

How manaakitanga is expressed within the context of the practitioner and client relationship is further described in *Modernising Child, Youth and Family* (Expert Advisory Panel, 2015),

> Our work talking with children has identified what is important to them in terms of their relationship with a social worker. They want a social worker:
>
> - who sticks with them and does not change.
> - genuinely listens to them, explains things and takes their needs into account.
> - involves them in decision-making, and
> - takes time to hang out with them and really get to know them (p. 67).

The efficacy and rationale of using culturally-inspired frames and methods in social work to effect transformative practice and well-being is well documented in the literature. Studies are unanimous in their validation of culturally-inspired practice as it applies to individuals and whānau (Kaa & Milroy, 2001; Kruger et al., 2004; Ruwhiu, 2009; Hollis-English, 2015). What isn't readily apparent are examples where this philosophy can transcend beyond social work practice centred solely on the individual and whānau and by extension be applied to effect the transformation of processes, structures and frameworks, in particular legislative frameworks. Studies highlighting the strengths of culturally-inspired, tikanga-centred and kaupapa-driven methods to effect wider corporate and structural change beyond the confines

of individual and whānau-centred practice, are generally absent from the literature. Herein lies an essential point of departure with the culturally-inspired remedies to legislative harm explored in this study. Whereas it is generally accepted that indigenous methodology and social work practice can achieve transformative change at a personal and whānau level, Oho Ake, Hui-ā-Whānau and The Mending Room are effectively being used as circuit-breakers across statutory processes to divert people completely away from legislative harm. Returning then to the contextual scaffold of pūrākau as methodology, if the aforementioned statutory agencies can be metaphorically reframed as contemporary taniwha, then these culturally-inspired remedies potentially represent the strategies and tactics with which to oppose and mitigate them and moreover rescue people from their deadly grasp.

2.15 Culturally-inspired remedies within Aotearoa and abroad

This section will review existing examples of culturally-inspired remedies and interventions within Aotearoa and abroad. The rationale is a simple one, to provide a broader context to the present research and identify similarities and differences that will inform this study.

A Ministry of Justice review (Morrison, 2009) of bias in the criminal justice system identified a mix of community and prison-based programmes that used cultural nuances and tikanga to varying degrees to predominantly address Māori offending and promote culturally appropriate pathways to reform. The results, as follows, were mixed.

The benefits associated with culturally focused programmes included the development of enhanced cultural identity and a greater sense of cultural pride; improved relationships with whänau; increased knowledge of tikanga Mäori, whakapapa, Te Reo and other cultural practices; and improved links with local marae. Findings furthermore revealed that participants on cultural programmes, whether Mäori or non-Mäori, tended to maintain positive views about those programmes and thereafter expressed a greater willingness to address offending behaviour moving forward.

The same Ministry of Justice review (Morrison, 2009) furthermore referenced several international studies which highlighted common challenges shared with Australia (Blagg et al., 2005; Cunneen & Luke, 2007) and Canada (Cole et al., 1995; Denney et al., 2006) in their responses to indigenous offending, re-offending and over-representation in the criminal justice system. These problems included the funding challenges arising from fiscal divisions in government that contrast the more holistic cross agency approach adopted by many initiatives to address indigenous offending. In addition the underutilisation of cultural

alternatives by mainstream criminal justice agencies and staff was also identified as an obstacle. Furthermore a general lack of robust evaluative research and outcomes demonstrating that those programmes actually lead to reductions in indigenous offending and re-offending was described as problematic.

Of particular significance to this study were findings that showed a tendency within the system to focus on dysfunctional individuals, families and communities while overlooking the role of structural inequalities and the criminal justice system itself in creating and perpetuating indigenous over-representation. Failure to fully acknowledge the link between colonisation, structural disadvantage and ethnic disparities in the criminal justice system was also identified as a problem, as was the failure to permit meaningful forms of indigenous self-determination, ownership or empowerment (Morrison, 2009). As highlighted in the Pūaoteatatū Report, the key to effectively and permanently reversing negative outcomes for tangata whenua is contingent upon indigenous self-determination and empowerment (Ministerial Advisory Committee on a Māori Perspective, 1988).

Herein lies the fundamental difference between the proliferation of mere programmes versus meaningful empowerment and indigenous self-determination to effect structural transformation. It furthermore signals an important departure with the culturally-inspired remedies at the centre of this study from the status quo. The remedies explored in this study are not programmes. While it may not seem obvious, programmes can be challenging for a number of reasons. For one, a programme generally suggests several things. It naturally suggests a start date and an end date. It further implies that there are personnel to run the programme, a venue from which to operate the programme and more importantly a budget, without which the programme will not fly. No budget, no programme. Furthermore the decision to operate a programme is ultimately contingent on authorisation, permission and the willingness of the affected power structure to allow the programme to proceed. The culturally-inspired remedies at the centre of this study are not programmes. They are a change in process. Rather than replicate a mere programme, which is exposed and vulnerable for any number of reasons, what these remedies express, the space which they occupy, represents *a change in process*.

The pivotal point of difference between these remedies and a traditional programme is that they have effected a structural change in process, moreover, statutory process. Whereas a programme is typically vulnerable for the reasons identified earlier and usually has a

predetermined shelf-life, the remedies in this study have reconfigured the 'internal plumbing' within the system to divert people out and away from harmful statutory processes. Rather than sliding down the conventional route, 'the downward spiral', to legislative harm and enmeshment, a 'diverter' has been permanently installed in the 'statutory pipework' as an escape chute for those who would ordinarily fall prey to the system. Moreover this escape chute leads to a pathway to wellbeing and culturally-inspired practice based on tikanga. The details of how this was achieved will be explained later in this thesis.

In this respect the culturally-inspired remedies in this study are similar to other interventions in the statutory system based on culturally appropriate norms to address reoffending. The Kooti Rangatahi which now operate across Aotearoa use the strength and cultural dynamics of the marae to address youth offending and promote aspirational change (Gilbert & Newbold, 2017). One identified shortfall however is the general absence of follow-up with rangatahi and their whānau once the formal court process is concluded (Waititi, 2012; Taumaunu, 2014). Furthermore, the Kooti operates on a budget and depends ultimately on the will of the judiciary and the Ministry of Justice. Interestingly, when marae-based youth courts were initially introduced in the 1980's, they were eventually dispensed with and Ministry of Justice funding was cut because they were so successful they ran out of business.

The Mokopuna Ora Summary Report of 2018 identifies key findings of Mokopuna Ora, a Waikato-Tainui iwi intervention into Oranga Tamariki's statutory child protection process (Grootveld & Brown, 2018). This more closely resembles the culturally-inspired remedies examined in this study, in particular the intervention by iwi into an existing statutory process, moreover an indigenous strategy further aligned with iwi aspirations towards self-determination. The findings from the Mokopuna Ora report highlight several key benefits that clearly resonate with the aims of this study. Overall it is having a positive impact on whānau and mokopuna outcomes by preventing mokopuna from coming into care and increasing the number of whakapapa whānau caregivers. In addition it is supporting whānau to come up with their own solutions and whānau plans while being supported to link whānau and mokopuna to their Waikato -Tainui whakapapa and extended whānau. Mokopuna Ora is furthermore helping to challenge and shift entrenched behaviours and attitudes among Oranga Tamariki staff while testing what partnership between a Government Agency and Iwi looks like in theory and in practice. Encouragingly, whānau and mokopuna are being helped to feel empowered and supported within a system where they have traditionally felt marginalised and disenfranchised.

A similar review of the strategic partnership between Ngāti Porou and Oranga Tamariki to reduce numbers of Ngāti Porou tamariki in state care, called *Caring for our Tamaiti Mokopuna*, (2019), yielded valuable insight into the tensions between iwi and Crown priorities, specifically:

- The way whānau experience progress doesn't look like the outcomes the system expects.
- The needs of whānau don't fit within the boxes and boundaries of the system.
- Tikanga based connections span beyond the client-provider relationship.
- The system sees the client whereas the iwi sees whānau.
- The iwi is committed to whānau in times of weakness and in times of strength.

(Te Runanganui o Ngāti Porou, 2019).

'Matemateāone' is a fledgling process and agreement between Ngāi Tūhoe and Oranga Tamariki which similarly aims to reduce the numbers of Tūhoe tamariki under statutory care with Oranga Tamariki (Ngāi Tūhoe, 2019). Since the process has yet to be evaluated at this time, no studies are available as yet.

In mid-2017 Rangitāne Social Services were contracted by Oranga Tamariki to facilitate Iwi-led Family Group Conferences by Oranga Tamariki. This would be similar in scope to the Hui-ā-Whānau process initiated by Tūhoe Hauora in the previous year. Dr. Michael Roguski's (2020) case study on Rangitāne Social Service's Iwi-led family group conferences provides an excellent analysis of how a culturally-inspired response can be used to intervene and circumvent a statutory process, moreover that of Oranga Tamariki (Roguski, 2020).

The affirmation and validation of indigenous practice models in Aotearoa resonates in the experience of iwi taketake (indigenous peoples) of other nations who share a common history of colonisation and trauma, which would suggest an accelerated global rejection of bankrupt models based in hegemonic discourses. Across the globe, indigenous models of social work practice are steadily gaining traction as viable and effective responses to generational trauma as Tapiata-Welsh (in Gray et al., 2016), explains,

> South Africa, Canada, Australia and Aotearoa New Zealand, in particular, are developing models in the area of collective decision making and partnerships with families in child and family welfare, youth justice and corrections, all of which are

showing good signs of success in informing and transforming social work practice (p. 111).

The strength of indigenous social work practice has also been affirmed by the Alberta College of Social workers in their report of February 2019, *'Honouring Sacred Relationships: Wise Practices in Indigenous Social Work.'* The report decries the destructive and dehumanising trauma inflicted by welfare dependency in Canada and advocates for indigenous social work practice. One potent example of indigenous responses to the failure of the colonial Canadian justice system is the development of restorative justice circles in the Yukon, Saskatchewan and Manitoba. These community-based responses promote healing and restoration between the victim, offender and wider community (Wilson et. al 2002).

Another initiative from Canada is The Aboriginal Justice Strategy (Justice Canada, 2010), which uses indigenous social work practices to advance community-based Justice programmes and mediate family conflicts. Indigenous space in the justice system is also created by the enforcement of Aboriginal by-laws and general crime prevention.

Shaista Asmi's paper, *'Indigenous Youth Restorative Justice: Addressing over-representation in the Canadian Criminal Justice System'* (2019) examined the over-representation of indigenous youth in the Canadian criminal justice system. In proposing the benefits of an indigenous youth restorative justice initiative, it describes the generational impact and trauma of colonialism as the determining factor in indigenous over-representation. The recommendations largely call for top-down state responses to address the issue. For example, for Canada's members of parliament and senators to re-allocate provincial funds to develop an indigenous youth strategy, provide cultural sensitivity training for statutory actors and early intervention and support programmes for youth and moreover raise public awareness (Asmi, 2019).

The top-down approach is all but repeated in the Australian Institute of Health and Welfare's Indigenous Australians Reports (2021) exploring a state-by-state assessment of wide-spread issues and harm common to the indigenous Australian experience. They too describe what is typically expected from the fallout from all colonial projects: over-representation in the criminal justice system and negative health outcomes, drug and alcohol abuse and lack of housing and education.

The susceptibility of indigenous aspirations to be stifled and dispensed with by status quo power structures as described by Briskman (2016) in her appraisal of the state-sanctioned

abolition of the Aboriginal and Torres Strait Island Commission (ATSIC), is cause for vigilance. The ATSIC was created by the Australian federal government in 1989 to transfer a degree of decision making and responsibility to indigenous communities. Fuelled by the demonisation of indigenous communities amidst mainstream media sensationalism, the ATSIC was abolished by the Australian Government without consultation and eventually replaced with bodies designed to more closely reflect the priorities of the federal system. Briskman further explains how these new structures, in particular the Secretariat of National Aboriginal and Islander Child Care (SNAICC) working alongside state and regional Aboriginal and Islander Child Care Agencies (AICCAs), are highly vulnerable to the whim of the State. "Under the close scrutiny of governments, these bodies constantly have to justify their existence and can have their funding diminished at whim." (Briskman, 2016, p. 89). As an Australian parallel to the New Zealand Government's lukewarm reception to Pūaoteatatū, the lack of will from bureaucrats and service providers to genuinely consult and transfer decision making authority to indigenous organisations was a cause of deep frustration.

In their book, *'Indigenous Social Work around the World: Towards culturally Relevant Education and Practice'*, editors Gray et al., (2016) highlight studies of indigenous social work from a range of indigenous and non-indigenous contributors. Bridging sites of indigenous social work as diverse as Australia, Canada, Aotearoa (New Zealand), Tonga, China, Malaysia, Israel, India and Africa, the studies primarily advance an apologetic for indigenous social work and education so that indigenous norms and practitioners can find expression in contemporary post-colonial constructs. Themes which resonate with the culturally-inspired remedies at the centre of this study include the efficacy of indigenous practice with indigenous people versus mainstream approaches, social work as a collective rather than individualistic objective and the generational trauma and impact of colonisation on the health and well-being of indigenous peoples.

2.16 Oho Ake, Hui-ā-Whānau and The Mending Room

Moving beyond existing culturally-inspired remedies within Aotearoa and abroad, it is appropriate at this stage to identify the small but emerging body of research relating specifically to the culturally-inspired remedies to legislative harm at the centre of this study. The benefits of this are two-fold. Firstly it will present divergent perspectives through which to triangulate and position this present research. Secondly these studies, described shortly, will be useful as secondary sources of quantitative data by which to inform and support the qualitative findings of this research.

2.16.1 Oho Ake

In 2014 Tūhoe Hauora commissioned an independent evaluation (unpublished) of Oho Ake undertaken by Kay Montgomery, a veteran clinician and social worker with young people. By this time Oho Ake had been operating for four years. Using a mixed quantitative and qualitative approach, key findings highlighted the strength of culturally-inspired indigenous social work practice based on the Mauri Ora framework, to reduce youth reoffending and keep them out of the youth justice system. Reoffending rates dropped dramatically (only 2 out of 65 rangatahi referred had reoffended within two years). However the evaluation report did show a gradual increase in reoffending over time (five years and upwards) following the initial referrals.

Former New Zealand Police Sergeant Thomas Brooks described the development of the Oho Ake and Hui-ā-Whānau processes in his Masters in Professional Practice thesis with Otago Polytech (2017) albeit from a change management perspective. As a veteran team leader within Police Youth Aid Services, Sergeant Brooks played a key role alongside Pania Hetet, general manager of Tühoe Hauora, in embedding Oho Ake as a parallel process within the youth justice system in Whakatāne. Brooks' thesis documents the inception and development of both Oho Ake and Hui-ā-Whānau from a professional practice and change management perspective, moreover the internal barriers and the entrenchment of institutional bias that had to be mitigated and overcome, with assistance from the author (me), in order to advance the kaupapa through to transformative change. In that regard Tom and I are insider researchers, albeit operating from different parts of the statutory equation. Tom is recognised nationally within child protection services as an expert in child and youth legislation and statutory practice. Whereas I, am employed as a subject matter expert in the Māori responsiveness space, besides occupying significant sites of interest within te ao Māori, moreover te rohe ō Ngāi Tūhoe. I would describe the relationship Tom and I had as a pivotal one in progressing both the Oho Ake and Hui-ā-Whānau kaupapa, moreover navigating the political minefield and associated risks that were encountered.

Tūhoe Hauora and New Zealand Police's joint submission of Oho Ake (2018) to the 28th Annual Herman Goldstein International Problem Oriented Policing Conference held in Providence, Rhode Island, USA, at which I also presented, in 2018 is pertinent. It is valuable as a source of quantitative data, particularly in terms of overall crime statistics and the associated cost-benefit analysis of reductions in crime and reoffending rates.

Former Principal Youth Court Judge and Children's Commissioner, Andrew Becroft, a dedicated supporter of Oho Ake and long-time proponent for statutory reform, provides a precis and rationale for Oho Ake in his address to the "Healing Courts, Healing Plans, Healing People: International Indigenous Therapeutic Jurisprudence Conference" (2018). Entitled '*Signed, Sealed – (but not yet fully) Delivered*', Becroft's paper is described as an analysis of the "revolutionary" 1989 legislative blueprint to address youth offending in New Zealand, particularly by young Māori, and a discussion as to the extent to which it has been fully realised. It is worth noting from a whakawhanaungatanga paradigm that both Judge Becroft and Tom Brooks experienced a close working relationship in the routine course of their respective roles. The significance of this relationship and key relationships in general, cannot be overstated and will become apparent when the origins of Oho Ake and Hui-ā-Whānau are explored later in this study.

2.16.2 Hui-a-Whānau

Following the success of the Oho Ake process in reducing numbers in the youth justice system, the Hui-ā-Whānau pilot was launched in 2016 in a natural progression into a strategic partnership with Oranga Tamariki. In the following year Tūhoe Hauora commissioned an evaluation report of the pilot (unpublished), entitled *'Tūia te Here Tangata'* (2017) for the Minister of Social Development at the time, the Honourable Anne Tolley. Oranga Tamariki refers to this study in their work towards creating specialist Māori roles (Oranga Tamariki Evidence Centre, 2019). Minister Tolley was also the local Minister of Parliament for the East Coast electorate and lives locally in Whakatāne. Significant to note here is that both Anne Tolley and Tom Brooks also knew each other quite well in the course of their respective roles, again highlighting the importance of relationships, which will be examined further in this study.

'Hui-ā-Whānau: a culturally-inspired alternative to the Family Group Conference in Ngāi Tūhoe' (Kalan, 2017), moreover describes the development of Hui-ā-Whānau. Furthermore as an additional source of data yielding added insight into this culturally-inspired phenomenon.

2.16.3 The Mending Room

Having evolved out of the Iwi Justice Panels (now named Te Pae Oranga), The Mending Room is a pilot and uniquely Tūhoe expression of Te Pae Oranga operating in Whakatāne, in the Eastern Bay of Plenty region of the North Island of Aotearoa, New Zealand. The 2016

report to the Ministry of Justice, *'Iwi panels An evaluation of their implementation and operation at Hutt Valley, Gisborne and Manukau from 2014 to 2015'* (Akroyd et al., 2016) offers general insight into the Iwi panel/Te Pae Oranga process, which includes its origins, rationale and methodology. Croxford (2016) examines the rationale and origins of Iwi Justice Panels in her observations at sittings at Waiwhetū Marae in Lower Hutt, which was the prototype and model for each successive panel throughout the country. Croxford notably makes the link between the panels and the intentions of Pūaoteatatū (Croxford, 2016). Furthermore and directly related to The Mending Room, Dr. Simone Bull (2019) has completed an unpublished draft review of The Mending Room which uses mixed methodology within a kaupapa Māori frame to evaluate the pilot's progress over its first two years. Key findings from this review will be referred to as appropriate during this study. The importance of whakawhanaungatanga is likewise reiterated by the longstanding relationships the author has with The Mending Room personnel.

2.17 Self-determination and devolution

A brief survey of the literature on the relationship between self-determination and devolution, while not directly contingent on this study, may yield some insights. This may have particular relevance in regard to the overall aims of iwi self-determination, moreover in reference to this study, te mana motuhake ō Tūhoe, which will be explored in the next section.

Devolution refers to the transference of power and authority from a higher, centralised level or order of government to other levels or orders of government (Smith, 2002). Implicit in this is that there firstly needs to be a willingness to transfer that power. Is devolution a prerequisite to self-determination? Is the concept of devolution itself the very antithesis of self-determination? The potential for devolution of state services to iwi has been proposed merely as a by-product of increased resources and economic development, as with completed Treaty settlement processes (NZ Institute of Economic Research, 2003). However some would insist that Government has enduring statutory obligations and responsibilities to tangata whenua under Te Tiriti ō Waitangi which cannot be shirked (Wevers, 2011). Of particular relevance to this study I will be exploring the dynamics between devolution and self-determination and identifying the contributing factors and conditions contingent to its implementation.

Exploring opportunities for devolution with indigenous Aboriginal communities in Australia, Smith (2002) proposes the idea of multi-level and layered jurisdictional devolution would be appropriate to the needs of distinct and diverse satellite communities. Under this model, devolution is an interdependent and graduated process of power sharing and decentralising of authority within a common legal framework and governmental order (Smith, 2002).

Problems identified with implementing previous methods of devolution over the 1980s and 1990s include what Smith (2002) refers to as a 'dump and run' approach by authorities, where limited select assets and responsibilities were transferred to indigenous community organisations. At the same time, necessary government and non-government agency resources and practical support were withdrawn as the statutory agencies 'vacated the field'. This method is somewhat irresponsible and facetious in that it effectively sets up unprepared indigenous authorities for failure, while the government can claim that the option for self-determination had been tried and failed.

An ad-hoc and unco-ordinated siloed approach to government funding and administration creates major restrictions for the self-determination of Australian indigenous communities (Smith, 2002). The large scale of jurisdictional overlap across the indigenous space and service delivery is further aggravated by entrenched resistance within those government departments to work together to deliver the outcomes. This tendency to work in silos contributes to a lack of transparency in government expenditure for indigenous programme funding, moreover resulting in little financial authority and capacity-building support available to implement effective self-determination. The result is that in the absence of sufficient resource, indigenous community organisations will simply struggle to keep afloat and falter under their work programme. While Smith (2002) offers a graduated and staggered jurisdictional approach to devolution as a counter to this, what I would describe as a 'training wheels' approach, this rigmarole and 'cap in hand' scenario might be avoided if financial dependency on the government could be dispensed with altogether. Iwi in Aotearoa have a shared history of generational trauma with indigenous Australian communities through a similar colonial experiment. However the recognition of the Treaty of Waitangi through the Treaty settlement process at least affords post-settlement iwi a small degree of compensation, albeit arguably in the form of what is effectively blood money, upon which to build growth, capacity and potentially independence.

The natural dispersion of indigenous Australian communities across distinct cultural and geographically distanced satellite communities also poses challenges to larger more centralised federal approaches to devolution where the state's reach is further than its grasp (Smith, 2002). The less links and layers of bureaucracy, 'filters', between the funding arm and the indigenous agencies 'on the ground' will theoretically result in more resource being available where it is most needed. The parallels for Aotearoa are that, urbanisation notwithstanding, while iwi might likewise be considered geographically and culturally distinct, our land mass is not so vast as to make the devolution of authority and resource untenable. Furthermore, unlike Australia, whose governance is layered, filtered and dispersed through its separate federal states and authorities, the power structures and channels in Aotearoa are more streamlined and proximate. This approach has been reflected in considerations of the post-settlement interaction and relationship between the Crown and Ngāi Tūhoe in terms of te mana motuhake ō Tūhoe which will be explored later in this chapter.

The Australian experience with devolution to indigenous communities furthermore highlight the delicate give and take balancing act between interdependence and autonomy. This is in direct contrast with the all-or-nothing stance maintained by some members of Ngāi Tūhoe (personal communication).

The divergence of devolution across multiple Australian indigenous organisations has proven problematic within communities and regions in so far as it also promotes silos and competition for limited avenues of funding, highlighting the potential advantages for indigenous communities to work in collaboration (Smith, 2002). A local example of just such a collaboration in the Eastern Bay of Plenty region of the North Island of New Zealand is the Eastern Bay Iwi Provider Alliance, a grass-roots collective of iwi NGOs in the social services comprising Te Tohu o te Ora ō Ngāti Awa, Tūwharetoa ki Kawerau Health and Education Services, Te Pou Oranga ō Whakatōhea and Tūhoe Hauora. As expressed in their collective agreement document, Te Pūtōrino a Raukatauri (Eastern Bay Iwi Provider Alliance, 2020), these iwi organisations have chosen to work together in synergy rather than in competition with each other as per the traditionally prescribed District Health Board models (Ministry of Health, 2016). Empowered by the culturally-inspired principles of whakapapa and whakawhanaungatanga, these organisations make collective kaupapa driven decisions on who among them is best positioned to champion specific interventions and address specific health-related issues and thereafter vie for the appropriate health contracts

with the support of the collective. The alliance furthermore works in synergy to help one another with funding applications, referrals, research and training. The benefits include a reduction in the duplication of services, where more resources can be directly applied to the need, closer relationships and support across iwi social services and a more cohesive and seamless network of support for clients and whānau.

Smith (2002) touches upon the need for collective synergy when describing the need for indigenous consensus about what representation needs to look like for effective devolution in Australian contexts. Moreover the need for an indigenous political culture that will be responsive and support the capacity of communities and regions to handle the transfer of power involved (Smith, 2002) in contrast to the disadvantages of a fragmented approach.

'Program delivery Devolution: A stepping stone or quagmire for First Nations?' (Rae, 2009) highlights the potential benefits and hazards associated with various forms of devolution to First Nations entities in Canada using examples from education and child protection services. The idea of devolution has been viewed with suspicion by some indigenous communities as a way for the state to absolve itself of its responsibilities to them and 'dump and run' in the name of progressing self-governance. On the other hand devolution has been seen as a necessary step towards self-government, despite its shortfalls. MacKinnon (2010) echoes these sentiments in her observations of the devolution of child welfare services in Manitoba, describing devolution as a 'bumpy but necessary road to justice' (MacKinnon, 2010). For some, in spite of its faults, devolution and the limited authority and shortage of resource that comes with it is still better than the status quo. As one kaumātua response to the Tūhoe Treaty settlement offer put it, 'He pai te hāwhe rohi, i te kore', or, 'half a loaf of bread is better than nothing' (Hori Uatuku, personal communication, 2014).

In describing the potential benefits and hazards of devolution, Rae (2009) identifies underfunding and stagnation as barriers to its successful implementation either way. The potential benefits of devolution include more culturally-responsive programmes and capacity-building opportunities for First Nations resulting in lower risk than status quo arrangements. Underfunding and stagnation would potentially undermine these benefits however by way of limited funds to develop innovative and culturally adapted service models and lack of basic management and policy infrastructure to facilitate transformative change. Furthermore effective devolution could be curtailed by the imposition of non-Aboriginal criteria and models, while the absence of meaningful structural change was described as a clear and

present barrier to self-government (Rae, 2009). Conversely the hazards of devolution included the possibility that indigenous programmes could be so prescribed and constrained by outside models as to render them ineffective, moreover, 'empty' First Nations governance roles and under-resourcing could entrench dysfunctional governance structures. Dysfunctional structures could potentially lead to the loss of essential services for children in care. Underfunding and stagnation could result in First Nations being in perpetual 'damage control' clawing and fighting to secure basic needs while longer term strategic goals get pushed out to the margins and eventually fall off the work schedule. Ineffective devolution based on underfunding and stagnation attracts bad publicity for First Nations, undermining support from its mainstream allies and 'validating' the scepticism of detractors.

While the culturally-inspired remedies at the centre of this study are not contingent upon these considerations of devolution, the arguments for and against devolution are relevant to the overall conversation of Tūhoe self-determination and self-governance. The Mending Room, like other expressions of Te Pae Oranga, has some limited devolved authority from the state within which to operate. Unlike other sites however, this authority has been enhanced by Tūhoe's flat refusal to receive any tax-payer or state funding whatsoever in keeping with their aspirations of self-determination. Moreover Tūhoe's ingrained and entrenched aversion to Crown interference.

Oho Ake and Hui-ā-Whānau cannot be presented as examples of devolution in the conventional sense, mainly because they do not express a direct transfer of governing power, authority and resource from the state to iwi governance structures, yet. In actuality these culturally-inspired remedies perhaps more closely resemble parallel processes and alternatives to the existing statutory systems. Put simply, rather than wait around for power to devolve from on high from the state, it has been coerced and prised out from under state control, thereby freeing indigenous culturally-inspired remedies to legislative harm. While not strictly devolution as such, these culturally-inspired responses may strengthen the case for increased devolution and control and participation by iwi in the matters which affect them. In any case, the question posed by Hohepa Tamehana (2013) in his doctoral thesis as Ngāi Tūhoe moves forward into their post-settlement governance journey is worth bearing in mind:

> Is the government really handing Tūhoe the right to practice Mana Motuhake or is it simply devolving responsibility but retaining the mana to over-rule? (p. 202)

2.18 Te Mana Motuhake ō Tūhoe

The longstanding struggle for the self-determination of Ngāi Tūhoe and its historically strained and antagonistic relationship with the Crown has been extensively documented by Binney (2009) in her seminal work *Encircled Lands Te Urewera 1820-1921.* This serves as a valuable record from which to juxtapose current steps toward te mana motuhake o Tūhoe, and consequently this study on culturally-inspired remedies to legislative harm, in what appears a significant improvement in the relationship.

> The study suggests that, from all these experiences, a positive approach to Tūhoe's struggle for autonomy would be of benefit for the whole country. Victor Hugo said that nothing is more powerful than an idea whose time has come (p. 15).

Conversely, several key documents have marked the political milestones in Ngāi Tūhoe's recent emergence from Treaty negotiations into a post-settlement future. These documents, described here, further serve to locate the research within the contemporary political environment.

2.18.1 The Blueprint: New Generation Tūhoe Authority

Commissioned in 2011 by the Tūhoe Establishment Trust, the mandated entity for progressing Ngāi Tūhoe's Treaty of Waitangi claim, *The Blueprint: New Generation Tūhoe Authority*, (Tūhoe Establishment Trust, 2011), consolidated Tūhoe opinion and direction forward. The document confirmed Iwi representation and the design of the post-settlement systems and infrastructure required to meet its objectives. It was understood that the self-determination of Tūhoe was an essential theme moving forward:

> Mana motuhake is a political stance that supports the retention and restoration of power and control by Tūhoe over all matters pertaining to Tūhoe…The freedom to determine how Tūhoe will live, how they will raise their children and mokopuna, how they will keep their traditions alive, how they will celebrate who they are, how they will preserve and maintain their language and cultural values and ultimately how they will prosper and continue (p. 12).

2.18.2 Nā kōrero Ranatira ā Tūhoe me Te Karauna

Unlike many other Iwi, Ngāi Tūhoe had never been given the opportunity to either recognise or refuse the Treaty of Waitangi as a 'founding document' upon which to acknowledge Crown authority or establish a formal relationship. Consequently, Tūhoe has always maintained their autonomy over their affairs quite apart from the Crown. In recognition of the absence of a formal relationship and in anticipation of Tūhoe's impending Treaty Settlement, Tūhoe signed a political compact, *Nā kōrero Ranatira ā Tūhoe me Te Karauna*, with the Crown at Mataatua Marae in Ruatāhuna on 2 July 2011. This document was a significant high-level relationship statement where the Crown acknowledged the mana motuhake of Tūhoe and Tūhoe acknowledged the mana of the Crown,

> Ngāi Tūhoe's past relationship with the Crown has been grievous and filled with pain. Some hopeful and genuine attempts to improve it occurred in the past but they swirled and faded away, like the mists of Te Urewera.
>
> Now, however Ngāi Tūhoe and the Crown have committed themselves to achieving a just and honourable redress for the manifold wrongs inflicted on Ngāi Tūhoe over centuries and many generations.
>
> It is timely, therefore, that we, Ngāi Tūhoe and the Crown, resolve to walk and work together for our mutual honour, dignity, advantage and progress. And it is fitting that in furtherance of such resolve the Crown and Ngāi Tūhoe should acknowledge their respective mana (Ngāi Tūhoe, 2011).

The political compact was a milestone in that it described the foundation for a working relationship between Tūhoe and the Crown and signaled a mutual commitment to work together to secure a better future for Tūhoe. As described in the 2014 report to the Ministry of Social Development, *Decentralising Welfare: Te Mana Motuhake O Tūhoe*,

> It enabled the Crown to commence redress for past grievances and develop with Tūhoe a 40 year (two generation), strategic Service Management Plan (SMP) to action Crown and Tūhoe social and economic priorities. This plan was developed and agreed within the context of a proposed Treaty settlement (p. 11).

The significance therefore of *Nā kōrero Ranatira ā Tūhoe me Te Karauna* to this study is threefold. Firstly, it is the Crown's first and formal acknowledgment of Te Mana Motuhake o

Tūhoe, and Tūhoe's right to pursue self-autonomy. Secondly, by formalisng the mutual commitment to secure better futures for Tūhoe, it locates culturally-inspired responses as natural expressions of that commitment. Thirdly, without the formal relationship, mutual understanding and commitment as enshrined in *Nā kōrero Ranatira ā Tūhoe me Te Karauna*, at least two of the culturally-inspired remedies in this study, Hui-ā-Whānau and The Mending Room, would not have been developed.

2.18.3 Ngāi Tūhoe Service Management Plan

Following Tūhoe's endorsement of the political compact, the resultant *Ngāi Tūhoe Service Management Plan* (SMP) in 2011, (Ngāi Tūhoe & Social Service Taskforce, 2011), was the milestone that would chart the way forward for the Tūhoe and Crown relationship over the next forty years. Overseen by the Service Management Plan Taskforce, the SMP reaffirmed the Crown commitment to Te Mana Motuhake o Tūhoe and the "aspiration of Tūhoe to manage their own affairs to the maximum authority possible in the circumstances" (Ngai Tūhoe & Social Service Taskforce, 2011). Furthermore, the SMP was developed to support the collaborative achievement of key Tūhoe aspirations:

- Securing Tūhoe people's freedom to determine how they will live; raise their whānau; keep traditions alive; celebrate who they are; and preserve and maintain their language and cultural values.
- Building Tūhoe capability and capacity to invigorate Tūhoe unity, prosperity and interdependence (p. 2).

The Ministry of Social Development's sector chapter of the SMP, (2011), likewise expresses the shared commitment to work together with Tūhoe to improve outcomes for Tūhoe children,

> Tūhoe and Child, Youth and Family are committed to working together to improve the outcomes for Tūhoe children and young people in Child, Youth and Family's care, or at risk of coming into care. Our goal is to have no tamariki or rangatahi in state care (p. 32).

Of particular significance to the Hui-ā-Whānau process, the chapter also expressed the commitment of Child, Youth and Family (now Oranga Tamariki) to engage with "Tūhoe frameworks of whānau, hapū and tribal communities to put in place plans to keep children and young people safe." (2011, p. 32).

By contrast, one critic has simply denounced the SMP as separatism, division and a tax-payer funded power grab (Newman, 2015). This is not entirely unexpected given the perceived threat of indigenous self-determination to the status quo of society.

Herrmann (2016) has explored aspirations for self-determination in relation to Tūhoe tamariki in statutory care specifically within the context of its post-settlement journey. The significance of Pūaoteatatū and its influence on child-protection legislation was also highlighted in terms of Māori aspirations, as well as the inadequacy of the State's responses to provide culturally-appropriate reforms and increased participation of whänau , hapü and iwi. It was identified that Tūhoe children in state care were more likely to benefit from being connected to their Tūhoetanga and whānau relationships and in particular the significance of interaction with Te Urewera itself was identified as pivotal to the health of all Tūhoe (Herrmann, 2016).

The significance of Te Urewera itself to considerations of Tūhoe self-determination was likewise forecast in Rangimarie William's study on Te Mana Motuhake ō Tūhoe (Williams, 2010). Williams proposed that Te Mana Motuhake ō Tūhoe is comprised of three non-negotiable elements: Tūhoe people - based on Tūhoe tikanga and whakapapa; Tūhoe land – chiefly Te Urewera; and Self-determination – the ability for Tūhoe to establish its own processes and structures to attain its own aspirations. A key feature of William's research was the relationship between Te Mana Motuhake ō Tūhoe and The Urewera District Native Reserves Act 1896, which acknowledges Te Mana Motuhake ō Tūhoe. Williams'(2010) study highlights that while the Act gave the impression of being responsive to Tūhoe tikanga and aspirations for self-determination, in practice it would lead only to land alienation and assimilation by stealth. Perhaps the learnings for this study and Tūhoe self-determination are as simple as recognising that the government has a documented history of double-speak and reneging on its promises.

Tamehana (2013) provides a wide-ranging critique into the contemporary Tūhoe journey towards self-determination, exploring the political process leading up to Ngāi Tūhoe's Treaty settlement of 2014. Tamehana's research however is conspicuously absent of qualitative interviews given his insider status as a Ngāi Tūhoe member residing within the tribal rohe. Moreover the general Tūhoe proclivity towards meeting 'kanohi ki te kanohi', or face to face interactions (Moyle, 2014). Moreover Tūhoe's generally characteristic preference to 'hear from the horse's mouth'. However Tamehana's research (2013) does provide a

comprehensive overview of the related issues pertaining to Tūhoe self-determination. A substantial part of Tamehana's research (Chapters 7 – 8) is used to describe the Canadian indigenous experience of colonisation and indigenous political structures from which to inform and juxtapose the journey to self-determination for Ngāi Tūhoe. In exploring three unique indigenous experiences of self-governance within Canada: *The Indian Act 1985*, the *Nunavut Land Claims Agreement 1993* and the *Nisga'a Final Agreement 1999,* Tamehana draws comparisons and insights from which to inform the Tūhoe experience and journey of self-determination. Depending on the level of agreement reached between the New Zealand government and Tūhoe ('for, of, or with'), according to Tamehana (p. 197), Tūhoe self-government will manifest itself in one of three ways:

a) Tūhoe will be dependent (government provides the funds, government sets the rules, and *iwi* (tribe) does all the work).
b) Tūhoe will be co-dependent (government and iwi provide the funds, government sets the rules, both *iwi* and government share the work load), or
c) Tūhoe will be independent (*iwi* provides the funds, *iwi* determines the rules, *iwi* does all the work).

The available literature relating to te mana motuhake ō Tūhoe is useful in considering what self-governance and self-determination for Ngāi Tūhoe might look like. Studies largely identified issues for Tūhoe self-determination and the corresponding political implications. The available research however stopped short of identifying concrete, real-life examples and models of what the interface or overlap between te mana motuhake and the New Zealand Government might look like. Moreover what successful power-sharing arrangements or iwi interventions in statutory processes might look like, although the Matemateāone process mentioned earlier may yet provide an example. Whichever path to Tūhoe self-determination is chosen, it is not likely to adversely impinge upon the culturally-inspired remedies to legislative harm in this study. Since the unique space they occupy is not contingent upon specific expressions and considerations of devolution or self-governance as such, they could nevertheless potentially strengthen the case for both.

2.19 How to slay your dragon – The Taniwha Index

The theme of taniwha has been identified earlier as a cultural motif, informed by püräkau as an accepted kaupapa Māori methodology. Traditional narratives about taniwha were possibly as numerous as the whānau, hapū and iwi groups who shared them. While there are

numerous accounts of taniwha as being benign and benevolent kaitiaki or protectors, for the purposes of this study an exploration of the literature as it relates to the carnivorous and predatory marauding types of taniwha will suffice. As alluded to previously, if statutory agencies can be metaphorically reframed through püräkau as contemporary taniwha, then püräkau may equally provide clues to negating the harm and ruin caused by them.

Figure 3. The Taniwha Index

Taniwha	Location or iwi	Offence	Mitigation	Source
Te Kaiwhakaruaki	Wakatu/Motueka	Killing and eating travellers	Ambushed outside its lair by 340 warriors	Te Whetu/Best JPS,Volume 3, No.1, March 1894
Pekehaua	Awahou-Rotorua	Killing and eating travellers	Ensnared by rope, placated by karakia and killed	https://www.gtas.nz/pitaka-and-pekehaua
Ngārara Huarau	Wairarapa	Killing and eating locals	Trapped in trees and killed	https://rangitaneeducation.com/ngarara-huarau-taniwha/
Hotupuku	Kāingaroa	Undisclosed	Lured by decoys and ensnared	https://teara.govt.nz/en/taniwha/page-7
Kaiwhare	Manukau - Piha	Undisclosed	Lured from lair and killed with a special club	https://teara.govt.nz/en/taniwha/page-7
Tutaeporoporo	Whanganui - Ngāti Apa	Killing and eating locals	Swallowed 'live bait' and killed from within	https://teara.govt.nz/en/taniwha/page-5
Kataore	Tikitapu	Killing and eating travellers	Ensnared to tree trunks and killed	(Reed, 1963, p. 302)
Te Kuri Nui a Meko	Waikaretāheke	Killing and eating locals	Lured into a cage and killed	(Reed, 1963, p. 317)

For the purposes of this study key factors within available taniwha narratives, püräkau, have been identified and presented in a simple template and potential conceptual framework, the utility of which will become clearer as this study progresses. Only the name of each taniwha, it's location, offence, means of mitigation and source of each narrative has been identified. There has been no strict selection criteria for these püräkau, other than considerations of convenience of accessibility. Nor have the narratives here been presented in any order of rank or preference. Presenting them in a table format simply aids in thinking about the commonalities and uniqueness of each pūrākau.

2.20 Chapter Summary

This chapter began with a discussion to find a definition for legislative harm and furthermore reviewed the literature on the origins and legacy of legislative harm, particularly as expressed through the three statutory agencies at the centre of this study: New Zealand Police, Oranga Tamariki and the Courts. Pūaoteatatū and its influence on the Oranga Tamariki Act 1989 was

examined and examples of culturally-inspired social work practice and restorative practice models were identified. Culturally-inspired remedies to legislative harm within Aotearoa and abroad were described, including the small but emerging body of studies relating to the Oho Ake, Hui-ā-Whānau and The Mending Room. The nature of devolution as it relates to self-determination was explored and several key documents and studies relating to Te Mana Motuhake ō Tūhoe were reviewed. The chapter concluded by identifying several taniwha pūrākau narratives and presented their key elements in a template, The Taniwha Index, which will be referred to as the study progresses.

The next chapter describes the research frameworks that will be employed in the study, namely Kaupapa Māori research methodology, which includes pūrākau as methodology and qualitative methodology informed by Insider Research. This will include an example of the utility of pūrākau as research methodology to inform insider research. The preferred methods which will be used to answer each of the research questions will be identified along with the rationale for using them. In brief these are case study, semi-structured interviews and triangulation with secondary sources of quantitative data. The next chapter also describes the research participants and outlines the ethical considerations of this study.

CHAPTER THREE

METHODOLOGY AND METHODS

I tū ai tō iho,	*Wherein resides the seat of your power,*
I tū ai tō tira,	*Wherein stand erect your thorny spines,*
I tū ai tō mauri,	*Wherein resides the essence of your very life,*
I herea ai tō kaha ki a au,	*Indeed your strength is bound fast to me,*
Ki a Rangi-nui e tū nei…	*By the Great Heavens that stand above…*

Te Aokehu's karakia to subdue Tutaeporoporo, continued.

(Kauika, 1904, p. 92).

3.0 Chapter Introduction

The previous chapter reviewed the literature on the origins and legacy of statutory harm; Pūaoteatatū and the Oranga Tamariki Act; culturally-inspired social work practice and restorative justice models; culturally-inspired remedies to statutory harm within Aotearoa and abroad; self-determination; devolution and Te Mana Motuhake ō Tūhoe. The Taniwha Index was also introduced as a means of presenting key elements of pūrākau about taniwha.

This chapter describes the research frameworks that will be employed in the study, namely Kaupapa Māori research methodology, which includes pūrākau as methodology and qualitative methodology informed by Insider Research. This will include an example of the utility of pūrākau as research methodology to inform insider research. The preferred methods which will be used to answer each of the research questions will be identified along with the rationale for using them. In brief these are case study, semi-structured interviews and triangulation with secondary sources of quantitative data. This chapter also describes the research participants and outlines the ethical considerations of this study.

3.1 Methodology

3.1.1 Kaupapa Mäori Methodology

This study investigates the phenomenon of culturally-inspired remedies and interventions in the existing statutory processes in Aotearoa. These remedies are culturally-inspired, that is, they have their basis in tikanga-informed strategies and transformative practices based upon indigenous Māori knowledge. Therefore a suitably appropriate research methodology is needed from which to base this enquiry. The over-representation of Māori featuring within the statutory processes and the consequent failure of conventional methods to address this issue likewise requires an appropriately relevant research methodology. Kaupapa Māori research methodology is considered appropriate for a number of reasons.

Smith (2003) identified several components that are critical to a Kaupapa Māori approach. Key among these is the need to be transformative, bringing positive change to Māori communities and a capacity to be `owned' and to `make sense' to the indigenous communities themselves. Moreover, the need to understand and engage with the State to encourage the State apparatus to work for indigenous interests. These considerations are all relevant to this investigation on culturally-inspired remedies to legislative harm. In clarifying the principles or crucial change factors of Kaupapa Māori Theory, Smith (2003) further identifies the principles of self-determination; validating cultural aspirations and identity, incorporating culturally preferred pedagogy; and the principle of mediating socio-economic and home difficulties as pivotal. Kaupapa Māori research methodology is consequently an appropriate and responsive approach from where to examine these culturally-inspired remedies as they express each of these principles and considerations.

Doherty (2014) develops this interpretation further in his exposition on 'Mātauranga ā-Iwi', (iwi-specific knowledge and epistemology), especially as it relates to Ngāi Tūhoe. Key aspects of which are genealogical connections between the people and the land. Doherty's work is relevant to the research because it substantiates established Tūhoe-centred and Tūhoe-specific methodologies and frameworks, Mātauranga Tūhoe. Moreover acknowledging that there is a specifically Tūhoe way of being, knowing and doing, as expressed in the culturally-inspired remedies to legislative harm in this research.

Cram et al., (2002), further describe Kaupapa Māori as 'asserting the right to be Māori while at the same time building a critique of those social structures that work to oppress Māori.' (p. 41). This is reflected in this study where Oho Ake and Hui-ā-Whānau, operated by Tūhoe Hauora, asserts culturally-inspired indigenous social work practice to mitigate the routine inability of the State to effectively address the care and protection and youth justice needs facing Māori children and their families. Likewise The Mending Room, as operated by Tühoe Te Uru Taumatua, unashamedly celebrates indigeneity – specifically Tūhoetanga - and localised personalised responses in the face of the routine failure of the Courts to find meaningful and lasting solutions to low level offending. Cunningham (1998) reinforces this assertion and further maintains that Māori research must be undertaken within a Māori cultural frame and that the research must be performed by people who have the required cultural skills. Furthermore, according to Bevan-Brown (1998), Māori research should empower those being researched and that Māori research should be controlled by Māori. This resonates with the aims of this study in promoting culturally-inspired indigenous practices which leads to whānau and individual empowerment and self-determination.

Smith (2012) further proposes four tests (praxis; positionality; criticality and transformability) to prove the validity of an effective Kaupapa Māori-informed strategy, which is relevant to this study. These tests look for the presence of: theory linked with practice; the credibility of the researcher that lends legitimacy to their work; the balance of both culturalist and structuralist considerations; and the positive benefits for Māori as a result of the Kaupapa Māori Research. To this end, this study on culturally-inspired remedies to legislative harm, when aligned with this researcher's simultaneous position as both an indigenous researcher (culturalist considerations) as well as an inside researcher (structuralist considerations), works well to meet the requirements of all of these tests. The justification for using Kaupapa Māori Research methodology becomes more distinct with the potential benefits for Māori that could result from the research, specifically, reduced numbers entering and recurring within statutory processes and increased power and control over these processes as they affect Māori. As a consequence, this study sits well within a kaupapa Māori frame.

In effect, this study examines culturally-inspired remedies (Oho Ake; Hui-ā-Whānau; The Mending Room), indigenous interventions initiated by a kaupapa Māori iwi social service provider (Tūhoe Hauora) and an Iwi authority (Tūhoe Te Uru Taumatua). The research explores their empowering work with individuals, tamariki Māori and their whānau as an alternative to statutory processes that are operated exclusively by the State. The importance of key cross-cultural and trans-sector relationships based on trust and confidence to effect transformative change was also pivotal to developing these initiatives, which according to Hoskins and Jones (2017) is another feature of kaupapa Māori research:

> Most often we don't act like victims but are courageous, relational and engaging. We step up and face others rather than disengage or throw things from behind colonised lines. We form relationships for mutual benefit; we are pragmatic – we privilege face-to-face engagement as the basis of good political relationships (Durie, 1994, 1996, 1998, 2000). In other words, our orientation is to nearly always favour risky engagement over disengagement and opposition (p. 104).

These initiatives are further contextualised within Ngāi Tūhoe's recent emergence from Treaty negotiation mode into post-settlement governance reality and ultimately, their ongoing journey toward Tūhoe self-determination, te mana motuhake o Tūhoe. Consequently, the case for Kaupapa Māori Research methodology as a preferred framework from which to inform this study is further supported.

3.1.2 Pūrākau as methodology

Reframing the statutory agencies in this study as contemporary taniwha was not conceived on a whim or as a novelty. For me it was an unexpected revelation. I had moreover found approaching the problem of Māori over-representation and legislative harm in the system from a solely objective and westernised framework was frustrating and presented no solutions at all. The situation seemed hopeless. The systemic violence immutable. It wasn't until I allowed myself 'permission' to use imagination and creativity to ponder, reflect and reframe the issue from an indigenous viewpoint informed by pūrākau, that darkness turned to light and a way forward became clearer. As Smith (2003) asserts, Kaupapa Māori accepts Māori philosophies, concepts and practices as valid and legitimate.

In affirming the utility of Māori oral narrative and pūrākau, Lee (2005) identifies that embracing pūrākau as research methodology offers the possibility to return to Māori cultural traditions as the 'taken for granted' ideological assumptions that can guide our research processes. Lee also emphasises that "A pūrākau approach can challenge dominant discourses that continue to decentre our experiences, cultural notions and aspirations in ways that resonate and connect to our people" (p. 13). Story telling is an integral part of indigenous research (Archibald, 2008), connecting both speakers and audience with their past and future (Smith, 1999). In this sense pūrākau – indigenous storytelling – is also a powerful and political assertion as Sium and Ritskes (2013) observe,

> Indigenous stories affirm that the subjectivity of Indigenous peoples is both politically and intellectually valid. Indigenous stories also proclaim that Indigenous peoples still exist, that the colonial project has been ultimately unsuccessful in erasing Indigenous existence (p. 4).

3.1.3 Insider Research Methodology

As the researcher in this study, my location and positioning in relation to the topic and the participants warrants some discussion. This is because I occupy a unique position and perspective in a complexity that may not readily fit the prescribed definitions available in regard to Insider Research (Brannick & Coghlan, 2007).

Moyle (2013) asserts that Māori research is based on the premise that only an insider can understand the variances of the social phenomenon affecting the participants in the research, which is relevant to this study which is informed by Kaupapa Māori Research methodology. Kerstetter (2012) supports this position in her comparative analysis of 'Outsider and Insider Doctrine', where she argues that outsider researchers will never truly understand a culture or situation if they have not experienced it. Whereas insider researchers are uniquely positioned to understand the experiences of groups of which they are members. This organically leads in to considerations of my position as researcher.

3.1.4 My position as researcher

Drawing attention to oneself is arguably counter-intuitive in a Kaupapa Māori context where the metaphorical 'kumara' should not speak about itself, and 'I-specialists' are routinely frowned upon. That said, my position in relation to this study has bearings on multiple

levels. On a personal level I am a proud Tūhoe father of four who has represented Ngāi Tūhoe at various levels of the iwi political spectrum. I have represented the Ruatoki Division of Ngāi Tūhoe along with my fellow Board members, Mr. Brian Takurua and the late Mr. Arthur Rānui Black, in the closing and final tenure of the Tūhoe Waikaremoana Māori Trust Board. Moreover playing an instrumental role to facilitate the successful consolidation and transition of iwi assets to the new post settlement governance tribal structure. I have also been a representative delegate of Te Komiti ō Runa tribal executive committee in Ruatoki between 2007 and 2017. Beyond that I have spent the last ten years as Chairman of Te Totara Marae committee in Ruatoki and at least nine years as secretary for our whānau Ahuwhenua Trust. While filling various roles and responsibilities and wearing multiple 'hats' is common in most Māori communities, when it comes to Tūhoe, I could almost more accurately refer to them as 'crowns of thorns', an obligation and burden, but painful all the same. How long have I been a Tūhoe? All my life. Consequently, when it comes to my position as a descendant of Ngāi Tūhoe, I could well be considered as an insider with the commensurate whakapapa, cultural knowledge, experience, networks and credibility with which to inform this study. However my position may not be so binary since my whakapapa also includes my mother Josephine from Ngāti Porou and my late koroua Charlie who was born in the state of Gujarat, India. Indeed, I have had a lifetime of practice in navigating and maintaining the tensions of being simultaneously 'inside' and 'outside' with the consequent ability to alternate my perspective from divergent viewpoints while maintaining that tension with integrity.

The complexity and diversity of my position in relation to the research is further defined in my professional capacity where my 'bread and butter' is by way of my employment with the New Zealand Police. Moreover, the unenviable role of Iwi Liaison Officer for the Eastern Bay of Plenty, a position I have held for the last sixteen years. The complexity of my insider position increases somewhat since I am a 'mere' civilian employee in the organisation, or 'non-sworn' officer with no constabulary enforcement powers. This, depending on one's perspective, effectively renders me an 'outside' 'insider' who may, according to Kerstetter (2012), occupy the multidimensional 'space between' where a researcher's identity, cultural background, and relationship to research participants influence how they are positioned within that space. My 'insiderness' is further informed by the bitter and frustrating experience as a trustee of an Ahuwhenua Trust seeking justice and redress for landowners

and victims in a serious fraud matter, where I would discover that the wheels of justice turn slowly indeed.

I am undertaking this study on culturally-inspired remedies to legislative harm for several reasons. Firstly, I feel I am suitably qualified to research the kaupapa given my insider knowledge and experience across several significant environments. Secondly, as a Tūhoe person I have an interest in the self-determination of Ngāi Tūhoe and how Oho Ake, Hui-ā-Whānau and The Mending Room might contribute towards that journey. Thirdly, the subject is both topical and timely, affording me ease of access to key information and stakeholders. Consequently, I considered that I was in a prime position to document this kaupapa, which I believe is too important to relinquish the responsibility of its research to another.

3.1.5 Insider knowledge, information and experience

As an 'insider' employed within the New Zealand Criminal Justice System, I have the benefit of what Floyd and Arthur (2012) have described as privileged access and information with a feel for the 'hidden rules'. Workman (2007) suggests that being an insider researcher offers many benefits such as access to data and organisational knowledge sources that enables them to function more effectively in their role. This view is supported by Costley et al., (2010) where they assert that an insider is in a unique position to study a particular issue in depth with special knowledge about that issue and also has an expertise and experience that gives them an advanced level of knowledge of issues in their area of practice. Floyd and Arthur (2012) also maintain that an insider researcher can benefit from a deeper knowledge and understanding of the organisation within which their research is based.

This has certainly been the case in my professional capacity where daily exposure to the inner workings, personalities and politics of working in a Government department in the justice sector has informed my opinions, informed my perspective and tempered my resolve. I also consider that my inside experience is significant to this study because I had a pivotal role in initiating the Oho Ake referral process, described earlier as being the pre-cursor to Hui-ā-Whānau, with Youth Aid Services of Whakatāne Police back in 2010. As such, I have the benefit of hindsight and experience of the opportunities and pitfalls of observing a project come to fruition and seeing this kaupapa progress. Workman (2007) widens the scope of benefits of insider research by identifying that the position of the inside researcher herself is

in fact a data source that can be utilised as part of the research process. Again, this has been my experience with the establishment of both the Oho Ake and Hui-ā-Whānau processes where not only was I witness to the development and establishment of those interventions, but I had an influence in providing advice, cultural support and organising input from key stakeholders. Although I was 'inside' the Police organisation and had close proximity to critical decision makers, I was also in effect positioned 'outside' of the statutory arm of Youth Justice and Youth Aid Services and the machinery of Government that processed young offenders. Although I was 'inside' the sector as a Government employee and thereby knew some key players within Child, Youth and Family, I effectively remained firmly outside of their practice and processes. Whereas, as a member of Ngāi Tūhoe, I am positioned 'inside' the iwi and have intimate knowledge of the players and the politics, I am nonetheless positioned 'outside' of Tūhoe Hauora and Tühoe Te Uru Taumatua and have no influence on the Oho Ake and Hui-ā-Whānau referral processes, their whānau participants, or the practitioners. Likewise with The Mending Room, while my participation at a local level was mandatory in the preliminary stages, I am nonetheless situated firmly 'outside' of the process. As Kerstetter (2012) suggests, all researchers fall somewhere within the space between complete insiders and complete outsiders since they can occupy different spaces depending on the context of a specific research project. Researchers also have a responsibility to understand where they are positioned within this space and to explore how their status may affect the research process and its outcomes.

By simultaneously occupying both insider and outsider spaces, I not only enjoy the benefit of insider status and all that it confers, but as an outsider I also have the objectivity to challenge, regulate and substantiate that status in keeping with the Outsider Doctrine (Kerstetter, 2012). This suggests that the level of self-awareness I maintain in relation to my insider position is highly significant and leads me to consider another aspect of insider research, which is the benefit of key relationships.

3.1.6 Key relationships

According to Costley et al., (2010), in addition to insider knowledge, an insider researcher has seamless access to people and information that can further enhance that knowledge and is in a prime position to investigate and make changes to a practice situation. An insider researcher can make challenges to the status quo from an informed perspective and has an

advantage when dealing with the complexity of work situations because of their in-depth knowledge of many of the complex issues. This was true of Oho Ake and equally my experience when considering that the establishment of Hui-ā-Whānau required effective collaboration between Police and Child, Youth and Family (Oranga Tamariki) as well as Tūhoe Hauora. Speaking from experience, it is difficult enough establishing trust and agreement within one Government department, let alone between separate Government departments, before including Iwi and NGO's in the broader mix. Fortunately, Whakatāne Police Youth Aid Services had six years of effective partnership with Tūhoe Hauora behind them with Oho Ake before branching out into the Hui-ā-Whānau process. Following which, the challenge with Hui-ā-Whānau was to then initiate a relationship and develop the same level of trust and collaboration with Oranga Tamariki. By comparison, getting The Mending Room established and operational was far simpler since the political will and drive came by way of endorsement from central government. Moreover from New Zealand Police's Māori Pacific Ethnic Services workstream, who had been promoting Te Pae Oranga as their flagship project. Consequently a 'top-down' approach can oftentimes be more straight forward, albeit arguably less sustainable, than pushing for change and reform from the grassroots.

As Costley et al. (2010) have suggested, when researchers are insiders, they draw upon the shared understandings and trust of their immediate and more removed colleagues with whom normal social interactions of working communities have been developed. Floyd and Arthur (2012) affirm that being an insider means being embedded in a shared setting, emotionally connected to the research participants. Trust and confidence was a critical component in the development and preparation of the Oho Ake and Hui-ā-Whānau referral processes. It is also this trust and confidence and the relationships built over the years, that continues to inform and sustain the course of this study. Thus, providing me unimpeded access and an open door to colleagues within Police, key contacts within Oranga Tamariki, Tūhoe community stakeholders as well as indigenous social work practitioners within Tūhoe Hauora, which is reflected in my use of the semi-structured interview as a research method.

Based on previous experience with Oho Ake, the local Police and I had every reason to believe in Tūhoe Hauora to deliver positive outcomes. When it came to extending this success into the care and protection space with what would become Hui-ā-Whānau however, Oranga Tamariki had yet to be convinced. We nevertheless had seen the benefits and positive outcomes for young people and their whānau in engaging in an Iwi-owned parallel

youth justice process (Oho Ake) and were confident that those benefits could be reproduced in the Oranga Tamariki space. It was also a huge advantage to have Pania Hetet with over twenty-five years' experience within Oranga Tamariki now working as the general manager for Tūhoe Hauora. As Workman has described (2007), the goodwill of colleagues is essential to a successful project and the nature and extent of support from an organisation could make or break the success of the project. Costley et al., (2010) also affirm the importance of relationships when they maintain that the success of a project is likely to depend on others, their input and their willingness to act upon the project's recommendations or changes.

The development of effective relationships built on trust and confidence would ultimately result in Oranga Tamariki supporting the Hui-ā-Whānau process and launching the pilot in March 2016. As an insider researcher, particularly in the Responsiveness to Māori space where I am employed as a subject matter expert, relationships are the key to success. The strength of our interventions will only be as strong as our relationships. It's amazing what can be achieved over a 'strategic cuppa tea'.

Establishing relationships, or whakawhanaungatanga, is also a key feature of kaupapa Māori research methodology where the interplay between researcher and participants is dynamic and fluid and can at any time oscillate between tuakana and teina, manuhiri and hau kainga. The goodwill and confidence of colleagues and associates I have established over the years not only assisted in establishing Oho Ake and Hui-ā-Whānau, but has been a tremendous help to me in undertaking this study.

Whereas Floyd and Arthur (2012) have expressed caution about the role of insider researchers and the potential tensions and moral dilemmas that might transpire between an insider's professional and researcher role which might affect their personal and professional relationships, this has not been my experience at all.
In fact, in relation to this study, I have had nothing but support from the participants because everybody thus far supports the kaupapa and recognises the benefits to tamariki and their whānau. Everybody (research participants) wants these culturally-inspired remedies to work. My good fortune and privilege as an insider researcher is that this benevolence has also been extended to me in my research. It is difficult to say whether I would have enjoyed that self-same support or openness had I not been a fellow insider with the attendant battle scars, war

wounds and credibility to show for it. This leads to the final consideration of insider research which is the opportunity to make a difference and positive change to a given situation.

3.1.7 Making a difference through positive changes

Making a difference in a work-based situation has been described by Costley et al., (2010) as a compelling rationale for insider research. Accordingly, work-based research can provide the evidence to influence policy and decision making and can also influence individual practice, wider organisational change, with potential impact at national, regional and local level as Costley et al., (2010) further explain.

Indeed the implementation of Oho Ake, the pre-cursor to Hui-ā-Whānau, has had amazing results for tamariki and whānau. Moreover in terms of reduced contact with the statutory system, aggravating factors identified and addressed within a whānau-centred tikanga based process resulting in improved wellbeing and more positive lifestyles.

As such there has been widespread interest in replicating the process across the country. Oho Ake also had spin-off benefits for the statutory professionals in decreasing their case workloads. In turn, freeing them up to focus on the more complex and difficult cases, thus affirming the success and effectiveness of cultural-inspired practice with gains all round.

Government also benefits and enjoys the spin-off from the significant decrease in Māori youth reoffending through a reduction in the overall spending in the justice system. Some cost-benefit analysis is available by way of secondary sources of data and will be identified later in this study.

This aspect of insider research, the opportunity to make a difference and positive change, is reaffirmed by Smith's (2003) guidelines for Kaupapa Māori Research, where he maintains that such research must be transformative and bring positive change for Māori communities. A key aim of this study is to present these culturally-inspired remedies to legislative harm as effective alternatives to conventional responses.

As an example of how pūrākau can inform and enhance research methodology, the following interpretation of the Whanganui – Ngāti Apa, Ngā Rauru narrative (Kauika, 1904; Leahy,

2015), is about the taniwha Tutaeporoporo and the resourceful strategy by which he was overcome by the hero, Te Aokehu. The story demonstrates an example of the resilience and utility of pūrākau and its relevance to informing indigenous research, in particular, my observations of insider research within hostile environments.

3.1.8 Te rauhanga a Te Aokehu – The strategy of Te Aokehu

There was once a rangatira, Tūariki, of Parewānui in the Rangitikei region who kept a small pet shark, which he named Tutaeporoporo. He kept Tutaeporoporo in a deep hole in the Rangitikei river, attending to him daily, feeding him and reciting karakia (incantations) over him until he grew as big as a whale and, owing to the power of karakia, had transformed into an enormous and imposing taniwha.

One day a war party from Whanganui raided the area, killing Tūariki and taking his body back to Whanganui to be disposed of. Tutaeporoporo wasn't aware of what had happened and waited many days for his friend and master Tūariki to return, but in vain.

Sensing something was terribly wrong, Tutaeporoporo left his home in the river to search for his friend. Having searched and smelt along the pathways Tūariki used to frequent, yet finding no trace of his friend, Tutaeporoporo grieved bitterly for his rangatira Tūariki, realising that something terrible had befallen him and that he must have been killed. Tutaeporoporo resolved to find the people who had killed his master.

In time his search brought him to the mouth of the Whanganui river, where he faintly detected the scent of his master among the earth ovens there and knew for certain that Tūariki had been murdered. Tutaeporoporo resettled up river near Paparoa in a spring called Mata-tïwhaia-ki-te-pounamu. It was from hereon in that the enraged Tutaeporoporo would exact revenge for his master Tūariki upon the travellers on the river, killing and devouring whole waka and their crews – men, women and children, who would never again return home. When these travellers failed to appear, search parties would go looking for them and in turn be killed and eaten also by Tutaeporoporo, who could easily capsize waka with the huge waves his thrashing could create.

So continued Tutaeporoporo's reign of terror and revenge killing up and down the Whanganui river. As news of the taniwha spread, the locals determined that Tutaeporoporo must be stopped. A rangatira from Pūtiki pā named Tamaahua told the people of a famous warrior and taniwha slayer from Waitōtara in Ngā Rauru and Ngāti Ruanui country named

Te Aokehu. It was agreed that Te Aokehu would be called upon to help get rid of Tutaeporoporo. Te Aokehu arrived at Whanganui in due course with seventy of his people and, having been informed by the locals as to where Tutaeporoporo's lair was located, devised his strategy.

Te Aokehu ordered his people to fashion a box from a log, large enough for a person to fit inside, and also make a close-fitting lid for it. Te Aokehu climbed inside the box and the lid was secured with rope. At his command, the box with Te Aokehu inside was launched upon the river. As the box drifted near to where Tutaeporoporo's lair was, the taniwha smelt the scent of fresh food. Upon seeing the floating log and the prospect of an easy meal Tutaeporoporo swallowed it and Te Aokehu inside it whole.

From deep within the taniwha's belly, Te Aokehu then proceeded to issue potent karakia to incapacitate Tutaeporoporo. He then slashed the bindings which fastened the lid to the box and made his exit. Next, armed with his famous māripi (shark-tooth cleavers), Taitimu and Taiparoa, Te Aokehu set about hacking and slashing Tutaeporoporo from the inside until he died and sank to the bottom of the river. Another karakia was recited to raise the taniwha's body to the surface where it drifted ashore.

The people released Te Aokehu from Tutaeporoporo's body and set about hacking it open, whereupon they recovered the bodies of victims along with waka and various taonga which were then distributed to the families of the victims at various parts of the river. By this they would know that the taniwha was dead and no longer a threat to them.

The pūrākau of Tutaeporoporo and how he was overcome by Te Aokehu can be expressed appropriately through the Taniwha Index described in the previous chapter.

The Taniwha Index			
Taniwha	**Location or iwi**	**Offence**	**Mitigation**
Tutaeporoporo	Whanganui/Ngā Rauru	'Revenge killings' and devouring locals.	'Te rauhanga a Te Aokehu' - swallowing a 'live bait' whole and then destroyed from the inside out.

This pūrākau is replete with potent imagery and clues that are not perceptible from a cursory reading. Just as movies on blue ray and DVD contain 'easter eggs' hidden within the narrative, so this pūrākau has hidden treasures and clues for the indigenous researcher,

specifically the insider researcher in a hostile environment, of whom Te Aokehu might be considered a type.

i. The hero of this narrative is named Te Aokehu. 'Te Ao' can mean 'the world', or 'the cloud' and 'kehu' refers to a reddish-brown colour. The name Te Aokehu therefore can be translated as 'the brown world', or 'the brown cloud'. In a sense the pūrākau literally documents how a deadly marauding taniwha is overcome by 'the brown world', which has clear connotations for an indigenous audience, at least perhaps in Aotearoa.

ii. Te Aokehu has a wooden box with a lid constructed, large enough to hold a person. Such an outlandish contraption was unheard of in the time of pre-European contact when this incident occurred. Yet if the same instructions were issued to today's audience - to build a wooden box with a lid large enough to hold a person – what comes to mind? Did you picture a coffin? This leads to at least three considerations related to indigenous insider research:

a) The first consideration is that the indigenous insider researcher within a hostile environment needs to be insulated and protected from the corrosive elements inside 'the belly of the beast'. Te Aokehu's wooden box represents a buffer zone and micro-climate in which he can remain safe and protected from the beast's acidic insides. The corresponding challenge for indigenous insider researchers is maintaining their position and voice without compromising their integrity and authenticity in a hostile and corrupting environment. Moreover to navigate this space with their mana and values intact.

b) The second consideration is that since coffins were unheard of during the time of the pūrākau, the symbolism and implicit message is intentionally directed at today's audience of this generation. The pūrākau is effectively a time capsule preserved in story by our tīpuna in generations past, containing a critical message for the generations of today.

c) The third consideration is that the coffin is clearly a symbol of death. This doesn't necessarily mean that indigenous insider researchers entering hostile environments must be willing to die a literal physical death, although it may mean being prepared to symbolically 'die' to some short-term hopes, dreams and personal gratification for the sake of the bigger picture. There being no

known precedent for his actions, Te Aokehu had no guarantee that his strategy would work, and was prepared for the worst.

iii. Te Aokehu was armed with the tools and weapons he was familiar with – the potency of karakia – the connection to spiritual resources - and his weapons of choice – his märipi, Taipari and Taiparoa. The lesson for indigenous insider researchers is to trust in the 'tools' – strengths; networks; values; giftings - already within their possession. Transcending the limitations of the physical, a potent inheritance of values and cultural nuances, like aroha and manaakitanga for example, has been bestowed upon us from our forebears. These are formidable powers if used wisely. In a touch of irony, Te Aokehu's māripi were fashioned from shark's teeth whereas Tutaeporoporo himself was essentially an 'upgraded' shark. This might indicate that a potential solution might have commonalities, or indeed share the DNA, of the given problem. Perhaps the problem itself contains the seeds of its own destruction. This idea also resonates with the central whakatauākī underlying this study, mā te ture, te ture anō e āki – it is only the law that can curtail the law. Te Aokehu's ensconced position as an 'insider' within Tutaeporoporo's belly gave him direct access to identify and exploit the internal workings and structural deficiencies within the taniwha's body and so effect his escape.

iv. The destruction of Tutaeporoporo resulted in the recovery of loved ones (albeit deceased), which was a restoration of mana, recovery of lost taonga and the restoration of trust and confidence and the recovery of safety for the community. So therefore, the outcomes of effective indigenous insider research should result in gains and benefits, including a restoration of mana and recovery of what was lost, for the wider community.

The pūrākau of Tutaeporoporo and Te Aokehu's unique strategy is an example of the utility and resourcefulness of pūrākau as a potent research methodology. Far from being mere stories, pūrākau carry with them the voices and lessons of the past - if we know how to listen to them. As Lee (2005) asserts,

> A purākau approach encourages Mäori researchers to research in ways that not only takes into account cultural notions but also enables us to express our stories to convey our messages, embody our experiences and keeps our cultural notions intact (p. 8).

For example the pūrākau of how the taniwha Tutaeporoporo was overcome by the strategy of Te Aokehu contained important messages and cultural notions that can inform the way indigenous researchers can conduct research within hostile environments. As Mikaere (2011) has observed in her commentary on dismantling racism in contemporary Aotearoa, "We need those who are prepared to work inside the system, gnawing away at the intestines of the beast while others attack it from the outside." (p. 95).

3.2 Qualitative Methodology

This study aligns with qualitative methodology for several reasons. Gill et al., (2008) suggest that qualitative methods provide a deeper understanding of social phenomena than would be obtained from purely quantitative methods, such as questionnaires. Neuman (2014) suggests that qualitative study is a more inductive process because researchers are simultaneously measuring and creating new concepts in the process of gathering data. This is relevant to this study since qualitative methods are useful in instances where little is known about a given phenomenon.

Mack et al., (2005) further maintain that qualitative research seeks to understand a research topic from the perspectives of the local population it involves and that the strength of qualitative research is its ability to provide complex textual descriptions of how people experience a given research topic, thus providing information about the "human" side of an issue. Mack et al., (2005) further elevate the importance of qualitative research when they assert that gaining a rich and complex understanding of a specific social context or phenomenon takes precedence over gathering data that can be generalised to other geographical areas or populations.

Creswell's (2009) guidelines for qualitative research require that the research takes place in the participant's natural setting; relies on the researcher as the instrument for data collection; employs multiple methods of data collection; is based on participants' meanings and is interpretive and holistic. These are also useful to informing the methods of this study. Additionally, a holistic treatment of the phenomenon in a qualitative approach (Stake, 1995) lends itself well to the incorporation of Kaupapa Māori approaches.

These considerations are relevant to this study of Hui-ā-Whānau, Oho Ake and The Mending Room, where the specific context of culturally-inspired practice by Tūhoe practitioners working within Tūhoe communities were explored. Qualitative methodology is therefore

appropriate to this study because as culturally-inspired remedies to the legislative harm caused by statutory agencies, they are a new and as yet unexplored phenomenon which is localised within a specific population. Data that describes what these culturally-inspired remedies are, how they work and what they do, is consequently more effectively accessed and investigated through a qualitative approach.

3.3 Secondary Sources of Quantitative data

Whereas the majority of the data for this research will be obtained by means of qualitative methods, this investigation also makes use of secondary sources of quantitative data that was available during the course of the study. While this approach stops short of a truly mixed mode methodology, I considered there was sufficient supply of secondary sources of quantitative data available with which to support the qualitative findings. Consequently it was not necessary to develop my own quantitative surveys and questionnaires.

These secondary sources of quantitative data included graphs, tables, statistical data and a cost-benefit analysis. These sources offered added insight to identify trends with Oho Ake, Hui-ā-Whānau and The Mending Room that established and supported the findings from the qualitative data. As Mack et al., (2005) suggest, qualitative research, when used along with quantitative methods, can help us to interpret and better understand the complex reality of a given situation and the implications of quantitative data. Creswell and Plano (2007) discuss the relationship between qualitative data, which they describe as being naturally more 'open-ended', and quantitative data, which they describe as 'close-ended'.

Furthermore, the method of triangulation, which according to Yeasmin and Rahman (2012), is the process of verification that increases validity by incorporating several viewpoints and methods, can be further used to combine the advantages of both the qualitative and the quantitative approach. Therefore the quantitative data sources (graphs, tables etc.) ideally support and confirm the qualitative data from the interviews and case studies. Consequently a triangulated approach to this study that incorporates qualitative data reinforced by quantitative data will contribute to a more balanced and detailed analysis. Triangulation will be discussed further under 'Methods'.

Having established the research methodologies that inform this study, I will now proceed to describe the research methods that will be used to answer the specific research questions.

3.4 Methods

3.4.1 Research Question One – How are culturally-inspired methods being used to reduce the entry and re-entry of Māori into statutory processes?

3.4.2 Case Study

As a qualitative research method, this study employs the use of case studies in order to demonstrate the features and process of Oho Ake, Hui-ā-Whānau and The Mending Room in operation. Yin suggests that case study research arises out of a need to understand complex social phenomena and allows investigators to focus on a 'case' and retain a holistic and real-world perspective (Yin, 2018). Zainal (2007) also suggests that case study research allows for the exploration and understanding of complex issues and can be considered a robust research method when a holistic, in-depth investigation is required and is of particular relevance to researching community-based problems. Consequently the use of case studies will permit me to examine how each of the culturally-inspired remedies works 'on the ground' in practice, revealing the 'nuts and bolts' of each process in its real-life application.

Yin (2018) further maintains that case study is the preferred research strategy when 'how' or 'why' questions are being posed, or when the researcher has little control over events, and when the focus is on a contemporary phenomenon within some real-life context (Yin, 2012). This perspective is in turn supported by Zainal (2007) who asserts that one advantage of using case studies is that the examination of the data is most often conducted within the context of its use, that is, within the situation in which the activity takes place.

The case study method is therefore appropriate to this study because I want to know 'how' each culturally-inspired remedy functions as a contemporary phenomenon in a real-life context. As a researcher I also have little control over the events pertaining to these processes since my research involvement is subject to the discretion, involvement, and support of several external agencies and the research participants.

By emphasising the study of a phenomenon within its real-world context, according to Yin (2003), the case study method favours the collection of data in natural settings, compared

with relying on "derived" data. While Yin (2018) has also identified that the holistic, single-case study has been criticized for having little or no 'generalisability' value, he makes a distinction between 'statistical generalisations' and 'analytic generalisations', the latter of which has value in case study research and consequently this present study on culturally-inspired remedies to legislative harm.

In practical terms I investigated three case studies from each of Oho Ake, Hui-ā-Whānau and The Mending Room selected by practitioners from among their referrals. A total of nine cases in all. The method was to examine one exemplary case, one typical case and one challenging case as selected by the practitioners. These cases were indicative of the typical referrals received to date, giving insight into the particular nuances and methods of the culturally-inspired approaches which distinguish them from the standard practices typical of conventional statutory approaches. Yin (2003) affirms that a single-case study is appropriate when examining a representative or typical case or if the case serves a revelatory purpose. In this research I examined three case studies per culturally-inspired remedy.

The use of case study in this research was further supported by qualitative data gathered from interviews with key stakeholders and participants in Oho Ake, Hui-ā-Whānau and The Mending Room and triangulated with the secondary sources of available quantitative data identified in the previous chapter. Yin (2003) maintains that case study research is not limited to a single source of data, but that useful case studies benefit from having multiple sources of evidence.

3.4.3 Research Question Two – What makes a culturally-inspired method effective?

3.4.4 Semi-structured Interview

As a qualitative research method, the interview has been identified by Gill et al., (2008), as a means to provide a 'deeper' understanding of social phenomena than would be obtained from purely quantitative methods, such as questionnaires. Interviews are therefore most appropriate where little is already known about the study phenomenon or where detailed insights are required from individual participants. Qualitative data derived from interviews with key stakeholders will yield valuable insight into the culturally-inspired remedies at the centre of this study. Intuitively this would suggest that the interview method complements and is consistent with a case study approach as it relates to the examination of Oho Ake, Hui-ā-Whānau and The Mending Room. Yin (2003) reaffirms this premise when he further

specifies that ‘open-ended’ or ‘nonstructured’ interviews, as a common source of evidence for case studies, can offer richer and more extensive material than data from surveys or even the open-ended portions of survey instruments.

Creswell and Plano (2007) also support the idea that the qualitative data collected from the general, open-ended questions asked during semi-structured interviews allow the participants to supply answers in their own words. This perspective is again reaffirmed by Gill et al., (2008), who suggest that the flexibility of semi-structured interviews allows the interviewer or interviewee to diverge in order to pursue an idea or response in more detail, which allows for the discovery or elaboration of information that is important to participants, but may not have previously been thought of as pertinent by the research team. Yin (2003) further suggests that the flexible format of open-ended interviews, if applied correctly, can reveal how participants construct reality and think about situations. Therefore the semi-structured interview is an appropriate research method with which to elicit rich and valuable qualitative data for this study.

Yin (2012) likewise notes that the insights gained from interviews are of added value if the participants are in key positions within the organisations, communities, or small groups being studied, not simply an ordinary member of such groups. The emphasis moreover on establishing and nurturing relationships resonates with Smith’s (1999) indigenous research projects, in particular connecting and networking. This is relevant to this study since the research participants and subjects of the interviews all occupy key positions relative to the respective culturally-inspired processes, including Tūhoe Hauora practitioners, Tūhoe Te Uru Taumatua co-ordinators, Oranga Tamariki and New Zealand Police personnel. By definition, since only one or a few persons will fill such key roles, their interviews have been referred to as ‘elite’ interviews (Yin, 2012).

Gill et al., (2008), prescribe that in a qualitative interview, questions with high utility should be open-ended, that is, they should require more than a mere ‘yes’ or ‘no’ answer and that it is usually best to start with questions that participants can answer easily before proceeding to more difficult or sensitive topics. This approach can help put respondents at ease, build up confidence and rapport that often generates rich data that consequently develops the interview further. With this in mind I intentionally limited my interview questions to only three open-ended questions with which to guide the semi-structured interviews with the research participants within each respective culturally-inspired intervention:

1. What is Oho Ake/Hui-ā-Whānau/The Mending Room?
2. What makes Oho Ake/Hui-ā-Whānau/The Mending Room unique?
3. What are the results of Oho Ake/Hui-ā-Whānau/The Mending Room?

While on the surface, these questions may seem rudimentary, I was confident that they were sufficiently open-ended enough to generate quality discussion and yield rich qualitative data without being overly prescriptive. As a common Tūhoe maxim suggests, '*Iti te kupu; nui te kōrero'*, or '*A scarcity of words may yet prove a wealth of discussion.*' My primary aim therefore as the researcher was to allow the participants to simply "open up" and 'speak freely" while I listened attentively to the discussion. As Gill et al., (2008) maintain, the fundamental purpose of the research interview is to listen attentively to what respondents have to say, in order to acquire more knowledge about the study topic. This principle aligns well with Kaupapa Māori research methodology and the principle that Moyle (2013) has described as "titiro, whakarongo, kōrero (look and listen first: speak later)". This positions the researcher as "a learner in a privileged situation; looking till one sees and listening till one hears, so that nothing is missed." (p. 47). Of course, the approved use of a recording device to capture the discussion was helpful and freed me up to better focus on what was being described.

One feature of a successful interview, according to Gill et al., (2008), is to ensure that the participants are comfortable and suitably appraised beforehand of the study details and given assurance about ethical principles such as anonymity and confidentiality. In addition to being a fundamental aspect of the informed consent process, it will offer participants some idea of what to expect from the interview and increases the likelihood of an unencumbered response.

In terms of this study the initial preparation of the respondents was achieved by way of email, in most cases weeks before the interviews took place and the ethical research considerations were again reiterated at the outset of the interview. Yet another feature, Gill et al., (2008) claim, is that wherever possible, interviews should be conducted in areas free from distractions and at times and locations that are most suitable for participants, perhaps at their own home in the evenings since the familiarity may help the respondent to relax and result in a more productive interview. In regard to the interviews for this study, I left the choice of venue with them. Unexpectedly and without exception, all the respondents elected to be interviewed during work hours at their place of employment, where they felt most at ease.

In terms of Kaupapa Māori methodology, this example of being compliant with the research participants' preferences expresses the important principle of manaaki ki te tangata as described by Moyle (2013). In addition, the appropriate observance of tikanga during the interview process, including karakia whakatūwhera, mihimihi, whakawhanaungatanga, and whakanoa, also helped to effectively anchor and honour the interview process and further relax and esteem the participants with the appropriate respect befitting traditional Māori rituals of encounter and Kaupapa Māori research methodology.

According to Gill et al., (2008), establishing rapport with participants prior to the interview is also important as this can have a positive effect on the subsequent development of the interview. As I have previously commented in relation to my insider researcher status, I was fortunate to be a familiar face to all the interview participants through various interactions over the years, which in terms of Kaupapa Māori methodology effectively rendered me a kanohi kitea (Moyle, 2013), moreover a whanaunga, which helped immensely as the respondents all trusted me and consequently felt most comfortable with the interview process.

I interviewed twelve participants in total who were all practitioners at the coal face in their respective organisations. The participants were selected according to Yin's (2012) description of 'elite interviews', moreover that these participants were the ones doing the hard yards and transformational work with individuals, tamariki and whānau. This included three indigenous practitioners from Oho Ake and three from Hui-ā-Whānau, which included their team leads. Two lead personnel were interviewed from The Mending Room, specifically the Tūhoe iwi chair and the CEO, in addition to the regular Police attendee. Three statutory social workers from Oranga Tamariki were also interviewed to gain their perspectives and insights into Hui-ā-Whānau.

3.4.5 Research Question Three – What distinguishes culturally-inspired methods from conventional approaches?

3.4.6 Triangulation of case studies with other sources of data

The robustness and validity of this study can be further enhanced by 'triangulating' the multiple case studies with the other available sources of data and research techniques in what Yeasmin and Rahman (2012) have described as 'methodological triangulation', a useful method of cross-checking to provide confirmation and completeness, bringing balance

between two or more different types of research where the purpose is to increase the credibility and validity of the results. Yin (2003) describes triangulating as establishing converging lines of evidence where the most desired convergence occurs when three or more independent sources all point to the same set of events, facts, or interpretations, which will make the findings as robust as possible.

Ammenwerth et al., (2003) suggest that triangulation can increase completeness when one part of the study presents results which have not been found in other parts of the study and that with the inclusion of this new information, the holistic value of the results is increased. They also describe how triangulation can contribute to a more complete picture of the object under investigation, but also identify how the occurrence of divergent and apparently contradictory results arising from applying various methods during the investigation might in fact highlight significant phenomena, present new information and lead to further investigation, which is an important aspect of triangulation. This premise will be put to the test in this study by triangulating the case studies with qualitative data gained from the interviews in addition to secondary sources of quantitative data, tables, graphs, statistics etc. that was made available in the study.

3.5 Research participants

As identified previously in the discussion on the semi-structured interview, the twelve research participants within this study occupy key positions as stakeholders and practitioners across each of the three culturally-inspired remedies to legislative harm at the centre of this research.

Due to the associated privacy and confidentiality requirements of the legislative process I was not able to directly engage the individuals, tamariki and whānau who had been referred into each process. Indeed it was sufficient a challenge to obtain permission to engage with the statutory personnel let alone the individuals, tamariki and whānau immediately involved. However, I was satisfied that the qualitative data from the twelve 'elite interviews' (Yin, 2012) was sufficiently rich enough, informed also by my sixteen years of experience within the justice and social sector along with secondary sources of quantitative data, to yield significant insights.

3.6 Ethical considerations

Submitting an ethics proposal to the ethics committee of my tertiary institution, Te Whare Wānanga ō Awanuiārangi, was a necessary component of the research process to ensure the safety and compliance requirements of the research and mitigate the risks to the institution, the participants, myself as the researcher and the wider community. As I would be observing culturally-inspired interventions that lay beyond the confines of the statutory system, especially where those interventions were operated by independent external organisations (Tūhoe Hauora and Tūhoe Te Uru Taumatua), it was necessary and natural to obtain their express permission to study their processes and interview their staff for that matter. Written support and permission for my project from these groups was obtained simply enough, based on my long association with them and my active involvement and roles within Ngāi Tūhoe.

Notwithstanding my first proposal to the Te Whare Wānanga ō Awanuiārangi Ethics Committee encountered some significant hurdles. Not the least of which was some misunderstanding of what my 'observation of a process' would entail. It was necessary for me to clarify to the Committee that 'observation of a process' did not necessarily mean that I would be the proverbial 'fly on the wall' in the surgical ward watching what was going on. In reality, the processes at the centre of this study would take weeks or months. To use plumbing as an analogy, there are different ways to both directly and indirectly observe the processes of supply, demand and flow without getting one's hands wet. Blockages and leakages can similarly be observed in associated phenomena if one knows where to look and what to look for. By the way, I'm not a plumber.

Another significant obstacle was navigating the ambiguity between key questions contained within the ethics proposal form. On the one hand the researcher was asked to identify ethical risks within the research only to be asked later on to identify any ethical issues within the research, which seemed ambiguous, repetitive and redundant. I am happy to disclose that the form has since been amended based on my suggestions.

One assumption that I had made was that because I was exposed to statutory processes and players in the New Zealand Police and Oranga Tamariki as a routine function of my employment within the sector, I consequently did not need special permission to undertake research that I had considered a normal and everyday part of my job. Furthermore, Oho Ake,

Hui-ā-Whānau and The Mending Room are not statutory processes and do not belong to the statutory agencies at all. The Ethics Committee thought otherwise however and advised me to obtain written permission from both the New Zealand Police and Oranga Tamariki to satisfy the ethical requirements before they would grant me permission to conduct my research. The committee was right of course.

Obtaining permission and support to research from New Zealand Police was fairly straight-forward and came by way of a support letter from the Area Commander for the Eastern Bay of Plenty (see Appendix 4).

Obtaining permission from Oranga Tamariki on the other hand was not as straight forward and rather prolonged. Although I had the privilege of forming significant and positive relationships with 'OT' staff through my tenure over the years, the process wasn't going to be as straight forward as I had hoped. My initial approach to the Whakatāne site manager would see me and my simple request referred 'up the chain' to the regional manager for the Bay of Plenty, to the executive manager for the Bay of Plenty, and ultimately to the Research and Data Access committee (RADA), who met once a month to consider all research requests.

On reflection, my research project only required me to interview one or two local Oranga Tamariki staff to obtain their perspective about Hui-a-Whānau as operated by Tūhoe Hauora. The approach to RADA was straight-forward enough and their responses were timely, which I appreciated. However, I did observe that RADA's requirements were somewhat disproportionate and demanding compared to what I actually needed from them.

Not only would I be required to send them my full ethics proposal, but in addition I would also be required to provide them with the curriculum vitae of my academic supervisor as well as support letters from the organisations related to my research, albeit not related to their agency. Although their request seemed somewhat excessive to me, in the end they did not prove too onerous or unreasonable after all. I was just happy to get it completed. However, it was here that I would find myself caught in a proverbial 'Catch 22' because the RADA would not grant me permission to interview their staff until I had full approval from the ethics committee of Te Whare Wānanga ō Awanuiārangi.

Similarly, Te Whare Wānanga ō Awanuiārangi would not grant me permission to undertake my research until I had obtained full approval from Oranga Tamariki, namely RADA. This

ordeal was exacerbated by the once-a-month sittings of these two entities and the corresponding delay in turn-around in communication and responses. After what seemed like ages, which was further aggravated by the Covid 19 lockdown, I was able to gain 'approval in principle' from Awanuiārangi which I could then present to Oranga Tamariki (RADA) to gain their approval (see Appendix 5). The turn-around between my initial approach to Oranga Tamariki and full and final consent, with conditions, was about three months all up, at which time I could obtain full Ethics Committee approval (see Appendix 1).

3.7 Chapter Summary

This chapter described the research frameworks that will be employed in the study, namely Kaupapa Māori research methodology, which includes pūrākau as methodology and qualitative methodology informed by Insider Research. *Te rauhanga a Te Aokehu: The strategy of Te Aokehu*, was also presented as an example of a püräkau-informed methodology for indigenous inside-researchers operating within hostile environments. The preferred methods used to answer each of the research questions were also identified along with the rationale for using them. In brief these are case studies and semi-structured interviews triangulated with secondary sources of quantitative data. This chapter also described the research participants and outlined the ethical considerations of this study. The next chapter examines the results of the research into culturally-inspired remedies to legislative harm and presents and organises the findings, results and answers to the research questions under the appropriate subheadings.

CHAPTER FOUR

RESULTS

Whakaruhi! whakamoe!	*Be exhausted! Be overcome with sleep!*
O—oi!	*O—oi!*
Ko au, ka whanatu ki ō tuatara,	*It is I, advancing upon your spiney back,*
E riri mai nā, e nguha mai nā,	*That seethes and rages there,*
Titia! titia, te poupou o tō manawa,	*Stab it! Stab the column of your heart,*
Titia te pou o tō iho…	*Stab the very pillar of your strength…*

Te Aokehu's karakia to subdue Tutaeporoporo, continued.

(Kauika, 1904, p. 92).

4.0 Chapter Introduction

The previous chapter described the research frameworks that will be employed in the study, namely Kaupapa Māori research methodology and qualitative methodology informed by Insider Research. The preferred methods which will be used to answer each of the research questions were also identified along with the rationale for using them.

This chapter examines the results of the research into culturally-inspired remedies to legislative harm. It presents and organises the findings and results under the appropriate subheadings. Beginning with a pertinent quote, an appropriate application of the Taniwha Index described in Chapter Two frames the discussion on each relevant statutory agency and its corresponding culturally-inspired remedy to legislative harm. Moreover Oho Ake, Hui-ā-Whānau and The Mending Room.

The background to each of these culturally-inspired remedies is presented alongside my perspective and insights as an Insider Researcher. A brief description of the operation of how each of these interventions works is provided, followed by an examination of three case studies pertaining to each remedy.

These are followed by the results of the interview responses from the research participants. This chapter concludes with appropriate secondary sources of data that relate to each of these culturally-inspired remedies to legislative harm.

Oho Ake won the Supreme Award in the 2017 Evidence Based Problem Oriented Policing Awards, and also won the award for Excellence in Achieving Collective Impact.

https://hail.to/otago-polytechnic-research/article/InQ74Rb

Bay of Plenty District Commander Superintendent Andy McGregor, Inspector Kevin Taylor, Pania Hetet, Sergeant Tom Brooks, Joshua Kalan and Commissioner Mike Bush.

Oho Ake:
4.1 A culturally-inspired intervention in the youth justice system, owned and operated by Tūhoe Hauora

One of the biggest challenges ahead of society is the over-representation of Māori within the criminal justice system, and in particular, the youth justice system. It is a reflection of a failing process which is unfair to Māori. The justice process has institutionalised Māori, so to create an effective change, we must look to Māori initiatives, Māori-based and Māori-focused solutions.

In recognition of the over-representation issue in the Eastern Bay of Plenty, Oho Ake has been established as an alternative. It is iwi intervention, which has at its heart tikanga Māori, including whakapapa and concepts of muru and hara, which is about restoring balance.

We must stop the entrenched progression from behavioural infraction, through to appearances in the Youth Court and then in the District Court, and ultimately, persons being sentenced to imprisonment – a pre-ordained rite of passage for many young Māori.

Judge Louis Bidois (Tūhoe Hauora & New Zealand Police, 2017)

The Taniwha Index			
Taniwha	**Location or iwi**	**Offence**	**Mitigation**
Te Tari Pirihimana	Ngāi Tūhoe & Whakatāne rohe	Legislative harm	Oho Ake – a culturally-inspired intervention in the youth justice system, owned and operated by Tūhoe Hauora

4.2 Background and Insider commentary

In early 2009, constables Richard Thrupp, Waata Heathcote and I travelled to Gisborne from Whakatāne on a fact-finding mission to observe a sitting of Te Kooti Rangatahi at Te Poho o Rawiri Marae in Kaiti. We had heard about the Kooti Rangatahi process and were interested in observing it first-hand to see whether we could replicate it in Whakatāne. Te Kooti Rangatahi offers an opportunity for youth offenders and their whānau to have their cases heard on the marae in a forum that is more culturally supportive and aligned with tikanga in a

perhaps somewhat more familiar and less intimidating environment.

Having observed the Te Kooti Rangatahi process first-hand we returned to Whakatāne suitably impressed with the merits of the kaupapa to warrant it being replicated locally. However we were not totally prepared for the reactions that awaited us on our return.

Firstly our local manager of Youth Aid Services (YAS) Sergeant Tom Brooks, who had been away on extended leave at the time of our excursion, was most upset upon his return at the discourtesy of being left out of the loop. To him we were exploring, perhaps encroaching, into a potential Youth Aid project, whereas to us it was clearly a kaupapa Māori. To put it simply from our perspective, Tom just wasn't around to ask at the time. The second reaction which we had been quite unprepared for, yet in hindsight now is perfectly understandable, was when we had the opportunity to present the Kooti Rangatahi concept to Te Rūnanga o Ngāti Awa, Ngāti Awa's tribal authority comprising representatives from each of its hapū and marae. Ngāti Awa is the mana whenua iwi of the Whakatāne rohe. In short the idea of Kooti Rangatahi went down like a lead balloon. The main objection was that for all the well-meaning intentions, Kooti Rangatahi was in essence a State-controlled and Pākehā process that had been simply transplanted 'across the road' to the marae. The other objection was that Kooti Rangatahi was not a new initiative at all, in fact something very similar had been piloted at Rautahi Marae in Kawerau almost two decades earlier, but had been a victim of its own success when its pool of rangatahi effectively dried up along with Ministry of Justice funding (personal communication, Jacko Ta'ala, 2010).

Our trip to Gisborne may have attracted our YAS manager's ire, but in hindsight it turned out to be the perfect catalyst to inspire and galvanise him into action. Moreover enthusing him to explore new and innovative ways of approaching Youth Aid.

Having gotten over the initial displeasure and frustration at being kept out of the loop, notwithstanding the expectations from senior management to curtail the high incidence of Māori youth offending locally, Tom called a meeting with Richard, Waata and I, to find out exactly what it was that we wanted and to find a way forward. While we had been unanimous in our aim to reduce the number of Māori youth entering the youth justice system, with the benefit of our Tom's input it didn't take us long to realise that we had been looking at the wrong end of the process. Any court, be it Kooti Rangatahi or otherwise, is at best acting as the proverbial ambulance at the bottom of the cliff. By the time a young person gets

to court, significant opportunities for early intervention have been lost and we have failed. With the benefit of Tom's perspective into the youth justice process, we could see that it was far better to put up a fence at the top of that cliff by way of the opportunities that, unbeknown to us at that time, already existed within the current youth justice system thanks to Pūaoteatatū.

Provisions within the Children, Youth and their Families Act 1989 were explicit in advocating for the participation of whānau, hapū and iwi within the youth justice and care and protection statutory processes. However for all intents and purposes this had never been given full effect. That was going to change. Having identified a significant opportunity for iwi intervention early in the youth justice process in the alternative action space (McLaren, 2010), we then commenced to determine a way forward.

As Police Iwi Liaison Officer my recommendation to Tom was that we needed to initiate a conversation with Ngāti Awa in the first instance in acknowledgment of their position as mana whenua of the Whakatāne rohe. This also made sense from an evidence-based approach where our latest collection of iwi and hapū data indicated that a high proportion of the area's Māori youth offenders had identified as belonging to Ngāti Awa. Cultural disconnection from self-identity, cultural values and the social supports of whānau, hapū and iwi was yet another recurring theme among rangatahi coming to Police attention in the justice system. Moreover this was a disadvantage that Police and the State were powerless to remedy. This cultural disconnection was compounded by the social deprivation impacting upon whānau, which is typically expressed through unemployment, inadequate housing, poor school attendance, welfare dependency and substance abuse. Our hypothesis was that if we could find a way to address both the cultural disconnection and social deprivation factors it could build resilience in tamariki and divert them away from the justice system. We therefore felt an obligation to create an opportunity for Ngāti Awa to intervene in the lives of its young people.

Over the following nine months we engaged with several key personnel from Te Rünanga o Ngāti Awa, including projects co-ordinator Crete Wana, CEO Jeremy Gardiner and Iwi Chair Te Kei Merito. My contribution to the kaupapa among other things was providing cultural integrity and support with our iwi and community interactions and developing a more user-friendly presentation than the one Tom had initially thrown together. What was being offered

from Police, specifically Youth Aid Services, was the opportunity for iwi to own and operate their own parallel intervention process within the conventional youth justice process. This would effectively function as a loop off the mainstream system, which typically begins with Police apprehension and, if not bypassed with alternative action, ultimately ends in court. This in itself was quite ground-breaking for its time because it is not every day that Police open up their processes and create opportunities for external intervention in its systems. While no Police funding would be forthcoming, this proposal however would give iwi an opportunity to reconnect their young people to the wider iwi journey, reaffirm their cultural identity and redirect their futures away from dysfunction towards wholeness. All parties we engaged with from Te Rünanga o Ngāti Awa could see the value in the proposal. In contrast to the lukewarm response to Te Kooti Rangatahi, the idea received unanimous support at several presentations to the monthly Rūnanga hui.

While the reception from the Rūnanga was overwhelmingly positive, they were also unanimous in their opinion that the most appropriate agency to implement the parallel intervention process was the iwi's social service arm, Ngāti Awa Social and Health services (NASH), which would later be rebranded as Te Tohu o te Ora o Ngāti Awa. All were in agreement that NASH had the prerequisite skills, knowledge and expertise to work with rangatahi and their whānau to address behavioural issues and any underlying contributing factors to family dysfunction and youth offending. It was clear that from thereon in we needed to be talking with NASH.

Following several discussions with the senior management team at NASH, it was evident that while there was some interest and positive response to the kaupapa, there was no inclination to initiate a formal process with Police. NASH were happy to take referrals, but would not commit to a formal process, Memorandum of Understanding, or formalised relationship with Police, which were the minimum requirements needed in order to reconfigure the existing youth justice process. All Police could do in the meantime was to simply keep the door open for continued dialogue in the anticipation that the situation would change. Herein was the first dilemma that we identified. While the political arm of Ngāti Awa, Te Rūnanga ō Ngāti Awa, was supportive and enthusiastic about the opportunity to run their own parallel youth justice process, NASH, being its own independent and autonomous organisation, was under no compulsion to follow through with the Rūnanga's recommendations. Police could therefore do nothing to progress this kaupapa and it was ultimately a matter for the Rūnanga

and NASH to work out among themselves. Though we had hoped that things could have happened sooner, we were realistic that when it comes to relationships and engagement in the Māori community, it takes as long as it takes. There is no point in forcing a process or a relationship for that matter.

It had been just over nine months since Police first initiated the dialogue with Te Rūnanga ō Ngāti Awa when a random enquiry about the parallel youth justice kaupapa would come from the strangest quarter. Pania Hetet, who was the practice manager at Tūhoe Hauora Health Services at the time, was also a long-time acquaintance of Tom Brooks and had heard about what we were trying to do and was interested in learning more. Pania, who had over twenty-five years' experience in the Department of Social Welfare and Child, Youth and Family, could immediately see the benefits in what we were trying to do and could see the unique opportunities that were on offer. Firstly, it was an intervention opportunity to divert young people away from the youth justice system and secondly, test the strength of culturally-inspired practice. Thirdly it was an opportunity through which to work with the whole family, not just the young person. Finally it was an opportunity for the agency taking on the referrals to grow and develop the skill base and expertise of their staff.

So, while we were waiting for a response from Ngāti Awa, Pania put her hand up on behalf of Tūhoe Hauora to take advantage of this unique opportunity to run their own parallel youth justice process within the current system. So Oho Ake was born.

The name 'Oho Ake' was bestowed upon the new parallel youth justice process by Tūhoe activist, artist and icon, Tame Iti, who was employed with Tūhoe Hauora at that time. Tame explained that the name "Oho Ake" meant 'to awaken; to become fully awake' and describes the point where the penny finally drops for a young person and they become fully cognisant and self-aware of their place in the world.

One of the main barriers which needed to be navigated at that time was the lasting fallout and spectre of Operation 8 whereby Police had traumatised the Tūhoe community of Ruatoki in the execution of warrants obtained under the Terrorism Suppression Act (2002) not more than two years prior. It was potentially the most severe instance of legislative harm in Aotearoa this century.

> On 15 October 2007 armed police carried out raids throughout the North island, arresting 17 political activists. During the raids the small Tūhoe community of Rūātoki was completely closed off. Police claimed they had arrested participants in a terrorist training camp in the Urewera region. The solicitor-general turned down police requests to charge those arrested in the October raids under the Terrorism Suppression Act 2002 (Beath, 2012, p. 3).

Understandably there was still a lot of hurt, pain and distrust in the Tūhoe community and the wider community and suspicion towards Police. I myself was struggling with feelings of betrayal, disillusionment, bitterness and anger toward the Police and was most uncomfortable at the prospect of any further Police and Tūhoe interactions at all. Incredibly, no debrief with local Eastern Bay of Plenty Police staff was ever conducted as to why we were left out of this critical operation in our own backyard. It has remained so up to this day. The collateral damage from Operation 8 had been truly soul-destroying and I had really hoped that Ngāti Awa had come on board with the kaupapa instead.

Yet other barriers came from within New Zealand Police itself. In particular Tom Brooks was the recipient of what he half-jokingly referred to as 'hate mail' from staff members within Police, questioning why we were about to embark on a joint venture with people who only months previously had been suspected of terrorist activities. Similarly Tom's approaches for support to New Zealand Police Māori Pacific and Ethnic Services (MPES) at the time were unresponsive. Similarly my approaches were met with disbelief and scepticism. While there is a lot of talk in New Zealand Police at the moment about the importance of key partnerships in working together with iwi, it hasn't always been the case. As Brooks (2017) has observed, "The Police have a major challenge in letting go of power and control when dealing with Māori organisations. Through relationships a culture of trust and confidence can be built to allow the whole community to move forward." (p. 13). Interestingly enough, Tūhoe Hauora's offices and several staff had been subject to the execution of search warrants during the 2007 raids, which says something of their resilience and forbearance in getting Oho Ake underway. As Brooks (2017) points out, the willingness of Tūhoe Hauora to set aside its differences with the Police and Government in the interests of child, youth and whānau well-being is truly remarkable.

Still another obstacle to Oho Ake encountered within Police was the change in mind-set required to run the process compared with the conventional status quo responses to youth offending, which typically involves the minimal approaches of apology letters and community work hours. One substantial obstacle that had to be overcome was the reluctance of Police to open up their statutory processes, which they are most precious about and the consequent issues of power and control. Another familiar obstacle from youth justice power brokers are considerations of accountability and how it is to be maintained. Well, what does accountability look like and who defines what it is? What gives a statutory agency the mandate to define what accountability is? Is it a simple matter of ticking off community hours as expressed in conventional responses? Or can it be more authentically expressed in more meaningful and culturally-inspired ways such as fronting up to kaumātua on the marae and being accountable for bad behaviour?

Fortunately Tom Brooks had considerable expertise in more than thirty years of interpreting and applying the CYF Act within statutory youth justice and care and protection practice. While it wasn't easy, Tom was able to effectively convince the power brokers within Police that the Oho Ake approach was in fact supported in law but as yet hadn't been given a fair chance. Tom had a more welcome reception when he asked me if he could present the kaupapa to Te Whanga a Toi, the Police Iwi Executive Committee for the Eastern Bay of Plenty, whom I attend to in the course of my role. Comprising iwi and community members from throughout the Mataatua rohe, Te Whanga a Toi meets regularly with the Area Commander and senior management of Police to foster relationships, discuss local trends and develop responses as well as hold Police accountable. Tom could recognise that Te Whanga a Toi was the front door for Police into the Māori community and a culturally appropriate means by which to introduce the kaupapa and elicit any objections and advice the members had to offer. The response was generally positive and Tom left with Te Whanga a Toi's blessing.

One over-riding issue that Police could not escape was that conventional methods to deal with the high degree of Māori youth offending and re-offending had been largely ineffective and alternative responses were badly needed. On June 25th 2010, Oho Ake was officially launched at the Whakatāne War Memorial Hall in a ceremony attended by local and Bay of Plenty District Police, Te Whanga a Toi, Child Youth and Family staff, Tūhoe Hauora personnel and a number of Tūhoe kaumātua, a number of whom are no longer with us today.

I had the unenviable task of officiating as the master of ceremonies for the Oho Ake launch, which in hindsight was quite a historical occasion. Beginning with Oho Ake, the iwi owned and operated parallel youth justice process was in due course replicated out-of-town with 'He Kanae Rere' with Ngāti Ranginui in Tauranga Moana; 'E Tipu ā Tai' with Te Whakatōhea in Ōpōtiki in 2011; and with Tūwharetoa ki Kawerau and Te Whānau a Apanui in 2016.

4.3 Oho Ake – how it works.

The following outline briefly describes how the Oho Ake process operates in practice

1. A child/youth comes to Police attention

A child or youth generally comes to Police attention by committing an offence (e.g. shoplifts or property damage). Youth offences are preferably dealt with through Alternative Action (i.e. alternatives to the formal statutory process) or the seriousness of offending or other aggravating factors might prescribe that the case go to Youth Court and involve a youth justice Family Group Conference involving Oranga Tamariki.

2. Youth Aid Services Home Visit

Youth Aid officers will do a home visit to inform the parents or caregivers of their options and to decide on an agreed pathway forward. The visit also informs Youth Aid's risk-assessment tool, YORST (Youth Offending Risk Screening Tool) which helps with triaging an appropriate response. The home visit is an opportunity for Youth Aid officers to promote Oho Ake and Tūhoe Hauora with the whānau as an alternative process to the conventional system. If the whānau agrees to Oho Ake, a referral is then made with their informed consent to Tūhoe Hauora. Police also have the responsibility of keeping the victims of the offending informed. The Oho Ake entry criteria targets Tūhoe descendants within Tūhoe Hauora's delivery area, followed by people living locally within the area and thereafter anyone who wants to engage with their services. That said, the Oho Ake process is open to anyone, regardless of ethnicity or iwi.

3. Referral to Tūhoe Hauora and consultation

Youth Aid officers make an Oho Ake referral to Tūhoe Hauora. This is usually supported by a phone call to the Oho Ake team. Police share all relevant information including the YORST score and any pertinent background information with the Oho Ake team. This understanding and information sharing is pivotal to the agreement between Police and Tūhoe Hauora. Once the referral is made, the case file is assigned to Tūhoe Hauora and Police relinquish all interests of power and control. Tūhoe Hauora is then free to manage the case and all responses including considerations of accountability as they deem appropriate. Police and the Oho Ake team continue to maintain regular communication and updates as the case progresses including the sharing of information. In addition, the Oho Ake team and Youth Aid staff meet once a month for a face-to-face at Tūhoe Hauora's office in Tāneatua for a catch-up and to discuss referrals. An effective working relationship built on high trust and confidence is pivotal to Oho Ake's success.

4. Home visit by Tūhoe Hauora's Oho Ake team

The Oho Ake team arranges a home visit to meet the child/youth and their whānau. This is where a process of whakawhanaungatanga, or, getting to know each other and make connections, will be initiated. This process of building up the appropriate levels of trust and confidence will take as long as it takes, without time constraints. It may take one meeting, or it may take several. Moreover the whānau might even decline to participate in the Oho Ake process (very rarely), which would result in taking the more conventional pathway back through the statutory process. In contrast to Youth Aid's YORST and consistent with culturally-inspired practice, Tūhoe Hauora use their own wellness assessment tool based on the six imperatives of the Mauri Ora Framework as developed by nationwide indigenous social services training organisation, Te Korowai Aroha o Aotearoa. Oho Ake is a holistic whole-of-whānau approach which looks at supporting the whole family, rather than dealing with the individual offender in isolation, as is the case with most conventional responses. Oho Ake looks at ways of supporting the whānau as a whole, identifying underlying factors and impediments to wellness and providing 'wrap-around' supports and services. Oho Ake therefore is an opportunity to work with and support the whole family. In this sense, the Oho Ake approach is unsurprising and not dissimilar to the normal kaupapa Māori approach and methods utilised by most other indigenous practitioners.

5. Whānau plan with Tūhoe Hauora

Once the whānau is confident and ready to engage in the Oho Ake process with Tūhoe Hauora, the Oho Ake team work with the whānau who is empowered to develop their own plan with their child/youth based on their particular needs and priorities. This plan includes the child/youth being accountable for their offending in ways that are culturally appropriate and meaningful in addition to addressing any underlying needs affecting the whānau. Each plan is tailored to the needs of the child/youth and their whānau based on their unique requirements and situation. While that could typically include cultural reconnection based on tikanga, it could equally mean bridging the divide between home and school, or advocating for improved responses from other services.

6. Police outcomes satisfied at three months

If all has gone reasonably well with the Oho Ake referral and the child/youth is engaging in the process, Police will close their files after three months from the initial referral to Oho Ake and no more Police involvement is required. Instances where a child/youth has reoffended while engaged in Oho Ake does not necessarily disqualify them from continuing in the process and is subject to the discretion and mutual agreement from Police, Tūhoe Hauora and the whānau.

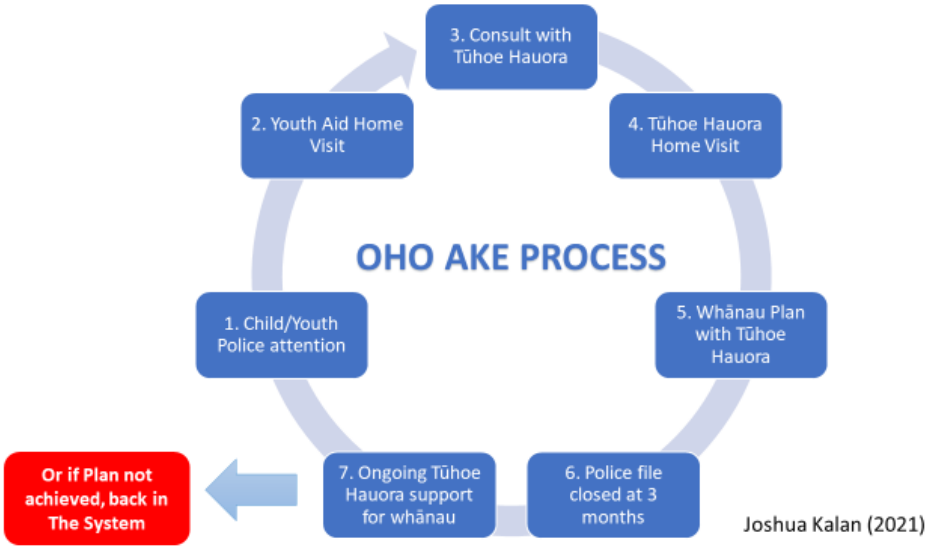
7. **Ongoing Tūhoe Hauora support of Whānau**

Regardless of the Youth Aid file being closed, Tūhoe Hauora will continue to support the whānau for as long as necessary, particularly with regard to any long-term support. This approach is fully consistent with the concepts of whakapapa and whanaungatanga which transcends the conventional client – professional relationship.

8. Conventional statutory process is resumed if referral is unsuccessful

If the child/youth has failed to reasonably engage in the process, Oho Ake will be formally closed with the child/youth and their whānau and Youth Aid will be informed. Police will resume ownership of the case which will either proceed to other alternative action, Family Group Conference or Youth Court. While certainly not the norm, this does happen from time to time.

Figure 4. Oho Ake Process Flow Chart



4.4 Oho Ake Case Studies

As outlined in the previous chapter on methods and methodologies this study utilises case study as one of the research methods. What follows are three representative Oho Ake case studies selected from Tūhoe Hauora's referrals – one 'typical' case, suggestive of the most usual and commonly occurring cases; one 'challenging' case, where uncommon difficulties were encountered; and one 'exemplary' case, indicative of an ideal referral and optimum engagement in the process.

4.4.1 Case 1: 'W' - a 'typical' Oho Ake case

The following case represents a 'typical' Oho Ake referral to Tūhoe Hauora. It is indicative of the most common referrals which are centred on mainly youth justice issues and whānau dynamics.

This case was referred to Tūhoe auora by Police Youth Aid Services. It centres on concerns for a 14-year-old female as reflected in her behavioural issues and offending coming to Police attention.

Whānau narrative: 'W' had been living with her mum in Rotorua but was sent to live with her nan in Kawerau after her offending. W's mum no longer wanted her to live with her.

Immediate concerns: W had stolen a car and taken it for a joy ride which had inevitably turned into a Police pursuit. W was apprehended and referred to Police Youth Aid Services who in turn made the referral to Tūhoe Hauora through Oho Ake.

Whakawhanaungatanga process: Tūhoe Hauora's Oho Ake team had developed a good relationship with W's nan. Nan also facilitated all the face-to-face meetings with W, which helped. The whakawhanaungatanga process was still ongoing at the time of this study.

Existing positives and strengths: W had very good whānau support, particularly from her aunty, nan and koro. W's whānau had been very engaged from the initial meeting with the Oho Ake team.

Underlying issues: W's relationship with her mum had really broken down. She was routinely angry and upset and resented her other siblings who were still with mum. W was often distracted with boys and flatly refused to engage in education. W rebelled against her new living circumstances with nan and hated living in Kawerau.

Whānau Plan: For W to re-engage with education, beginning with Alternative Education. Oho Ake staff convened a hui with the Alternative Education teachers to discuss the appropriate processes and procedures to support and assist W.

Specific support strategies: The Oho Ake team met with W's nan to discuss her Alternative Education issues. Through their existing Iwi Alliance (Te Pūtōrino) relationship with Tūwharetoa ki Kawerau Health and Education Services, the Oho Ake team also engaged with one of their social workers to provide new clothes and shoes for W and provide ongoing support for her. Keeping W's Youth Aid officer in the loop with regular updates was also a focus.

Whānau contact and engagement: Regular phone contact was made with W's nan at work. The Oho Ake team worked around the whānau availability to be contacted whether it be at home, school, or at work.

Hui venue: Alternative Education, home or school.

Outcomes: W is engaged in Alternative Education, although she did display some behavioural issues where she likes to be the centre of attention. W's mum has since agreed to take her in for the weekends and school holidays, which has been a huge improvement in circumstances. W's nan is doing well considering she has her own issues to deal with. A key

learning for the Oho Ake team from this case is that, however great the engagement and support one can have from whānau, the one-to-one conversations and discussions with the person at the centre of a referral is a must.

Case closed at: The case remains open and ongoing at three months.

4.4.2 Case 2: 'C' - a 'challenging' Oho Ake case

The following case represents a 'challenging' Oho Ake referral to Tūhoe Hauora. It centres mainly on youth justice and behavioural issues but is an anomaly for the complete absence of detrimental whānau dynamics and related issues. In contrast to most referrals, what made this case difficult was the young person's refusal to engage in the process and take responsibility for himself.

This case was referred to Tūhoe Hauora by Police Youth Aid Services. It centres on concerns for a 15-year-old male as reflected in his behavioural issues and criminal offending.

Whānau narrative: 'C' is the youngest child of a big supportive whānau which includes three sisters, one of their partners, a baby, and mum and dad. Mum and dad are employed full-time and work very hard for their whānau. The whānau have their own home on their papakäinga and practically have everything they need.

Immediate concerns: C and his group of friends were responsible for a raft of thefts and burglaries and had even robbed his neighbours. C and his friends were caught by Police and a referral was made to Police Youth Aid Services, who in turn referred C to Tūhoe Hauora through Oho Ake.

Whakawhanaungatanga process: Ongoing at time of study. One of the Oho Ake team members used to work with C's dad in another job and so knew the whānau personally. This woman had also attended high school with C's older sister, so the whānau was also comfortable with her working with them.

Existing positives and strengths: C is very sporty and athletic and has so much potential to go far in life. C has lots of whānau support and is interested in pursuing taha Māori, in particular, mau rākau which he had begun to learn from an uncle. The observation from C's youth aid officer is that he works well when he sticks to a plan.

Underlying issues: C seems your typical 'bored youth'. He often 'acts out' his frustrations toward his mum in 'transference' and is 'spoiled' a lot by his whānau, perhaps because he is the youngest child and the only male child in the family. C's peer group have quite a lot of influence on him and his behaviour.

Whānau Plan: C was under court-imposed curfew conditions and non-association conditions with his co-offenders, which would be maintained. C would still enjoy attending school and playing touch. The Oho Ake team would continue to maintain contact with C, his parents, whānau and school.

Specific support strategies: C was enrolled in mentoring support in November 2019 and referred by Youth Aid Services in February 2020. Continuity and consistency with C's case was somewhat disrupted by Covid lockdown restrictions and changes to the way in which Tūhoe Hauora was permitted to operate during that time.

Whānau contact and engagement: Weekly face to face contact supported by regular phone calls and texts.

Hui venue: Home.

Outcomes: C completed all the goals agreed upon at his Family Group Conference, however, went back to reoffend. While C's whānau were really supportive, he himself never really engaged and often missed appointments.

Case closed at: The case remains open and ongoing at twelve months.

4.4.3 Case 3: 'B3' - an 'exemplary' Oho Ake case

The following case represents an 'exemplary' Oho Ake referral to Tūhoe Hauora. It is indicative of the most common referrals which are centred on youth justice issues and whānau dynamics. What made this case a positive one was the full engagement of whānau and the amazing support from external agencies, including schools.

This case was referred to Tūhoe Hauora by Police Youth Aid Services. It centres on concerns for three young children – brothers – aged 6, 7 and 8 years old - reflected in their behavioural issues and offending coming to Police attention.

Whānau narrative: These three boys' parents had previously separated and they had been uplifted from their dad, who had subsequently gone into prison. Their mum lived in Rotorua and was not in a position to take care of them so they had been taken in by their nan (grandmother) who was also taking care of one of their cousins. The boys attended different schools out of town.

Immediate concerns: All three children had come to Police attention for smashing windows and vandalism of the local polytechnic and netball court buildings.

Whakawhanaungatanga process: Tūhoe Hauora had an existing relationship with the children's dad, whom they had been supporting previously. After initial introductions and kōrero, one of the Oho Ake team continued contact with dad while the other focused on building a relationship with nan, who began to open up further after a period of three months. The team would also bring the children educational resources during the Covid lockdown.

Existing positives and strengths: The children do really well when they are supervised e.g. in a holiday programme. They are very well-behaved children otherwise. There is lots of whānau support and always another mokopuna around to play with. The whānau was very engaged and willing to do anything to support the children.

Underlying issues: Boredom and lack of supervision was a contributing factor to the offending. One of the boys had ADHD and there were no behavioural boundaries – nan was too easy going with them. There were strained relationships with nan and dad and the other siblings.

Whānau Plan: The Oho Ake team would continue to monitor the boys' engagement with school and create incentives for them. The team would also meet with the boys' teachers to see where they could help. There was a tremendous response to Tūhoe Hauora from the schools. The team would also maintain contact with nan to help her reinforce her rules and expectations in the home and at school.

Specific support strategies: ADHD medication was sourced for one of the boys and nan was taught how to administer the medication. A social worker in schools was arranged to provide in-school support. Tūhoe Hauora would continue to work with nan and the boys.

Whānau contact and engagement: Face to face contact was made at least once a week. One video call was made during the Covid lockdown.

Hui venue: Home and school.

Outcomes: All three boys are engaged in school and enjoying it. Their school is an inclusive, supportive and rural school. Visiting rights have been established with dad and they are building that relationship. Nan is now in a better space with more support.

Case closed at: The case remains open and ongoing at ten months.

4.5 Interview Responses

As described previously in the methods and methodology chapter, the semi-structured interview is an appropriate research method with which to elicit rich and valuable qualitative data for this study. The interview method complements the case study approach with data derived from 'elite' interviews with key stakeholders (Yin, 2012) will yield valuable insight into the culturally-inspired remedies at the centre of this study. Semi-structured interviews and general, open-ended questions allow the participants to supply answers in their own words (Creswell & Plano, 2007). This allows the interviewer and interviewee to diverge and pursue an idea or response in more detail. The flexibility of open-ended interviews can reveal how research participants construct reality and think about situations (Yin, 2012), thus allowing for the discovery or elaboration of information that may not have previously been thought of as pertinent by the research team (Gill et al., 2008).

With this in mind I intentionally limited my interview questions to only three open-ended questions with which to guide the semi-structured interview with the three research participants, indigenous practitioners with Tūhoe Hauora, as it relates to Oho Ake.

This section describes responses to the interview questions. It is designed to highlight key issues, opportunities and challenges and to provide a broad frame from which more detailed analysis and interpretation can be made. Moreover, verbatim responses allow the participants' voices to be heard and to speak for themselves in their own words, which is critically important from a Kaupapa Māori framework. This raw approach to data-display also provides a base upon which more detailed and informed conclusions can be drawn. Moreover, a tangible link between the data and analysis.

1. What is Oho Ake?

The participants described Oho Ake as an "early intervention" which supported whānau towards "self-empowerment" and "mana motuhake". Oho Ake is a means to help whānau identify "whānau goals and direction" to support whānau to be self-determining to decide what it is they really wanted for themselves but also equip them with the strategies to achieve that. Oho Ake is an opportunity to support whānau to begin to "explore and restore lost values", helping them to identify and prioritise what's important for them in life and make room for it. Oho Ake practice recognises that adverse whānau behaviours are often coping mechanisms in response to underlying trauma and works with whānau to identify and mitigate that trauma.

> *'Oho Ake' – to awaken or be made aware' – giving them the tools to be aware of the impacts of that trauma and how you'd want to change, how you'd want to do something differently to not have that weight, because it's a weight on all our whānau. It's a weight and they just do things to try and get rid of that weight – beers, drugs, all that stuff. (Tūhoe Hauora practitioner).*

Oho Ake practitioners accept the reality that well-being is a journey and process. There is no silver bullet or quick fix. Working with whānau presents an opportunity to awaken them to new possibilities and ways of being without putting unrealistic pressure on the process or its participants, as one practitioner explained:

> *I think too a lot of our job working with Oho Ake and Hui-ā-Whānau is about planting those seeds. Like you're not necessarily gonna get one hundred percent in everything, but it might be just planting something, and, who knows what journey that person goes on? But there may be a realisation later on. That's still a win in my eyes.*

Police described Oho Ake as a "parallel youth justice process" and "an opportunity for iwi to own and operate their own process according to their own cultural practices and tikanga". Oho Ake was also explained as a way to "reconnect rangatahi and families with their culture" and "keep them out of the justice system." Furthermore, Oho Ake was identified as a "circuit breaker" and the "first intervention of its kind where Police have opened its statutory processes to an external party – Iwi."

A presiding member of the local Eastern Bay of Plenty judiciary described Oho Ake in terms of the strength of cultural practices based on tikanga:

> *Oho Ake is iwi intervention which has at its heart tikanga Māori, including whakapapa and concepts of muru and hara, which is about restoring balance. (Judge Louis Bidois in Tūhoe Hauora & New Zealand Police, 2017).*

2. What makes Oho Ake unique?

The Oho Ake approach itself was identified as unique, moreover the "tailor-made" engagement with whānau based on whakawhanaungatanga. In particular, every effort was made to ensure whānau were comfortable, happy with the process and willing to engage on their own terms. This included where and when to meet with whānau and determining which practitioners were likely to be the best fit with specific whānau members and the particular context. The end goal of Oho Ake is to be "mana-enhancing for whānau" and help them to become self-determining. The opportunity for practitioners to be "flexible in their practice" and the corresponding support from Tūhoe Hauora management for them to be "flexible" – playing to their unique strengths and preferences - was likewise identified as a unique feature of Oho Ake. Oho Ake practice is sensitive to the needs of whānau and adapts accordingly, recognising that every whānau is different, therefore a 'one size fits all' approach is likely to have limited success.

3. What are the results of Oho Ake?

In addition to tamariki and their whānau being kept "out of the system and staying out of the system", the participants identified that one favourable outcome of Oho Ake was the ability to "have honest conversations" and to leave whānau in a better place than where they met them and "moving towards their preferred future." As one participant explains, increased self-confidence for tamariki was another significant outcome of the Oho Ake process:

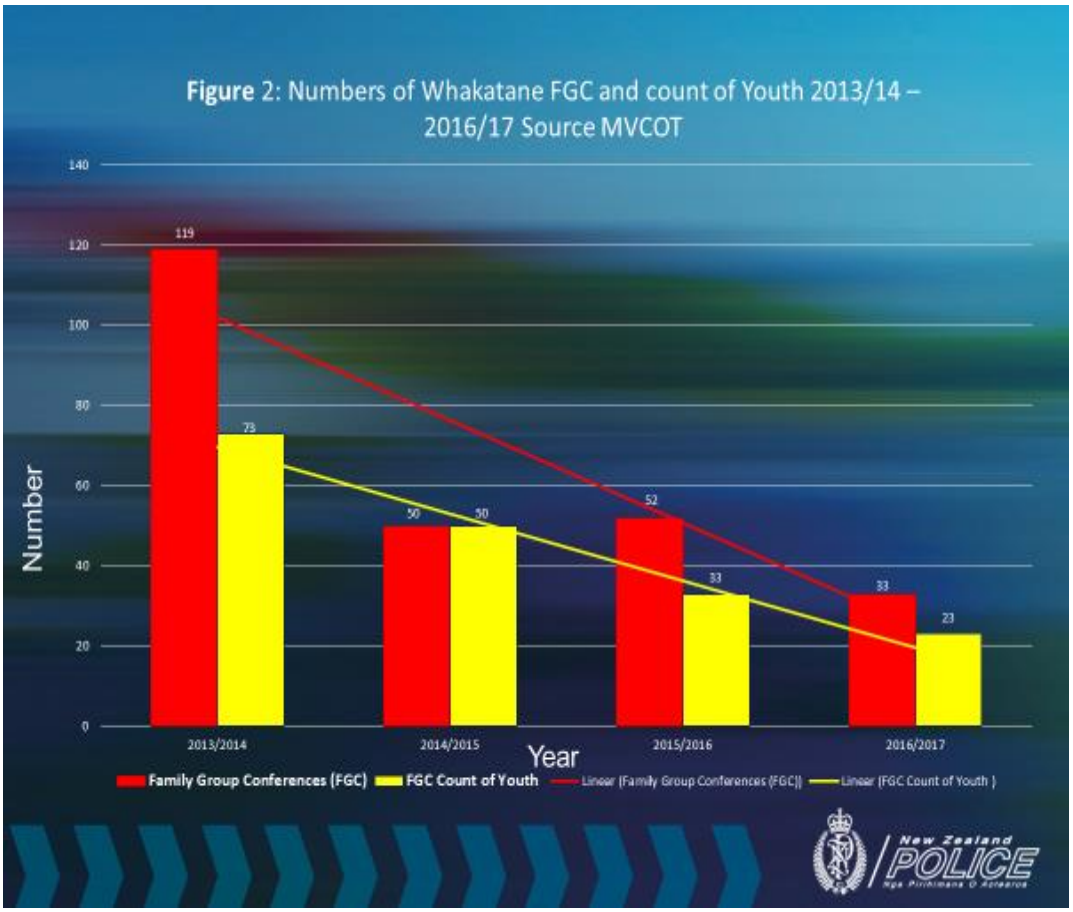
> *What these guys are doing is getting these kids to reconnect to themselves and know that there's some worth, 'I've done some shit things, I've messed up, but I'm still worthwhile and you know I can be somebody who can be trusted, I*

can be accountable with family members moving forward.' (Tūhoe Hauora Clinical Team Leader).

4.6 Secondary Data Sources

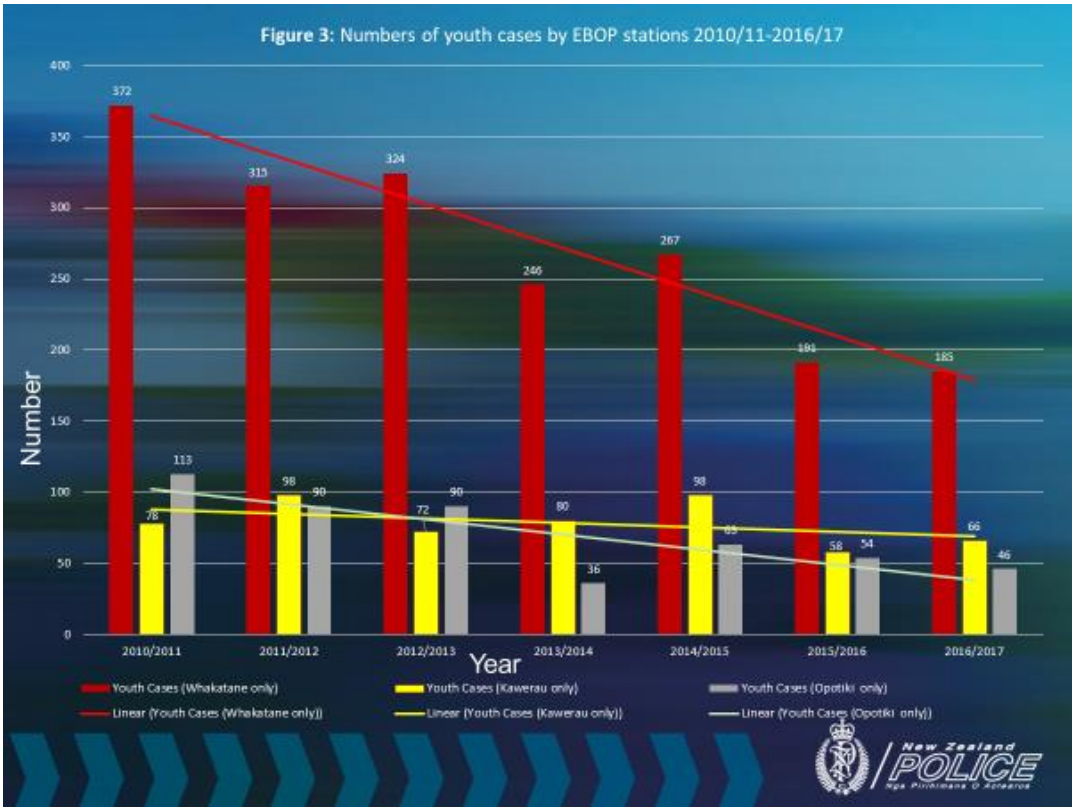
As described in the literature review, this study draws on secondary sources of available data from related presentations and studies to inform the research.

Figure 5. FGC & Youth count 2013 – 2017.



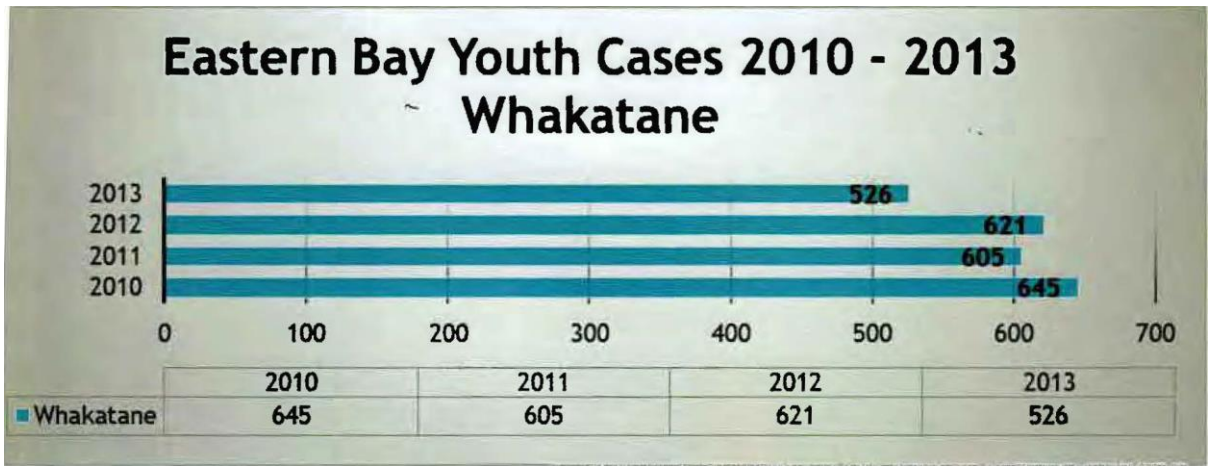
The above diagram, courtesy of New Zealand Police in Whakatāne, shows a marked decrease in Family Group Conferences (with MVCOT, now Oranga Tamariki) in Whakatāne and the number of youth appearing in them following the implementation of Oho Ake. There were 119 local FGC's in the 2013/2014 period involving 73 young people. The 2016/2017 period saw only 33 FGC's involving 23 young people.

Figure 6. Youth Cases by Eastern Bay of Plenty Police stations 2010 – 2017.



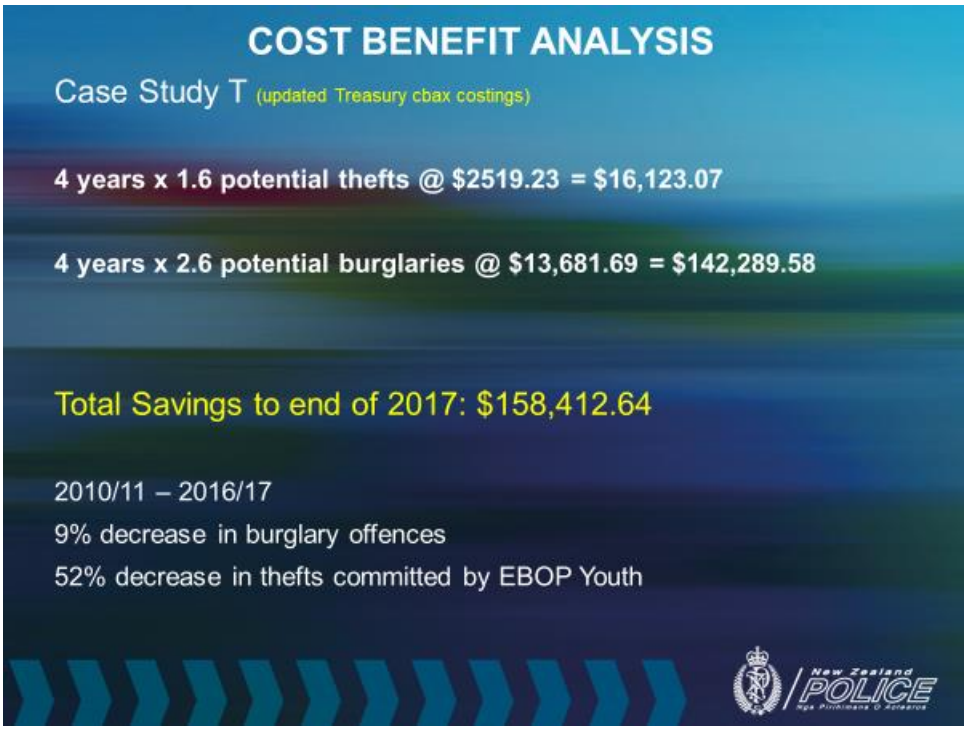
Whakatāne Police showed a clear reduction in youth cases since Oho Ake was implemented in 2010. Ōpōtiki Police similarly showed a marked reduction in youth cases between 2013 to 2014 with the implementation of 'E Tipu ā Tai' in 2013, a similar culturally-inspired intervention run by Whakatōhea Iwi Social Health services in Ōpōtiki. However, internal disruption to their organisation would impact on its delivery as reflected in the increase of youth cases in the following year.

Figure 7. Whakatāne Youth Cases 2010 – 2013.



This diagram from Tūhoe Hauora's Oho Ake Evaluation (Montgomery, 2014, p. 23) shows a clear decrease of 118 less youth cases in the Eastern Bay of Plenty from 2010, when Oho Ake was initiated, to 2013.

Figure 8. Cost Benefit Analysis



This cost-benefit analysis was based on the case study of 'T', a prolific Whakatāne youth offender who was referred to Oho Ake and with Tūhoe Hauora's help, was eventually able to turn his life around (Tūhoe Hauora & New Zealand Police, 2018). This cost-benefit analysis,

based on New Zealand Treasury estimates, gives an indication of the costs to the State, moreover the taxpayer, over a four-year period if T's offending had continued unabated.

Figure 9. Logic Evaluation Model

Logic Evaluation Model	Outcome Framework		Protective Factors
Short term outcomes	Achieved	Not Achieved	Increased
Re-connect to tikanga and whakapapa. Increase positive parenting messages. Increase attendance in schools or similar.	√ √ √		√ √ √
Medium Term outcomes	Achieved	Not Achieved	Increased
Reduce offending. Improve community collaboration amongst community groups. Reduce aggressive and anti-social behaviour in tamariki and rangatahi. Reduce substance abuse.	√ √ √ √		√ √ √ √
Long Term Outcomes	Achieved	Not Achieved	Increased
Reduce the proportion of Māori entering the criminal justice system for the first time. Reduce victimisation.	√ √		√ √

Table sixteen: Evaluation Outcome Model Conclusion

The Oho Ake framework evaluation concludes that Oho Ake has been instrumental in reducing the number of youth offending in the Whakatane area. The main influence appears to be the use of whakawhānaungatanga within a kaupapa Māori health service with highly knowledgeable and skilled staff in this area. The positive benefits are reported not only between rangatahi and whānau but also the relationships between Tūhoe, police and whānau.

The Logic Evaluation Model above, taken from Tūhoe Hauora's Oho Ake Evaluation (Montgomery, 2014, p. 26), describes the Oho Ake outcomes and protective factors achieved with the participants, who were the young people and whānau referred to Oho Ake with Tūhoe Hauora. The evaluation furthermore suggests an explanation for the efficacy of Oho Ake in reducing the number of youth offending in the Whakatāne area, specifically the primacy of whakawhanaungatanga expressed through knowledgeable and skilled practitioners.

Hui-ā-Whānau:

4.7 A culturally-inspired intervention in the child protection system, owned and operated by Tūhoe Hauora

Governments are not in the business of loving children. That's not their business. They are not in the business of caring for families. They'll have a go at it but it will always fail. You, who belong to a whānau, hapū and iwi, well that's your business. You're in the loving business. You're in the whānau business.

Tamati Kruger, Ngāi Tūhoe.

The Taniwha Index			
Taniwha	**Location or iwi**	**Offence**	**Mitigation**
Oranga Tamariki	Ngāi Tūhoe & Whakatāne rohe	Legislative harm	Hui-ā-Whānau – a culturally-inspired intervention in the child protection system, owned and operated by Tūhoe Hauora

4.8 Background and Insider commentary

Hui-ā-Whānau had evolved out of the success of the Oho Ake process and seemed a natural progression into the Oranga Tamariki space. For one thing, it was identified that most if not all youth justice cases had underlying and unresolved care and protection issues (Kalan, 2017) that directly and indirectly contributed to child and youth offending. Truancy, family harm and substance abuse in the home are some examples. Based on the effectiveness of Oho Ake and the whole-of-whānau approach in indigenous social work as expressed by Tūhoe Hauora, it first of all made perfect sense to broaden the scope into the care and protection arena. Secondly it was identified that an inordinate number of FGCs were unsuccessful. Brooks describes how current FGC practice demonstrates a distinct lack of wider whānau participation which could otherwise have a significantly positive impact on the outcomes of the FGC not just for offenders, but also the victims of crime (Brooks, 2017). Furthermore many whānau were being unnecessarily drawn into that statutory framework in the first place, as Tūhoe Hauora's General Manager, Pania Hetet explains.

> I wanted to take on Care and Protection referrals because of the number of FGC's that were unsuccessful. I knew that there were some FGC's that should not have got to that point and so our kōrero was around 'Why are our families going to an FGC', which is a legal framework? (Kalan, 2017, p. 82).

However this intended trajectory was headed directly on a course into Oranga Tamariki's territory and would require successful navigation and some serious negotiating. Compared with initiating the Oho Ake process, getting Hui-ā-Whānau up and running would prove far more complicated. For one thing, although local Police (YAS) and Tūhoe Hauora enjoyed a close working relationship, the same could not be said of either organisation and Oranga Tamariki. Although Police and Oranga Tamariki both belong to what I describe as 'the govt.nz club', of government agencies, that does not guarantee that they share the same goals and priorities.

For example Oho Ake was making such an impact and decrease in child and youth offender numbers progressing through the justice system, that Tom Brooks had received complaints from some Oranga Tamariki staff because of the corresponding decrease in FGC's. Similarly youth advocates – lawyers - were beginning to worry that they were running out of work. As I have suggested previously, not everyone wants to do themselves out of a job. Whereas my opinion is that it is precisely those in the justice system who should absolutely be trying to do themselves out of a job. Herein lies what I consider to be the utter perversity and preposterousness of the System as expressed through those taniwha embodied in its statutory agencies. The criminal justice and care and protection agencies comprise what I have come to describe as 'industries built on dysfunction and brokenness', moreover 'the commodification of misery'. Shouldn't decreased numbers in the criminal justice system be cause for celebration rather than woe? Iwi intervention into the care and protection space could be potentially challenging to the perspectives, prejudices and positions of those who depend on that system for their livelihood.

Both Tom and Pania had similar ideas about expanding Oho Ake into an iwi-operated process within the Family Group Conference space. After initial discussions Tom was encouraged to contact Tayelva Petley, the Operations Manager for Oranga Tamariki in the Bay of Plenty. Sadly Tayelva has since passed away in January of 2021. Whereas Tom had wanted to develop the youth justice side of FGC's, unbeknown to Tom, Tayelva was wanting to engage

iwi in the care and protection side of the FGC but was having difficulty identifying where and who to begin with. The two reached a mutual understanding as Brooks (2017) explains.

> Initially, she did not see how the two were connected as she thought her project was care and protection. I pointed out that the majority of young people Police deal with have a care and protection background therefore if we were to join together we may be able to achieve a co-ordinated approach to both areas of work (p. 30).

Tayelva was excited at the prospect of working with Tūhoe Hauora and was no stranger to Pania from their years of working in Child Youth and Family. It was from this unexpected collaboration that Tom and Tayelva would commence the necessary and substantial groundwork within their respective agencies to get an iwi owned parallel process under way within Oranga Tamariki, which had not as yet been explored. To initiate a collaboration between government agencies let alone a potential intrusion by iwi into their statutory processes – Pūaoteatatū and the Oranga Tamariki Act notwithstanding - is not as simple as it might seem. At a foundational level each agency has statutory requirements to comply with, filtered through layers of bureaucracy, office politics and shameless ambition tempered by varying degrees of risk aversion, passive-aggressiveness, and unabated self-absorption. Each agency has a distinct organisational structure and lines of reporting and accountability, so it is not a simple matter of 'getting on the phone and calling so-and-so'. That said, this is precisely how effective collaborations can often begin.

From New Zealand Police's perspective, the concept of the kaupapa needed to be conveyed 'up the chain (of command)' to the highest level, the Police Executive, and from there be proposed and discussed with the Oranga Tamariki hierarchy and Ministry of Social Development. The objective was not simply to initiate a formal iwi process into Oranga Tamariki's care and protection space, but also fund the pilot. Tom discussed how best to approach gaining the support of the Police Executive with Inspector Kevin Taylor ('KT'), the Area Commander for the Eastern Bay of Plenty. Sadly, Kevin has since passed away in late December of 2020. We were fortunate that Kevin's recently appointed boss and District Commander for Bay of Plenty at the time, Superintendent Andy McGregor, had the mandate to set priorities and focus for the District based on the Police's national strategic plan. Andy's priorities for the Bay of Plenty were safer families and iwi partnerships.

Fresh from the Canterbury District, Andy was quite unaware of the significant progress we had made in the Eastern Bay of Plenty in terms of iwi relationships and Māori responsiveness initiatives. For example we had the privilege of a long-standing collaboration with Te Whanga a Toi, which, since its inception in 2001, is comprised of representatives from iwi and the Māori community of the Eastern Bay of Plenty and is the longest running Police iwi executive committee in the history of New Zealand Police. In addition local iwi NGO's have been an integral part of our weekly Family Violence Inter-Agency Response (FVIAR) meetings for over ten years – something I had a key part in influencing with Police management. Furthermore we routinely held programmes for recidivist drink drivers on local marae and of course more recently we had established Oho Ake. Therefore we were in a prime position locally to build on those successes. Kevin Taylor highlighted to Andy the benefits gained through Oho Ake. Andy was impressed and wanted to hear more. Andy was in a key position to influence change up through the organisation to the Police Executive, which is comprised of the District Commanders of each of the twelve Policing Districts in Aotearoa under the direction of the Deputy Commissioner.

Yet another advantage we had locally was the privilege of several key relationships particularly within iwi and the wider community. For example, as mentioned previously, Tom and Pania had a good working relationship, whereas I had key relationships in the iwi space and Māori community. When coupled with good will, key relationships can be a rather potent combination when it comes to progressing a kaupapa. One such relationship was the one Tom Brooks had with the Honourable Anne Tolley, who was the local Member of Parliament for the East Coast residing in Whakatāne and coincidentally, the Minister for Social Development. Anne had made a point of regularly catching up with Tom over the years to discuss local youth and community issues as part of her duties to the electorate. That said, as tempting as the opportunity was to circumvent due process and deal directly with the Minister, Tom made the right call to allow the process to run its course and go through the appropriate channels. After all, as Tom explains, we certainly couldn't obtain the Police Executive's support by going around their backs (Brooks, 2017) and what's more it could potentially backfire. More significantly, it was a unique and unprecedented opportunity to present to the decision makers in Police at the highest level (Brooks, 2017). So began the descent into the belly of the beast.

It was first of all arranged for Tom and Tayelva to present the gains of Oho Ake and the proposal to initiate the transition into the care and protection space (Hui-ā-Whānau) with Oranga Tamariki to the BOP District Leadership Team in Rotorua, led by Superintendent Andy McGregor. This forum is comprised of BOP senior management including the Area Commanders from Tauranga, Rotorua, Taupō and Whakatāne. Tom and Tayelva were supported in their presentation by Inspector Warwick Morehu, who had long served within the Eastern Bay of Plenty and was now opportunely positioned as BOP Manager for Iwi, Youth and Community. Following the success of this presentation, Andy McGregor arranged for Tom and Tayelva, supported by Warwick Morehu and Kevin Taylor to present the concept to the national Police Executive at Deputy Commissioner level in Police National Head Quarters in Wellington. Again this presentation was well received, and the Deputy Commissioner decided that the Commissioner, Mike Bush, should support the concept and arrange for a follow-up presentation to be made to the Minister of Social Development, the Honourable Anne Tolley, along with the Secretariat of the Expert Advisory Panel (EAP), who were conducting a review of Child, Youth and Family at the time. Tayelva Petley would highlight the gaps in the current CYF system and the opportunities for more iwi-aligned culturally-inspired practice, whereas Tom Brooks would focus on building positive working relationships with iwi and the benefits to the child and whānau. Hui-ā-Whānau was slowly gaining momentum.

The feedback from the Secretariat of the Expert Advisory Panel, overseen by Minister Anne Tolley, was by all accounts most interesting. First of all it was observed how far removed this panel, mostly policy-makers, was from daily life ‘on the ground’. Yet another observation was how surprised the panel was that Police in far-off Whakatāne were actually working with Ngāi Tūhoe. Didn’t they live deep in the mountains and wanted nothing to do with us? Weren’t we at odds with each other? Wasn’t there some lingering hostility there? These responses were most interesting given that Tūhoe had already signed their Treaty settlement the previous year in 2014 and Commissioner Mike Bush had issued an official apology to Tūhoe for the impact and trauma of Operation 8 prior to that. Yet other panel members marvelled at the benefits of Oho Ake and asked why it wasn’t being replicated in other Districts across the country. Tom mentioned it took a number of questions for the policy people to get their heads around the concept, particularly around the dynamic of tikanga (Brooks, 2017), specifically its function in culturally-inspired social work practice to reconnect tamariki and whānau with positive values and lifestyle. Following the presentation

to the EAP, Tom received a call from Anne Tolley's office to set up a meeting with the presenters in Whakatāne. This meeting, held at Oranga Tamariki's Whakatāne office, would further explore the finer details of operating the Hui-ā-Whānau. To Tom's surprise, staff from Police National Head Quarters also appeared at the meeting, which he interpreted as being a form of organisational risk-management (Tom Brooks has a long-standing reputation in New Zealand Police for plainly saying what he thinks) or being sent to spy on him, considering their own leaders within the Police Executive had already approved the Hui-ā-Whānau concept (Brooks, 2017). There was still a lot of unease within Police at the mere mention of Tūhoe at that time, which may have presented some undue cause for apprehension. Perhaps these staff too felt their jobs might be threatened, or, as is often the case in Police senior management, simply wanted to be seen in the right place with the right people. Tom's suspicions were unfounded however because after that meeting these national members of Police hierarchy became supporters of Hui-ā-Whānau and related concepts and began to actively promote them (Brooks, 2017).

That particular meeting left the Minister very positive and most supportive of the idea of initiating and funding a Hui-ā-Whānau pilot. However before the pilot could proceed there was one significant element of assurance that she required. Minister Tolley was aware of the Crown's specific obligations to Ngāi Tūhoe under their recent Treaty settlement, in particular the Service Management Plan (SMP), which among other things required open and transparent communication between the iwi and the appropriate Government agencies, particularly in this case with Oranga Tamariki. The next necessary step for Minister Tolley therefore was to confirm the mandate and support from Ngāi Tūhoe for Hui-ā-Whānau to proceed, which, as Brooks (2017) describes, I had a small but significant part to play.

> The Minister requested a further meeting to include Tūhoe Iwi. This again is where the Iwi Liaison Officer navigator, Joshua Kalan, came to the fore. He arranged for Mr Tamati Kruger, Tūhoe chief negotiator for their Iwi settlement and also a Board member of Tūhoe Hauora, to attend a meeting with the Minister (p. 43).

Before Tamati would agree to attend this meeting, however, he wanted me to arrange a presentation to Te Komiti ō Runa, which is the Ngāi Tūhoe Tribal Executive Committee comprising representatives from each hapū and marae within the Ruatoki valley community. This I was able to do with Tayelva Petley and Inspector Kevin Taylor in attendance. We

were able to present the kaupapa to the tribal general manager at the time. While the response was not overly enthusiastic, there were no real objections to the kaupapa. Moving forward, in late 2015 I attended the meeting between Minister Tolley and Tamati Kruger accompanied by Tom Brooks, Tayelva Petley and Kevin Taylor. Because of the gravity of this kaupapa Tamati and I had arrived there early and were already waiting in Minister Tolley's electoral office in Whakatāne well ahead of the others, who had yet to arrive. To me there was a lot riding on this particular hui and I understood that it could go either way. The meeting began pleasantly enough. Tayelva welcomed the opportunity to meet Tamati and reiterate to the Minister that iwi-informed practice was definitely the direction where CYF needed to be heading. Tayelva described the journey in her own words:

> The journey has been lengthy. I've had many doors shut in my face; many people ignore me. We presented the concept to every 'Tom, Dick and Harry', and although we had amazing responses - fabulous responses - we never really got the support. Hence the reason I turned to my Police colleagues who embraced it - yourself Josh. I will never ever forget the support I got from you to get this whole kaupapa in front of not only the minister but in front of Tamati. That really was the turning point because it doesn't get any better than a minister. But to have Tamati in the same room…I was so humbled to hear what he said to the minister about this concept, endorsing it and relating it to the aspirations of Tūhoe. It was seriously chilly, so much so that it was chilling to Minister Tolley as well and the response was automatic! I got support, I got funding, Tūhoe got funding directly from the Minister, so the Minister made it happen so it didn't come down through our organisation. (Tayelva Petley, personal communication, Oranga Tamariki Operations Manager, Bay of Plenty, 2017).

While it became critical at one point in the meeting for me to discreetly curtail one attendee to preserve the direction of the conversation, the result was generally positive. The scale and significance of this meeting between Anne Tolley and Tamati Kruger was to leave a lasting impression on Tom, as he explains.

> I remember this meeting vividly. Hearing the aspirational goals of Tūhoe and the interaction at a level most people would not be privileged to hear was for me a highlight. Having a Minister of the Crown on board was itself a coup…With Ministerial support, there was only one thing to do and that was to make it happen. As

> we left the meeting I commented to Tayelva Petley "We have just been present at history being made." (Brooks, 2017, p. 48).

Tayelva also had vivid memories of that encounter:

> It started with that hui Josh, when you got me to the table with Tamati and the Minister. Even though you had to kick the policeman under the table because he went off track - he was jeopardising the hui. Tom was smart enough to know, he said afterwards 'I just saw history in the making'. He was right. Never have I been given the opportunity to support our whānau within the community to do this mahi. We are screaming it from the roof tops. Yes, it came directly from the Minister who then went on to call the shots and I'm for ever grateful for your support and the Police with the focus on getting better outcomes for our mokopuna and it will change the world. Under the umbrella of Oranga Tamariki for the first time ever they have created a prevention space. So we will go forward, we will be able to work in the prevention space without jumping hoops and talking around in circles. Very excited. (Tayelva Petley, personal communication, Oranga Tamariki Operations Manager, Bay of Plenty, 2017).

Having received first-hand confirmation from Tamati Kruger of Tūhoe's support for Hui-ā-Whānau and how it would fit within the overall scope of Tūhoe tribal development, Minister Anne Tolley was fully assured and satisfied that the Government's obligations under the Treaty of Waitangi would be upheld and that Hui-ā-Whānau could proceed. Tūhoe Hauora would be funded by the Ministry of Social Development for a two-year period to run the Hui-ā-Whānau pilot.

4.9 Hui-ā-Whānau – how it works

In practice Hui-ā-Whānau closely follows Oho Ake apart from some minor changes. Tūhoe Hauora can receive care and protection referrals from Police and Oranga Tamariki and is also open to self-referrals from whānau and other agencies such as teams within Tūhoe Hauora and schools. The main goal of Hui-ā-Whānau is to keep whānau out and away from the statutory framework and legislative harm, in particular to pre-empt and dispense with the need for a Family Group Conference. This is primarily achieved by supporting and empowering the whānau to develop and implement their own Whānau Plan to address their

own care and protection needs and priorities. The following brief outline describes how the Hui-ā-Whānau process operates in practice.

1. **Tūhoe Hauora receives a Hui-ā-Whānau Referral**

   As mentioned, Tūhoe Hauora can receive care and protection referrals from a range of sources in addition to New Zealand Police and Oranga Tamariki, now including self-referrals. These are generally introduced to the process through Tūhoe Hauora's existing services in the community.

2. **Contact with Whānau by Hui-ā-Whānau Team**

   The Hui-ā-Whānau team contact the whānau to tee up a face-to-face meeting at a location of their choosing – generally a home visit or meeting at Tūhoe Hauora.

3. **Face to Face meeting with Whānau – Whakawhanaungatanga Process initiated**

   The Hui-ā-Whānau team meet with the whānau by way of a home visit or another location. This initiates a whakawhanaungatanga process between the team and the whānau which involves getting to know one another, becoming comfortable with each other, building trust and forming a relationship. The whakawhanaungatanga process takes as long as it takes and is not contingent upon time constraints.

4. **Whānau plan with Tūhoe Hauora**

   Once the whānau is confident and ready to engage in the Hui-ā-Whānau process with Tūhoe Hauora, the Hui-ā-Whānau team work with the whānau to develop their own Whānau Plan based on their particular care and protection needs and priorities. The plan addresses the immediate care and protection needs of the child or young person and any underlying needs affecting the whānau. Each plan is tailored to the needs of the child/youth and their whānau based on their unique requirements and situation. This typically involves supporting the whānau to access other available services and agencies including health care support.

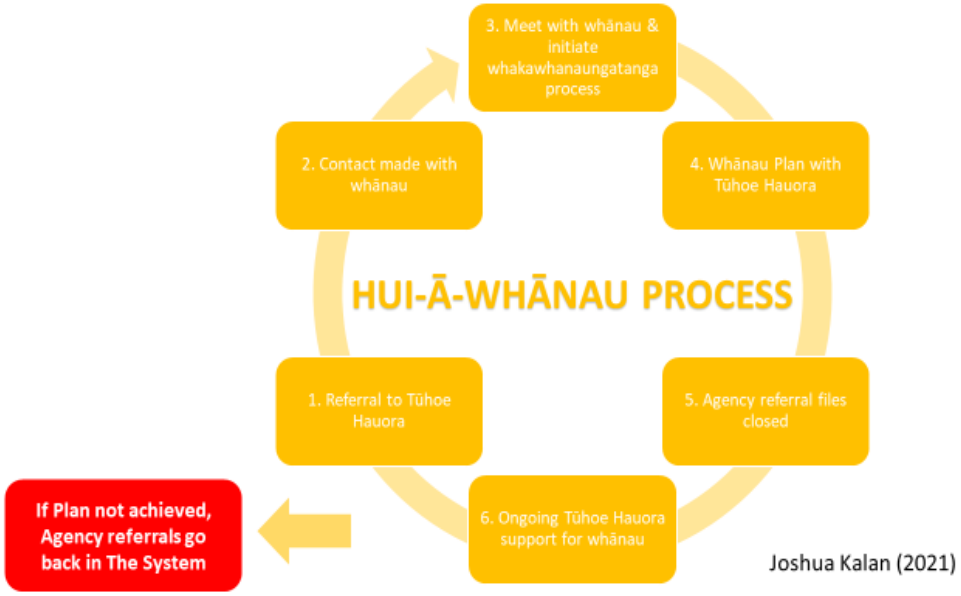
5. **Referral Agency interests end and Tūhoe Hauora support continues**

The Hui-ā-Whānau team maintain regular contact with the referring agency throughout the process to update them of progress. If all goes well the most obvious indicator is that the whānau does not reappear on the statutory agency radar, suggesting that the care and protection needs and underlying issues are being resolved. This means that the referring agency can close off their files, leaving Tūhoe Hauora to resume support with the whānau for as long as required, since whānau mana motuhake, or whānau independence and empowerment is the primary goal.

6. Conventional statutory process or alternative is resumed if referral is unsuccessful

If the whānau prefers not to engage in the process, Hui-ā-Whānau will be formally closed with them and, in the case of a statutory agency referral, the agency will be informed, generally resuming with a formal Oranga Tamariki process, most likely a Family Group Conference. While certainly not the norm, this does happen from time to time.

Figure 10. Hui-ā-Whānau Process Flow Chart



4.10 Hui-ā-Whānau Case Studies

As mentioned previously this study utilises case study as one of the research methods. What follows are three representative Hui-ā-Whānau case studies selected from Tūhoe Hauora's referrals – one 'typical' case, suggestive of most usual and commonly occurring cases; one 'challenging' case, where uncommon difficulties were encountered; and one 'exemplary' case, indicative of an ideal referral and optimum engagement in the process.

4.10.1 Case 1: 'M' - a 'typical' Hui-ā-Whānau case

The following case represents a 'typical' Hui-ā-Whānau referral to Tūhoe Hauora. It is indicative of the most common referrals which are centred on care and protection issues and whānau dynamics.

This case was referred to Tūhoe auora by Oranga Tamariki. It centres on care and protection concerns for a 15-year-old female as exhibited in her behavioural issues.

Whānau narrative: 'M' is the youngest child in her family of five older adult siblings. Her mum takes a hard line toward parenting, but she is passionate about her whānau. As an initial response to earlier behavioural issues M was sent to live with her older brother who was based in a distant rural community employed as a farmer. Things were going fine initially until M's negative behaviours resurfaced.

Immediate concerns: M was displaying erratic and uncharacteristic behaviours at school. She frequently got into fights and was eventually excluded from school and sent to Alternative Education. The school suspected issues at home and Oranga Tamariki was alerted.

Whakawhanaungatanga process: Tūhoe Hauora's practice manager had established a good rapport with M's mum over several weekly visits to her home in a remote community of Ngāi Tūhoe.

Existing positives and strengths: M's mum was very engaged and willing to do anything for her whānau. Although she was suspicious about Oranga Tamariki and Police, she had a good relationship with Tūhoe Hauora staff. M's family were also very supportive, including her step-father.

Underlying issues: M's mum had previously lost a child to cancer and so was very protective of M. M's mum was very suspicious and mistrusting of professional services. M felt alone as the youngest of six siblings, the rest of whom were adults. Also presenting with unresolved grief and emotions at the loss of her sibling.

Whānau Plan: For M to re-engage with high school and be supported in her work.

Specific support strategies: For M to learn strategies for effectively dealing with her anger.

Whānau contact and engagement: Initially weekly catch ups followed thereafter with fortnightly and monthly catch ups. Also a number of self-initiated catch-ups as well.

Hui venue: Home

Outcomes: M returned to high school. The case was almost ready to be closed on several occasions but remained active when issues for M would recur. M eventually finished school and got a job and obtained her learner driver's licence. Tūhoe Hauora staff indicated that teenagers wanting to leave school and start work is a recent major trend. Mum is a regular visitor to Tūhoe Hauora, but purely out of relationship rather than necessity to the case referral.

Case closed at: The case remains open – helping M's mum – at two years ongoing.

4.10.2 Case 2: 'S' and 'T' - a 'challenging' Hui-ā-Whānau case

The following case represents a 'challenging' Hui-ā-Whānau referral to Tūhoe Hauora. Like most referrals, it too is centred on care and protection issues and whānau dynamics. However, what made this case a difficult and harmful experience was legislative harm caused by the negligence of professional social workers and process-centred hindrances.

This case was referred to Tūhoe auora by Oranga Tamariki. It centres on care and protection concerns for a 20-year-old mother, S, her ex-partner T, and the welfare of their two tamariki aged one and two years old respectively.

Whānau narrative: This whānau had recently moved back to Aotearoa from Australia amidst serious incidents of family harm including male assaults female, child abuse and strangulation charges. Both parents, in their early twenties, were under police investigation on charges of child abuse. Particularly concerning was their child's broken leg, historical

fractures of the ribs and bite marks. The father was to have no contact with the mother, however, due to complications arising from Covid lockdown restrictions these conditions were involuntarily breached. The father, T, is from another part of the country and had no whānau support locally.

Immediate concerns: These young parents had obvious care and protection and parenting issues. As an interim measure the children were placed in the care of an aunty until a more permanent solution could be arranged. A referral from Oranga Tamariki was made to Tūhoe Hauora's Family Start programme, which from there grew into a collaborative approach with the Hui-ā-Whānau team. The most pressing needs were to identify whānau support for S and her tamariki, since her own mother – the children's kuia – was still living in Australia.

Whakawhanaungatanga process: Tūhoe Hauora's Family Start worker had already established a good rapport with S and so had already built up a high level of trust and confidence in the relationship over the course of four to five visits. This reflects Tūhoe Hauora's tikanga of providing Family Start as an initial support to all single mums referred to their services. Having established a good rapport and having determined the complexity of issues facing this young whānau, the Hui-ā-Whānau team was engaged.

Existing positives and strengths: Supportive whānau were found on both S, the mum and T, the dad's side of the family. Tūhoe Hauora staff had also located a distant relative, an aunty that didn't know the parents very well, but still put her hand up to be responsible for the tamariki. Extended whānau, including several kuia, were able to discuss the matter amongst themselves. T initially did not want any whānau involved whatsoever but was ultimately glad when they did become involved.

Underlying issues: These were very young parents in the middle of relationship problems and an eventual breakdown. Substance abuse, in particular cannabis, had become a regular part of life. In addition the criminal investigation made it very difficult to work with the whānau as a whole due to the adversarial nature of the justice process e.g. standard requirements to keep witnesses and offenders apart etc.

Whānau Plan: S's mother would be returning to Aotearoa from Australia, at which time her tamariki would go to live with their kuia. This show of support was a surprise to S, but generally reflects the customary depth of feeling and aroha of kuia and koroua for their mokopuna. T was to begin a counselling programme with the Department of Corrections. A

restorative justice plan was also developed for him. S would continue to be supported by Family Start.

Specific support strategies: Supervised visits for T with his tamariki. Following the Family Group Conference, T's side of the whānau, who had up until then not been kept in the loop with proceedings, now had regular access and visits with the children.

Whānau contact and engagement: Weekly face to face meetings with the whānau. Conference phone calls with Oranga Tamariki social workers.

Hui venue: The whānau home was the usual venue for one to one and face to face meetings. Tūhoe Hauora's office was used for the larger whānau hui at the request of the whānau, simply because it could accommodate more people.

Outcomes: The Family Group Conference was held, although one of the main reasons for Hui-ā-Whānau is to pre-empt the need for an FGC. Following the criminal investigation T was charged and sentenced to prison. Family Start continued to work with S, who has since become pregnant with her third child.

Case closed at: The case remains open for ongoing support for T but has been closed with Oranga Tamariki.

Issues: There were several contributing issues, clear instances of legislative harm, that made this case a challenging one for the Hui-ā-Whānau team:

- Oranga Tamariki's narrow focus on the child to the exclusion of the wider whānau dynamics.
- Oranga Tamariki had made no efforts to locate and contact T's (the father) side of the family.
- Tūhoe Hauora had not been informed by Oranga Tamariki that a Family Group Conference was imminent. This was in violation of the memorandum of understanding between the two organisations that the purpose of Hui-ā-Whānau was precisely to circumvent and mitigate the need for FGCs (see Appendix 9) .
- No Oranga Tamariki social worker had been assigned for two months.
- When a social worker was eventually assigned, there were miscommunications from the social worker and it was apparent that they hadn't even read the previous case notes and were simply regurgitating the facts that were well known to all involved.

- Tūhoe Hauora's team were of the strong opinion that this case could have been resolved more effectively and quickly were it not for the negligence of the professionals and statutory agencies, inordinate delays in process and the lack of relationship between statutory social workers and the whānau. What the effect of this case demonstrates however, is, to use the Tūhoe Hauora team's words, 'the power of the whānau' to formulate their own solutions when given the time, space, support and opportunity.

4.10.3 Case 3: 'R' - an 'exemplary' Hui-ā-Whānau case

The following case represents an 'exemplary' Hui-ā-Whānau referral to Tūhoe Hauora. It is an example of a self-referral, which, while not particularly common, suggests a higher level of engagement and increased chances of completion of the Whānau Plan.

- This case was referred to Tūhoe Hauora by a concerned parent, in this case, the father. It arose out of concerns for his 15-year-old daughter who was exhibiting uncharacteristic emotional and behavioural issues.
- **Whānau narrative:** 'R' lives with her adopted whāngai parents who are also her legal guardians. Due to various blended whānau dynamics, R actually has three families in common in a combination of her adopted and biological families.
- **Immediate concerns:** Without warning, R began to display uncharacteristic behaviours. She began to have violent outbursts and had started self-harming. She became disobedient and hateful towards her parents and would often lock herself in her room. R was heavily engaged in social media. Her parents were worried about the risk of suicide this posed for R and consequently made a self-referral to Tūhoe Hauora.
- **Whakawhanaungatanga process:** As this was a self-referral the whānau was sufficiently motivated and engaged in the process. A first hui was held with R's father, followed shortly thereafter with a second hui which included R's mother. The third hui involved the whole of R's whānau, where the issues were discussed and a Whānau Plan and agreed outcomes was approved.
- **Existing positives and strengths:** R's parents were very supportive and all of her blended whānau were engaged and wanted the best for R.

- **Underlying issues:** R was a whāngai to two families, comprised of her legal guardians and non-legal guardians in a shared arrangement. Beyond this, R was also aware of and had limited involvement with her biological family. The main underlying issue that was identified was R's feelings of disconnection from her biological family.
- **Whānau Plan:** Following the Hui-ā-Whānau with all R's blended family members, it was decided that R should be allowed to go and live with her elder biological sister in the Waikato region.
- **Specific support strategies:** R was supported to make the transition to attend her new school in Waikato, including the purchase of new school uniform and letters of support. Tūhoe Hauora staff were tasked to engage the support services in R's new location to help ease her transition into her new school and surroundings as well as providing the necessary support.
- **Whānau contact and engagement:** A total of three hui-ā-kanohi with R's whānau and six phone calls.
- **Hui venue:** Tūhoe Hauora.
- **Outcomes:** R was happy to go and stay in Waikato with her sister and was enrolled in her new school. All the three whānau needed was a forum and process to help facilitate their kōrero in a setting where they could all be heard.
- **Case closed at:** Four months.

4.11 Interview Responses

As described previously in this chapter with the Oho Ake process, the research interviews with the Hui-ā-Whānau practitioners shared the same methodology and followed exactly the same process, which is not necessary to repeat here. Once again the interview questions were limited to only three open-ended questions with which to guide the interviews with the research participants as it relates to Hui-ā-Whānau. The inclusion of verbatim responses and the method of displaying these participant responses are similarly reproduced here.

1. What is Hui-ā-Whānau?

> Whānau-centred practice was a clearly significant and recurring theme that came through the participant responses. This included notions of Whānau Ora, as one

participant from Tūhoe Hauora explains, "For Hui-ā-Whānau, for the whānau to be healthy or for the whānau to be in a good space, everybody has to be in that good space." Similarly, Whānau empowerment, supporting whānau to develop their own solutions, was also a recurring theme:

> *It's giving the whānau back the mana because they're the only experts on how to make the whānau better… They are the experts in their lives and they know how to ensure that the whānau stays intact. (Oranga Tamariki practitioner).*

> *Hui-ā-Whānau is where the whānau involve whānau members who are supportive and come up with a plan to address the concerns. They know the whānau best – they know what their needs are – what their strengths are and how they can support each other. (Oranga Tamariki practitioner).*

As one participant explained, Hui-ā-Whānau was "not a meeting for professionals or us telling them 'this is what you need to do.'"

Whānau-centred advocacy, where practitioners mediate between whānau and the system to mitigate legislative harm is also a defining feature of Hui-ā-Whānau. One example that was provided was where practitioners mediate for whānau in the District Health Board (DHB) space, which had been described as unnerving and foreign to whānau:

> *When it does come down to DHB things, I like to actually be there with them - with our whānau - just because everything is so very scripted. For instance, NASC* assessments that I go to quite a bit – that's a two and a half, three-hour process of asking a series of questions. The majority of our whānau that we work with, their first language is Te Reo, so they're asking a series of questions from a Canadian tool, so you know, that gets me a bit antsy. So we're trying to combat that, trying to make our whānau feel comfortable. Also making sure that you're advocating for them correctly. (Kaupapa Māori Social Worker, Tūhoe Hauora).*

> *Needs Assessment and Service Co-ordination service, funded by the Ministry to provide disability services.

Another recurring theme which came from the participant's description of Hui-ā-Whānau was acknowledging the correlation between generational trauma, specifically the impacts of colonisation, and whānau dysfunction as expressed in negative behaviours and coping mechanisms:

> *When I start talking to people about that stuff – about you know, the colonisation – they're like 'Ah that's just all old kōrero'. It's not. They need to know that it did affect us, but you gotta know how to just deal with it these days, well not 'deal with it', but find a way how to not let it impact you.*
>
> *In terms of Hui-ā-Whānau, trauma had a big effect and it's been that long that their family has been in that trauma that they can't see why. We're not trying to find excuses for why people are alcoholics… but if you go back far enough you'll see why they're alcoholics and why they're naturally angry*.
>
> *That whole intergenerational trauma – that so impacts in a lot of our families to this day, and it's going to continue.*

Tūhoe Hauora practitioners' approach to trauma-informed practice is to help whānau to recognise and be aware of the effects of generational trauma but at the same time help them and equip them with strategies to move forward into a more safe and positive space.

Whānau-informed practice is another core feature of Hui-ā-Whānau where practitioners take every care to absorb and assimilate the whānau kōrero in accordance with the engagement principles of titiro, whakarongo, kōrero (Moyle, 2014). This is important because the path to wellbeing is a shared journey and the more insight the practitioners have, the more support they can offer whānau:

> *That's something I always have with me when I am advocating for whānau or when I'm listening to a whānau story because we all have a story. I don't know what direction I need to try and support if I don't know pieces of the story. There are elements that I do need to have understanding or awareness around so we know where we're going with things. (Kaupapa Māori Social Worker, Tūhoe Hauora).*

Hui-ā-Whānau has been described as "a prevention opportunity in the Oranga Tamariki space" (Oranga Tamariki Regional Co-ordinator). Police had described Hui-ā-Whānau as "an expansion of Oho Ake from youth justice into care and protection." Police furthermore identified Hui-ā-Whānau as being preferable to conventional statutory agency responses with whānau:

> *When you knock on the door and you are OT they think you are going to take their kids. When cops turn up they think they are going to lock up mum and dad. So, who is the best person to knock on the door? The Iwi provider. That to me makes sense.*

2. What makes Hui-ā-Whānau unique?

A significant feature of Hui-ā-Whānau practice is being "client-centred and whānau-inclusive", compared with the conventional response of statutory agencies who tend to exclude working with the whole whānau:

> *Oranga Tamariki's pretty much client-centred, client-inclusive. I understand that tamariki are the main focus, but I think it's working with us because our support involves the whole whānau. We don't just focus on the tamariki and disregard the father that's trying to do what is right. (Tūhoe Hauora practitioner).*

Hui-ā-Whānau practice focuses on the well-being of the whole whānau in a natural and holistic progression. Moreover recognising the importance of how every individual whānau member contributes to overall whānau well-being, as one practitioner vividly describes:

> *When we get the referral for one person, you have to work with the whole whānau, otherwise it's just like a whāriki eh? If one of the strands is not tightly woven together, there's gonna be a loose one and there'll be another loose one and it'll just slowly unthread. So that's basically what we try and put into our practice, to help everyone involved.*

In addition, fierce advocacy, particularly in holding other agencies accountable, and loyalty to whānau, was another feature of Hui-ā-Whānau practice, as one participant explains:

> *My biggest thing is making the other organisation or agency or professional accountable for their actions for what they have said. If you have told me that you are going to do this for the whānau, I have an expectation that you are going to follow through. If you don't I will come down like a rain of fire. (Tūhoe Hauora practitioner).*

This loyalty and commitment to whānau indicates the depth of connectedness and engagement achieved between the practitioners and whānau through the whakawhanaungatanga process initiated in the first stages of Hui-ā-Whānau.

Hui-ā-Whānau was also described as being "less intrusive and less coercive than conventional approaches to whānau engagement."

Hui-ā-Whānau practice celebrates whānau success, however small, and similarly celebrates and normalises progress, however incremental, as one participant describes:

> *It's about celebrating those little 'big' successes eh? You know – even if they're little, they're big. Because it might have been that little success – it might have been the first time in three generations that family had a change.*

This evidence suggests a wider and longer-term view of wellness and growth that acknowledges that whānau wellbeing, like life, is a journey where set-backs are normal and expected. The important thing is to keep moving in the right direction.

The opportunity for practitioners to be flexible in their practice, playing to their strengths and being supported by Tūhoe Hauora leadership to do so was also a distinguishing feature of Hui-ā-Whānau, as revealed in the interviews. This highlights the unique position occupied by kaupapa-driven organisations and their leadership:

> *What needs to be acknowledged is the trust that management has put into the team to work how they work. That's quite unusual. In a western organisation it's like, 'This is what your job description says, this is what you have to do.' Whereas for us it's more identifying how people work: What are their strengths? What are their weaknesses? And how does that complement the team and achieve that balance? (Kaupapa Māori Social Worker, Tūhoe Hauora).*

Hui-ā-Whānau practice is sensitive to whānau needs, adapts to the specific needs of whānau and is tailor-made to the specific whānau situation:

> *Mainstream providers have that 'one size fits all' approach, but we know that all our whānau are different, so you have to use a different approach. Hui-ā-Whānau and Oho Ake, we need to approach our families however we need to approach them – just adapt.*

> *It's not a one box fits all working environment. With the importance of having that whakawhanaungatanga with our whānau, we're able to tailor-make how we work with this whānau. It's being able to adapt very quickly to whatever situation will arise, which is a strength with working in Oho Ake and Hui-ā-Whānau.*

A good example of sensitivity to whānau was shared whereby practitioners doing a home visit were able to recognise that the whānau was noticeably embarrassed by the untidiness of their home. This was a barrier for that whānau, so in response the Hui-ā-Whānau team were able to offer Tūhoe Hauora as an alternative venue.

Hui-ā-Whānau embraces a relationship-centred practice where relationships and whanaungatanga with whānau is privileged and honoured. This promotes trust between all parties as the basis for consistent and positive engagement and is expressed through continuity and consistency of contact with whānau. This helps to build momentum towards whānau goals and aspirations.

Practitioners shared whānau frustration with the apparent low priority that conventional statutory agencies placed upon building relationship with whānau. This

is typically expressed in those statutory agencies routinely and haphazardly changing personnel, which requires whānau to frequently repeat themselves and their story to each new social worker assigned to them. This simply creates frustration, lack of faith and confidence in the system, sending the message that 'you are not important', which is a common feature of legislative harm.

> *We went to an FGC to support this whānau, and they change kaimahi in there as well. So they've got THIS social worker, but when it goes to FGC it goes to another team, so it goes to ANOTHER social worker, and then it goes to an FGC co-ordinator, who is ANOTHER social worker. And so, instead of reading the bloody notes, THEY come into the house and then the new kaimahi pretty much wants to go right back to the beginning, you know, thinking that he would have had that file and read up on it.*

Routinely changing agency personnel with whānau was considered counter-intuitive and humiliating for whānau. This aspect of legislative harm is typical of statutory agencies. Likewise requiring whānau to repeat their story to successive agency workers was distressing and degrading for whānau, as one participant vividly describes:

> *It's taking off that scab every time. So how are our people supposed to progress and to heal, when you're continually picking at the harehare? Let them tell their story the one time and give it the value and mana it needs. (Kaupapa Māori Social Worker, Tūhoe Hauora).*

Hui-ā-Whānau practice honours and is protective of whānau relationships. An important part of building that relationship is listening to and honouring the whānau story, which usually emerges only when significant trust and confidence has been developed through the whakawhanaungatanga process. Hui-ā-Whānau likewise respects the mana of the whānau and finds ways wherever possible to empower whānau and enhance their mana. This is primarily achieved by encouraging whānau towards mana motuhake – self-determination and independence – empowering whānau to develop their own solutions and become self-reliant, "without the need for professional organisations to step in."

Working together collaboratively with other agencies is another feature of Hui-ā-Whānau practice as explained by one participant, who is a social worker with Oranga Tamariki:

> *That is another thing with Hui-ā-Whānau and working with Tūhoe Hauora. When we go out and see whānau to talk about the concerns, all they see is Oranga Tamariki coming to get our kids. So, it's good to have that relationship with Tūhoe Hauora.*

The importance of successful collaborative working relationships with other agencies was likewise reiterated by Tūhoe Hauora's Hui-ā-Whānau staff.

3. What are the results of Hui-ā-Whānau?

Keeping whānau out of the system and remaining out of the system, moreover the absence of renotifications and reoccurrences is a generally acknowledged indicator of success in Hui-ā-Whānau. This opinion was shared by all participants, from Tūhoe Hauora and Oranga Tamariki practitioners alike.

> *The goal is to get them out of the system and stay out of the system. (Tūhoe Hauora Clinical Team Leader).*

> *I noticed that when I would have our hui and we'd wānanga the issues, that they would hardly come back. Unless there were issues that weren't resolved in that first hui, or there's some underlying issues we're not aware of until later on down the track. But most of the cases I've had Hui-ā-Whānau with, they haven't come back. (Oranga Tamariki social worker).*

Whānau empowerment, self-determination and self-confidence were likewise key highlights for whānau who had successfully engaged with Hui-ā-Whānau.

> *All they've needed was someone to bring the whānau together. They came together, had their hui and then that was it.*

> *They know that somebody's got their back, which is important. Then they learn to trust themselves and then we say next time, 'You're gonna carry on,*

and you can do it, you can do it on your own this time around' – and they're just small steps. You know, 'You can go to that hui, you'll be alright. You can make that phone call.' And it's just building up that trust.

It's just giving them their power back eh? Empowerment. 'Yes – you can make decisions. If this is what you want, we can work towards it. We can walk alongside you, and then, like 'H' said, we can wave you along.'

Reconnection to whānau supports was also a key result for whānau members who had engaged with Hui-ā-Whānau:

We had one fella we were working with and we were going to the FGC and he didn't want ANY of his whānau there, and we were like, 'Eh?!' But they had been contacted and they turned up, and he ended up really appreciating them turning up.

You know, there can be lots of assumptions in the whānau, and this can bring some clarity around that for them. 'Oh I didn't think my aunty would be here to tautoko me because of what happened five years ago,' or something like that. But Aunty's there for them. Aunty's there for them no matter what, and they just needed that hui to see that.

Similarly, safe and open communication within whānau was a recurring theme with participant responses in terms of the Hui-ā-Whānau outcomes.

I think in some cases this is the only opportunity the whānau actually sit down and talk about what's going on. It gives them that opportunity to actually talk about it and normally, because there is a social worker there giving that information out, they're able to talk civilly without yelling and without blaming. (Oranga Tamariki social worker).

I have had a whānau who've said to me after a Hui-ā-Whānau, 'Thank you for letting me talk, 'cause this is the first time in 20 years I've been able to talk to my whānau in a space where there's no yelling.' (Oranga Tamariki social worker).

It's also opening up that communication within the whānau because the secrets are out – there's nothing to hide. So it's okay for you to tell nan 'Hey I'm feeling...', or, 'I need a time out', or whatever the circumstances are. But it's just a way of opening up that communication. (Oranga Tamariki social worker).

Enhanced trust and confidence with Hui-ā-Whānau practitioners is another key result of Hui-ā-Whānau. This perhaps suggests the quality of engagement developed through the whakawhanaungatanga process.

We had been working with the whānau for a few months, and you know that time [in FGC] where the professionals get asked to leave the room? Well they didn't want us to leave the room. They wanted us to stay because we had already worked with them and built that rapport with them and their Whānau Plan. (Tūhoe Hauora practitioner).

Reconnection to well-being in all its facets, be it relational, cultural and personal, was a key outcome and indicator of success for Hui-ā-Whānau.

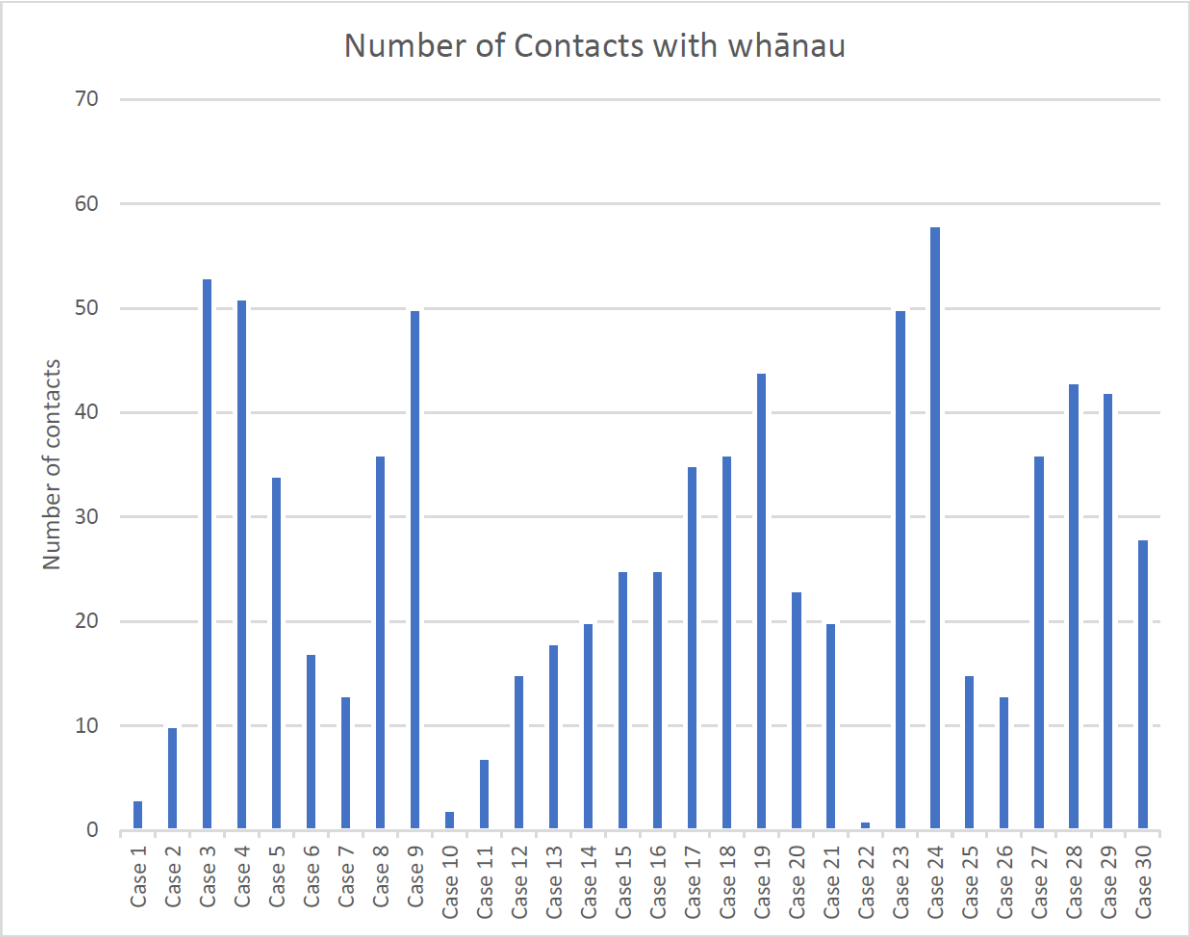
stuff.co.nz

Tayelva Petley achieved significant reform in Oranga Tamariki with Hui-a-Whanau.

4.12 Secondary Data Sources

This study draws on secondary sources of available data to inform the research.

Figure 11. Number of contacts with whānau



6.1 (v) Number of Contacts with Whānau – The sum of home visits, phone calls and professional consults for each of the 30 Hui-ā-Whānau cases ranges from 1 to 58. The lowest number is a day-old referral (1). The greatest number is a current case 6-months old (58). The longest period of activity is a 12-month period with 38 contacts. The average number of contacts across the 30 Hui-ā-Whānau cases is 29.5, over an average of 3.5 months per case.

The above diagram, sourced from Tūhoe Hauora's 2017 evaluation of Hui-ā-Whānau, *'Tuia te here tangata'* (Tūhoe Hauora, 2017, p. 27), indicates the high number of contacts made with whānau and associated agencies during the course of thirty cases. This is significant as it further builds and develops the relationship and whanaungatanga between indigenous practitioners and whānau. Moreover a foundation of trust and confidence from which to deepen the relationship and further the scope of support and whānau empowerment.

Figure 12. Hui-ā-Whānau referral issues

The above word-cloud diagram sourced from a separate study (Kalan, 2017, p. 77), gives an indication of the various issues of concern presented in the Hui-ā-Whānau referrals and cases from that research. The issues of concern presented were: family violence, truancy, free-running (on commercial rooftops), threatening behaviour, aggravated assault, suspension from school, car conversion, burglary, theft, featuring with Police (Youth Aid), arson, cannabis use, suicide concerns, displaying sexualised behaviours, death of a baby, and child and protection concerns. If anything, this demonstrates the diversity and complexity of needs identified through the Hui-ā-Whānau process. Moreover the utility and agility of culturally-inspired practice.

The Mending Room:

4.13 A culturally-inspired intervention in the court system, owned and operated by Tūhoe Te Uru Taumatua.

The Mending Room gives rise to the virtue of courage. It heeds the voice of despair, vulnerability, dependancy and distressed whānau. With personal acceptance, responsibility and contribution to repair the harm, it is weaning ourselves out of the addicted way of doing things. Its intent is to make tough decisions and know the difference between right and wrong. It is a place of honour and humility to help grow strong, confident, responsible whānau.

The Mending Room Statement of Purpose, Tūhoe Te Uru Taumatua.

The Taniwha Index			
Taniwha	**Location or iwi**	**Offence**	**Mitigation**
Ngā Kōti	Ngāi Tūhoe & Whakatāne rohe	Legislative harm	The Mending Room – a culturally-inspired intervention in the court system, owned and operated by Tūhoe Te Uru Taumatua.

4.14 Background and Insider commentary

In 2010 a Community Justice Panel was established in Christchurch by the Ministry of Justice to explore a more restorative and community-driven response to criminal offending than the conventional court process. Key to this approach was the involvement of community members, the panel, to meet with offenders in their community, allowing them to be heard and thereby identify the underlying and aggravating factors which influenced the offending. These stories are never heard in the current court process. The community panel thereafter in consultation with the offender and victim can direct and advise on appropriate consequences and courses of action in a more restorative and redemptive way. In this respect the panels share similarities with the restorative justice circles which were established in Canada in the 1990's (Wilson et. al, 2002). By 2013 Community Justice Panels had expanded to sites in Gisborne, Manukau City and Lower Hutt under the name of 'Iwi Community Panels' to reflect a more nuanced and Māori framework. Having begun as a short-term Ministry of Justice project, the Iwi Community Panels were picked up and

expanded by New Zealand Police through its Māori Pacific Ethnic Services (MPES) work group as its 'flagship project'. Having gained the endorsement of a broad range of Māori leaders across the country, in 2018 the initiative was gifted the name 'Te Pae Oranga' and panels were replicated throughout several sites across the country (New Zealand Police, 2021).

'The Mending Room' therefore, is the Ngāi Tūhoe expression of 'Te Pae Oranga'. It was initiated through the relationship that Deputy Commissioner Wally Haumaha had formed with Ngāi Tūhoe leadership in the fallout and reconciliation following 'Operation 8.' Subsequently and in due course, a Ngāi Tūhoe delegation was invited to observe an Iwi Community Panel in action at Waiwhetū Marae in Moera, Lower Hutt. This panel incidentally was regularly convened by Police Iwi Liaison Officer, Asher Hauwaho, also of Ngāi Tūhoe, which helped. Having observed first-hand the value in the restorative and person-centred approach of the Iwi Community Panel, the iwi representatives saw benefits in adopting a similar but uniquely Tūhoe approach back home. This necessitated a conversation locally between Tūhoe and Police as to how this could be achieved.

To this end, I was asked by Inspector Kevin Taylor, the Police Area Commander of the Eastern Bay of Plenty at that time, to arrange several meetings between him and Tūhoe Te Uru Taumatua leadership to discuss the practicalities of replicating the Iwi Community Panel process locally. Police would support Tūhoe by making staff available to support the process and by referring willing participants. Although Iwi Liaison Officers have a central role in Te Pae Oranga across the majority of sites in the country, for me it was more beneficial and effective in the long run to act as 'play maker' and put someone else 'in the gap', to borrow a rugby analogy. While I enjoyed a positive and established relationship with Tūhoe personnel, I knew it could be far more beneficial to multiply that good will by expanding those significant relationships, especially into New Zealand Police, where a change in the organisational mindset towards its obligations to iwi and the Māori community was most needed. Fortunately we had a couple of staff who were keen to be involved. My priority then was to safeguard the relationship by working with Kevin Taylor to ensure that these staff were an appropriate fit for The Mending Room and Ngāi Tūhoe, because it's all about relationships. My own personal view is that you can learn and develop far more understanding and empathy by being in a living, breathing relationship with someone than

attending workshops and courses. Moreover the strength and quality of our interventions will only be as effective as the strength and quality of our relationships.

Ngāi Tūhoe would likewise provide support staff (seconded from their existing roles), along with the panel, the venue and the overarching ethos based upon Tūhoe tikanga. Both the iwi chair, Tamati Kruger and CEO Kirsti Luke would regularly sit in on and contribute to every panel until responsibility for The Mending Room could be delegated to the iwi's tribal executive committees. The name 'The Mending Room' was coined by Tūhoe and signals the need for those who have caused the harm to take responsibility to repair what they have broken and an opportunity for those who have been harmed to contribute to the healing of the harm. The Mending Room is a culturally-inspired and restorative intervention in the Ministry of Justice space. It deals with low-level offences that would normally be dealt with in the District Court. Tūhoe tikanga is used to address the underlying causes and factors that influence criminal offending and divert individuals away from harmful statutory processes. Tūhoe tikanga is also the framework by which victims' needs are satisfied to promote healing and restoration of mana. A defining feature of The Mending Room is that it is fully funded by Ngāi Tūhoe and receives no Government or tax-payer funding. The emphasis on self-reliance promotes self-responsibility and full accountability. This is consistent with Ngāi Tūhoe's aspirations towards Tūhoe self-determination, te mana motuhake ō Tūhoe. In contrast to the current justice system, which is typically punitive, The Mending Room champions restorative, meaningful and creative consequences consistent with Tūhoe tikanga. Consequently another peculiarity of The Mending Room is its prerogative and preference to draw on the strengths and resources of Tūhoe whānau, hapū and iwi to support resolutions primarily, before defaulting to more conventional responses like involving social services and external agencies. This emphasis on the restorative power of relationships is foundational to The Mending Room and recalls the 'we-centred' collective ethos rather than the 'me-centred' self-centredness made widespread in the wake of colonisation.

4.15 The Mending Room – how it works

1. A referral is made by Police to The Mending Room

The Mending Room is open to receive people, regardless of ethnicity or iwi affiliation, who have committed summary offences, that is, lower-level offences that would typically attract no more than six months imprisonment or less. These typically include

dishonesty offences like shoplifting or wilful damage of property. The Police offer The Mending Room to the offender as an alternative to going to court. To be eligible for The Mending Room the offender must be willing to participate and must acknowledge they have committed the offence. The offender signs an informed consent to participate in The Mending Room process with the proviso that charges against them will be resumed in court if their engagement with The Mending Room process, including completion of their plan, is unsatisfactory. Police ask the victims of the offence if they are willing to attend The Mending Room and be contacted by the facilitator.

2. Tūhoe receives the referral and contacts the offender

Tūhoe's The Mending Room facilitator contacts the offender and arranges to meet with them soon after the referral is received. This initiates the whakawhanaungatanga phase between Tūhoe and the offender. The facilitator learns more about the offender's specific situation including whakapapa and whānau connections and contributing factors. The facilitator considers whether the offender takes responsibility for the offence and whether the offender is an appropriate fit for the panel (Akroyd et al., 2016). The facilitator's role is also to inform the offender and make them comfortable around the process, including explaining the rules, the roles and expectations of participating in The Mending Room. The facilitator is the go-between for Tūhoe, Police and the offender and schedules and advises the dates and times to convene The Mending Room. The facilitator will also contact the victim and assess any risks and safety issues to them should they wish to attend. Any further requirements to help the offender attend The Mending Room are identified including whānau support or transportation to Tūhoe's headquarters in Tāneatua. Police can often be called upon to provide transport to The Mending Room if necessary. Any aggravating circumstances or concerns that may impinge upon the offender's participation in The Mending Room or completion of their plan are also identified. The Police summary of facts and basic information about the offender is made available to The Mending Room panellists a couple of days before they convene.

3. The Mending Room convenes

The Mending Room is convened in Te Wharepuri, the library and archive centre, of Te Kura Whare, the base of operations of Tūhoe Te Uru Taumatua (TUT) in Tāneatua. The venue is a warm and welcoming setting arranged in a circular formation with comfortable seating. The panellists include Tūhoe support staff, TUT Chair, Tamati Kruger and CEO Kirsti Luke. Police attend to read out the summary of facts and share information. The panel awaits the arrival of the remaining attendees, at which time informal introductions are made over a complimentary cup of tea or coffee. The process from there basically follows the Iwi Panel pattern described by Akroyd et al., (2016).

- Once the attendees are comfortable and ready to begin, the proceedings are formally opened by a short karakia and mihi whakatau, usually officiated by Tamati Kruger or another panel member.
- Following the mihi whakatau, or brief welcome, Tamati briefly explains the ethos of The Mending Room, assuring the attendees that it is not a court or place of judgement, but of healing, mending the harm and moving forward.
- The facilitator then briefly outlines the order of proceedings which is followed by a brief round of introductions around the room.
- A representative from Police then reads out the summary of facts, which the offender is asked to confirm or refute.
- This elicits a general response from the panel, and the offender is given the opportunity to express what was going on for them and to tell their story.
- The consequences of the offending for the victim, offender and community are then discussed and the panel have an opportunity to ask any clarifying questions of the offender to probe deeper and identify any underlying issues going on.
- If the victim is in attendance they are given an opportunity to address the panel and the offender.
- The offender is usually asked about their personal interests and home life and whānau connections are identified. The panel also gains insight into the person's character and strengths, which helps to inform the panel's decisions around the person's plan and creative consequences for their offending.
- The Mending Room plan for the offender is discussed and negotiated, which incorporate creative and meaningful consequences. Iwi Panel guidelines

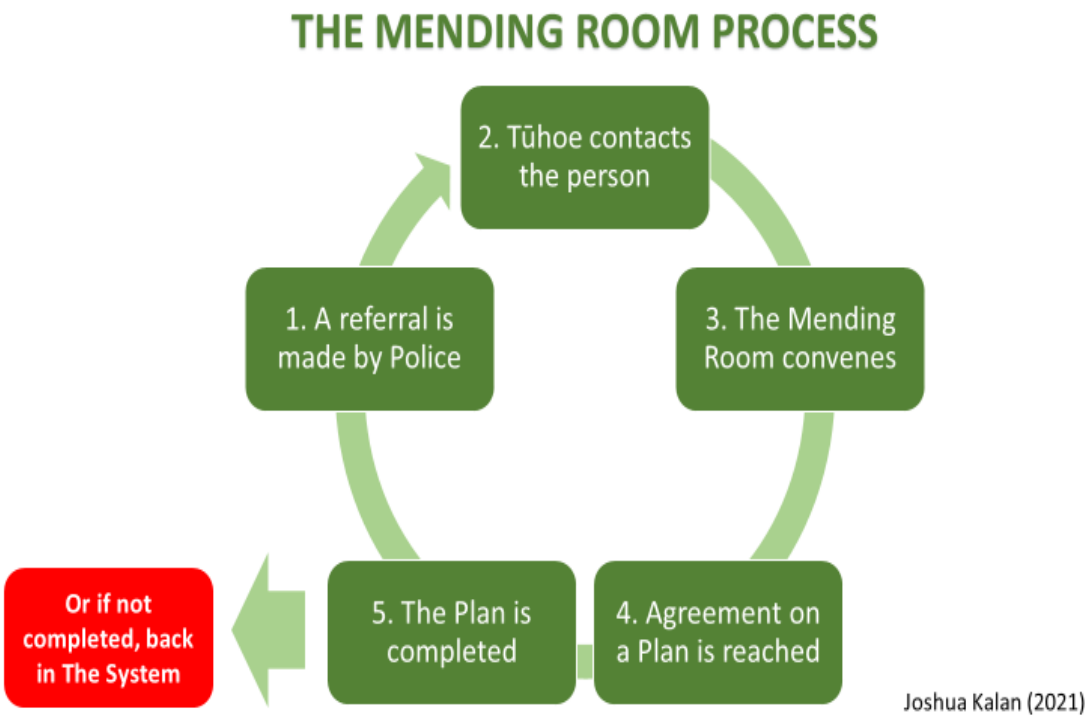
(Akroyd et al., 2016) require plans to be fair, appropriate and achievable in a reasonable time frame (up to four weeks). Plans should ideally address underlying causes behind the offending and should be able to be monitored. Plans developed in The Mending Room typically involve some form of reparation to the victim and community work. Moreover work that is aspirational and constructive to the offender, victim and community, rather than the indiscriminate toil usually linked with conventional community sentences. The plan may involve some personal development for the offender, such as getting their driver's licence if necessary. The plan will also involve some form of whānau and hapū involvement where appropriate as a means of ongoing support and resilience for the offender. Agreement and consensus on the details of the plan, monitoring and follow-up is reached to the satisfaction of all parties.

- The Mending Room sitting is concluded with karakia. In the event of several sessions the closing karakia will be reserved for the end of the day. The facilitator and offender complete the necessary paperwork and sign off on the plan.
- The Mending Room facilitator will support the offender to complete their plan and keep all parties informed as to how the plan is progressing. Offenders who do not engage or fail to complete their plans without good reason will be referred back to Police to resume a statutory process in court.
- If the plan has been completed the case can be closed with no further action required.

https://www.jacquigibsonwriter.co/stories-content/a-living-system

The Mending Room mainstays, Ngāi Tūhoe Chair Tamati Kruger and CEO Kirsti Luke.

Figure 13. The Mending Room Process Flow Chart



4.16 The Mending Room Case Studies

As mentioned previously this study utilises case study as one of the research methods. What follows are three representative case studies selected from The Mending Room's referrals – one 'typical' case, suggestive of most usual and commonly occurring cases; one 'challenging' case, where uncommon difficulties were encountered; and one 'exemplary' case, indicative of an ideal referral and optimum engagement in the process.

4.16.1 The Mending Room Case A – a 'typical' case

Case A refers to a young woman in her late teens who spat at a Police officer while being arrested for breaching a Police Safety Order in a family harm related incident. The penalty for assaulting a Police officer can include up to six months imprisonment or a fine not exceeding four thousand dollars. 'A' attended The Mending Room with her mother in support. Several underlying issues were brought to the fore for 'A' including her parent's separation, an estranged relationship with dad and a strained relationship with mum, drug use, mental stress and an abusive relationship with her partner.

To remedy her offending, ‘A’ was directed by The Mending Room to firstly apologise to and then prepare and cook breakfast for the Police officer she had spat on and his section team members at the Whakatāne Police Station. This was much appreciated by Police staff and the mana of both ‘A’ and her victim was restored. ‘A’ was able to see Police staff in a different light – as simply people doing their job.

‘A’s mum also wanted her to undergo some form of counselling, which ‘A’ was resistant to engage with initially. However, she did agree to some informal kōrero sessions with one of The Mending Room’s associate personnel.

In addition ‘A’ was also offered a job through The Mending Room and Tūhoe Te Uru Taumatua working outdoors in a parks, recreation and maintenance role at their facilities in Waikaremoana. This gave ‘A’ an opportunity to have some clear head space away from the troubles she had been facing in an environment that she loved.

By all accounts ‘A’ was thriving at her placement for several weeks until non-contact and non-visitation conditions were placed upon her by the site co-ordinator, which effectively prevented her and her partner from seeing each other on site. In hindsight it was accepted that this was a presumptuous and unreasonable expectation on the part of management. ‘A’ left her employment at Waikaremoana soon thereafter and has since gone on to reoffend, mainly in family harm related incidents, which is subject to the conventional statutory response.

4.16.2 The Mending Room Case B – an ‘exemplary’ case

Case B refers to the matter of a young woman in her early thirties who was referred to The Mending Room on charges of shoplifting. ‘B’ attended The Mending Room with her mother in support. In the course of the proceedings ‘B’ became comfortable enough to share that she had been brought up offending with her parents as a way of life, where offending, in particular shoplifting, was normalised and all that she knew.

As a consequence of her sitting in The Mending Room, ‘B’ agreed to undergo thirty hours of counselling with Tūhoe Te Uru Taumatua’s resident addictions counsellor. ‘B’s trespass from the premises she had shoplifted from was maintained.

‘B’, who normally works as a child caregiver, also agreed to organise and facilitate a Whānau Day at Te Kura Whare, Tūhoe Te Uru Taumatua’s base of operations. This was a day of fun, food and activities for local children and their parents. Locals considered the day to be a great success.

Notwithstanding, ‘B’ could have potentially lost her job due to her offending and was highly motivated to engage, having a lot to lose.

4.16.3 The Mending Room Case C – a ‘challenging’ case

Case C is the matter of a male in his thirties who was referred to The Mending Room on shoplifting charges. Incidentally the offender had shoplifted a pot of hair wax, although is completely bald. The Mending Room learned that ‘C’ had had a difficult life and also suffered from several medical conditions. In addition, ‘C’ was also challenged with supporting his partner and her three autistic children.

It became apparent in the course of the sitting that ‘C’ was suffering a claustrophobic life of quiet desperation and the shoplifting was more simply an expression and demonstration of whatever control and autonomy he felt he had left in his life. The offending was perhaps more a cry for help, rather than a malicious action.

Consequently The Mending Room personnel were totally amazed that ‘C’ had been able to withstand the numerous and compounding pressures of his life and expressed that to him. They were surprised and impressed, given his extraordinarily stressful circumstances, that he hadn’t succumbed to more serious offending, committed family harm offences or even suffered a breakdown.

As ‘C’ became comfortable and confident to share his story, he disclosed a passion for horticulture, particularly growing vegetables. As a consequence ‘C’ was required by The Mending Room to undertake community work with the local council in their parks and recreations department. This would serve the dual purpose of getting ‘C’ out of the house for some ‘me time’, doing something that he was passionate about and improve his employment prospects in that line of work.

Unfortunately The Mending Room was unable to follow through and organise the community work with the district council, which is the major, if not only reason this case has been

deemed ‘challenging’. For his part, ‘C’ had fully engaged with The Mending Room, but unfortunately in time went on to reoffend.

4.17 Interview Responses

This sections follows the same rationale and methodology as that of Oho Ake and Hui-ā-Whānau described earlier in this chapter.

1. What is The Mending Room?

‘People-centred problem solving’ is a fitting way to describe The Mending Room based on participant’s responses.

> *The Mending Room is this idea of people coming together to try and figure out what the problem is, the extent of the problem and who the problem is affecting, who it is hurting and the injury that has been caused, and together this room full of people work with each other to find ways through that. (Tamati Kruger, chair of Tūhoe Te Uru Taumatua).*

As the name suggests, The Mending Room is about mending the harm, fixing the problem and finding solutions.

> *The Mending Room is where people get together to assist and to ascertain how wide, and what can happen – it has to be a very practical, doable thing. (Tamati Kruger).*

> *It could be solutions, it could be steps to improve the situation, but all in all it’s around fixing and mending, with the view that the fix and the mend could be maybe towards one person, or it could be a fix and a resolution to a number of people. (Tamati Kruger).*

Moreover, problem-solving that addresses the harm and diverts people away from the court process, as described by one participant from New Zealand Police. In contrast to the court system, The Mending Room is an opportunity to get to know the person and the story behind their situation.

It's an alternative to put people through an alternative resolution, rather than putting them through court. The Mending Room is an opportunity where we can find out more about THEM and their story, where court doesn't do that. The Mending Room allows us to find out what's actually going on with that person. (Sergeant Shane Tailby, New Zealand Police, Whakatāne).

The Mending Room is ultimately described as "an Iwi initiative", specifically belonging to Ngāi Tūhoe, a theme which will be resumed next when identifying the unique features of The Mending Room.

2. What makes The Mending Room unique?

A key observation from participant responses is that The Mending Room is not mandated or empowered by statute, but is values-driven and empowered by mutual honour, dignity, commitment and respect for each other. In stark contrast to the legislative harm embodied by the current court system, The Mending Room is based on a non-judgemental and inclusive ethos which frames the person as someone in need of help - 'one of us' - rather than ostracizing them as 'the offender' and 'the other'.

The other feature about The Mending Room is that it is not a written contract of any kind. It doesn't rely so much on legal instruments, but rather reaches out to include the honour and the dignity of the people in there and their personal commitment to meeting their role and their parts to it. (Tamati Kruger).

In The Mending Room kinship and tikanga are very important. It emphasises very superior values and virtues and requires that everybody buys in. It's a consensual way forward and everybody has equal risk and responsibility. (Tamati Kruger).

Once the person reaching out for help comes and understands that everybody in the Room does not work for another body, but they are working for each other in the Room, and that everybody in the Room without exception has in their life needed mending themselves, or are undergoing mending and fixing

themselves, you invite openness and there is a high esteem for connection and for commitment from everybody. So that's part of the difference. (Tamati Kruger).

Basically it's between you and the whānau:
'You happy?'
'Yeah'
'Well okay. That's good.' (Tamati Kruger).

Another defining feature of The Mending Room is that the role of the state is minimised and pushed to the periphery, whereas the role and status of iwi, Ngāi Tūhoe, is privileged, centralised and elevated.

The Mending Room, rather than calling it marae justice or diversionary programme, something that has a more official court-police kind of connection, we decided that it would be far better if - the courts, the police presence - was subdued and that we should elevate a kinship/iwi thing to it. (Tamati Kruger).

I would pick up on the point of that we intended to be a natural piece of infrastructure within every Tribal, also within every hapū. So that's the trajectory for The Mending Room, so that it ends up with every hapū and it will travel through the Tribals in order to get through to the hapū. (Kirsti Luke, CEO Tūhoe Te Uru Taumatua).

We are here deliberately in this territory saying that The Mending Room and everything else that we're doing here is around restoring an Iwiness to what we're doing. (Tamati Kruger).

I would say to you straight away that The Mending Room is not a Māori tikanga. It's not a kaupapa Māori – this is a Tūhoe tikanga – this is a tikanga of Tūhoe. (Tamati Kruger).

A people-centred process focused on finding creative consequences and organic and meaningful solutions is another defining and unique feature of The Mending Room.

The word 'panel' suggests that there is a mend that's in a book somewhere and we're just gonna see the fit. So in this instance we don't have a mend ready, you know, there's no mend that's ready – it organically comes, or doesn't come, from the sharing and the conversation. (Tamati Kruger).

It's actually been about the people, so that's why The Mending Room is so unique. We're actually focusing on the person. Like I said, there's going to be a consequence for the offending – but we're actually looking at what opportunities can be provided for them – and that comes out of that conversation. (Sergeant Shane Tailby).

Really one good thing about The Mending Room is there's no structure around the consequences, so, it comes out of the conversation with that person. So, you know, they could find out they're an avid gardener and love working outside – well, there's an opportunity there. What can we do to offer them some kind of work in that? (Sergeant Shane Tailby).

So the options are not endless, but there is a good bloody kete of things that could be offered to people – and it wasn't just a fine, it wasn't just do fifty hours community work and pick up rubbish down the side of the road, because…what have they learnt? So yeah, The Mending Room is about opportunity. (Sergeant Shane Tailby).

Being independent of all forms of external government and tax-payer funding is a unique, pivotal and defining feature of The Mending Room, in keeping with Ngāi Tūhoe's long-standing aspirations towards Tūhoe self-determination, te mana motuhake ō Tūhoe. Uniquely, The Mending Room is the only site out of seventeen Te Pae Oranga sites operating across the country that is deliberately self-funded, refusing to accept or solicit government and external funding. The Mending Room is people-centred, not money-driven.

The Mending Room IS unique. One thing really nice about The Mending Room is that it isn't money-driven. Tūhoe have never asked for any money. It allows them to maintain control as well which I think has been a really, really good thing. The Mending Room has never been about funding, so it's actually

been about the people, so that's why The Mending Room is so unique. (Sergeant Shane Tailby).

One of the features of The Mending Room that I think would probably be unique to us is we take no funding for The Mending Room. Because we see funding and programmizing of care is an Achilles' Heel – that if this care is to be determined by resources, then the care can never be a natural piece of infrastructure of a hapū. It will fail and it will falter. It will twist. (Kirsti Luke).

I think that's a feature. Talking with each other, helping each other costs you nothing. (Tamati Kruger).

Yet another unique feature of The Mending Room is the impetus and drive to evolve and develop it into an organic part of Tūhoe tribal infrastructure moving forward. This signals that the healing and restoration of harm is considered an assumed and natural part of being Tūhoe, simply a way of being, a tikanga. This contrasts with the conventional statutory system that compartmentalises responses to injustice, moreover institutionalises and feeds off it, which has previously been identified as a feature of legislative harm.

We don't have a social work or a policing background, none of us, deliberately. Because, again, if it relied on financial resources and skilled people, we won't have enough skilled people. That's another Achille's Heel. It won't be able to stand up on its feet in a self-generating kind of a way and then we will fail to achieve what we want, which is natural infrastructure, forever. (Kirsti Luke).

This self-sustaining aspect of The Mending Room is confirmed with the disclosure that no Mending Room personnel are being funded for their contributions. This is in contrast with the remaining Te Pae Oranga sites, which offer remuneration for panellists. Tūhoe personnel pick up The Mending Room duties as an aside and additional portfolio and responsibility to their everyday roles at Tūhoe Te Uru Taumatua.

It's a very delicate balance between turning it into a programme or creating dependency around that. So, we don't have a workforce – that's – I think – possibly a unique thing about The Mending Room. (Kirsti Luke).

In contrast to the siloed and independently operating mechanisms of the justice system, which are individually self-serving, the sustainability of positive and effective working relationships between Tūhoe and Police staff was another unique aspect of The Mending Room:

A massive part is that there is a good working relationship between Police and Tūhoe. It is about people for them. So yeah I think the relationship has been really important. You know Police talk about 'partnerships', whereas Tūhoe - well not just Tūhoe – a lot of Iwi and a lot of people talk about 'relationships.' So they're not after a 'partnership' here – they're after a relationship – a long-term relationship. So, they don't want to have people [personnel] come in and out. They want someone to actually go on that journey with them. They are about a journey and it's a long journey and it's at their speed and their pace. At the end of the day that's the same journey that I want to go with them as well, so yeah that relationship is probably the key, key point with Tūhoe. (Sergeant Shane Tailby).

One significant and final observation expressing the uniqueness of The Mending Room is that it is an unashamedly Tūhoe remedy to legislative harm. It is a uniquely Tūhoe expression of exercising their mana motuhake, their self-determination and independence. Tūhoe leads it. Tūhoe owns it.

I don't think Tūhoe has to account for it seeing we've not used anybody's money, you know? So accountability changes, auditing these things changes when there's no money involved. When somebody says, 'Well, how's it going? I demand that you tell me - - -.' Well, I don't know why you're demanding, because it's cost you nothing. (Tamati Kruger).

So straight off, this is not kaupapa Māori. This is a Tūhoe tikanga operation where we can without hesitation say we must be in a leadership role of it. We're not an invitee that has been co-opted into it to assist in somebody else's

objective. So in this case, the other parties are the invitees to come in and contribute to this. They don't have to know anything about Tūhoe tikanga - that part is taken care of. They're here in partnership to contributing to solutions and mending. They haven't got a harder role to play, they've got a shared role, so that's that. (Tamati Kruger).

The distinction and differentiation between 'kaupapa Māori' and 'Tūhoe kaupapa' is a significant finding and will be discussed further in the next chapter.

3. What are the results of The Mending Room?

The results identified from The Mending Room were mixed according to the different expectations of the interview participants, which is to be expected. For example, there was a clear expectation from Police that The Mending Room would result in a significant reduction of reoffending, and were disappointed when this was not the case:

I've looked through a few of the cases, and a lot of people finished the consequences – you know, they paid back the money and they did the hours or whatever. They did all that side of things. But then, we've seen offending later on. I suppose one of the problems – intrinsic problems – we have here is that the person ends up back in the same environment that they came out of. So, unless you're a strong person that has that will power to not go back to drugs, not to go and steal from Paknsave, they're gonna go and do it again. (Sergeant Shane Tailby).

One response was that The Mending Room was a success and worked well for offenders as long as the necessary supports were in place for them, but not so much afterwards post-intervention:

You have initial successes. I think while you're walking with them [offenders] and you're going through the consequences of their offending, they're good. But, as soon as everything's finished, people tend to drop back into their old ways. (Sergeant Shane Tailby).

The Mending Room definitely tries to address a lot of those things, but when you walk out of here I can't control what you go and do. So I can give you everything you need, but you're either gonna take that and go do something with it, or, you're gonna go, 'It's just too hard. I'm just gonna go back to doing what I was doing.' (Sergeant Shane Tailby).

It appears that people seem to work really well when I give you everything: 'Here's your accommodation, here's your job, here's some food in the cupboard.'
'Goodo – I can work with all that.'
But then we say, 'At this point here you're gonna have to just sort all that stuff out yourself,' and a lot of people, they can't." (Sergeant Shane Tailby).

Notwithstanding this critique, the people-centred and pivotal role of The Mending Room in keeping people out of the courts and away from the system was acknowledged:

The Mending Room has been – it is a success. I think it's a great tool that we're able to use to get people out of the court system, where it's worked for some and it hasn't worked for others, and we actually hear that person's story. Because, it's amazing the stories that have come out, and we would never had learnt that if you'd gone to court. You would have got your community work and you would have got your penalty, and it snowballs from there. (Sergeant Shane Tailby).

Other participants likewise accepted that, while there certainly had been some disappointing outcomes along the way, they were nonetheless hopeful and optimistic, recognising that their timeframes, expectations and long-term trajectory differed significantly from mainstream.

We certainly have had problems and there have been adjustments we have had to make, but the three or four cases that I think have fallen short of what we all promised each other have been for those reasons. Otherwise things have worked out really, really well. We're not too sure how we measure that to a statistic. Unlike Oranga Tamariki where you can say, 'We've made a reduction

of this many of Tūhoe children going into care,' it's very hard to measure this The Mending Room against what? You don't know – because it is an early intervention – and the outcome of it can only be truly assessed by the people who participated in it. So, I'm quite happy to live with that. (Tamati Kruger).

One significant finding was that the methodology and practice of The Mending Room had a broad and transcending appeal that resonated with people from other iwi and ethnicities beyond Tūhoe, which was considered an encouraging measure of The Mending Room's success.

In two years then, one of the things that stand out is that not only have Tūhoe whānau volunteered or preferred to come to The Mending Room, but non-Tūhoe have as well, and non-Māori have as well. So we're finding that people beyond Tūhoe - which is how we measure our effectiveness - are finding that they prefer that as well. (Tamati Kruger).

4.18 Secondary Data Sources

The following data comes by way of Ngāi Tūhoe's review and evaluation of The Mending Room pilot over a period of eighteen months. Being a new and unconventionally unprecedented option, the number of referrals were deliberately kept low for this period while Police and Ngāi Tūhoe became familiar with the concept and implementation. The evaluation review was undertaken by researcher Dr. Simone Bull (2019). This review also contained the participants' sharing of their background stories in their own words, which I have elected not to include. Firstly, because I do not have permission from those participants to use their kōrero for this study. Secondly, they are sensitive accounts and at times make for confronting and harrowing reading. My position therefore from an ethical and kaupapa Māori framework is that their kōrero remains tapu and respected.

The Mending Room Pilot Review

Eleven participants agreed to The Mending Room as their alternative to going to Court for the low-level offence/s.

- Ten of these had prior convictions and four had served time in prison.
- Only one of the eleven had not committed a prior offence.
- Seven participants identified as Tūhoe.
- The participant ages ranged from the youngest participant, 17 years of age, to the oldest participant, 34 years of age.

Figure 14. Previous Criminal History (10 out of 11 participants)

Driving	Family Violence	Breach
• Drove while disqualified • Operated a vehicle carelessly • Operated a motor vehicle Recklessly • Failed to stop when followed by red/blue flashing lights • Failed to remain stopped for an Enforcement Officer • Drove while suspended or Revoked – 3rd or subsequent • Unlawful Takes a Motor Vehicle • Unlicensed Driver Failed to Comply with Prohibition • Person under 20 exceeded breath alcohol limit • Unlawful Takes Motorcycle • Breath alcohol level over 400 Mcgs	• Male Assaults Female (Family violence) • Wilful Damage (Family Violence) • Attempted unlawful taking (Family Violence) • Contravenes Protection Order (Family Violence) • Contravenes Protection Order • Common Assault • Fighting in Public Place	• Local Liquor Ban • Court Release Condition Prison • Community Work • Home Detention Conditions • Failure to Answer District Court Bail • Failure to Answer Police Bail • Conditions of intensive supervision
Drugs	**Theft/Steal/Shoplift/Burgles/Receives**	**Other**
• Possess Needle/Syringe for Cannabis • Cultivate Cannabis • Sell/Give/Supply/Administer/Deal Cannabis • Procure/Possess Cannabis Plant • Possess/use Utensils – Methamphetamine and Amphetamine	• Theft Property (under $500) • Theft Ex Car (over $1,000) • Demands to Steal (Manually) • Burgles ($500 - $5,000) • Burgles (under $500) • Property (over $1,000) • Property (under $500) • Obtain by deception (over $1,000)	• Disorderly Behaviour • Offensive Behaviour • Wilful Damage • Access Computer system for Dishonesty offence • Threatening Language • Assault Police • Possess knife in Public Place

The range of related offences is listed with the associated conventional court penalties:

- Theft (under $500) – 3 months imprisonment
- Wilful Trespass – 3 months imprisonment or $1,000 Fine
- Shoplifts (under $500) – 3 months imprisonment
- Speaks threateningly - 3 months imprisonment or $2,000 Fine
- Common Assault – 6 months imprisonment or $4,000 Fine
- Wilful Damage –3 months imprisonment or $2,000 Fine
- False Statement – 3 months imprisonment or $2,000 Fine

The range of The Mending Room Consequences according to the agreed Plans:

Voluntary community work hours: 20-40 hours duration
Apology – written or face to face
Reparation
Counselling
Budgeting
Life Skills Programme

On the surface these consequences may not appear very dissimilar to anything one might receive from the conventional court system. However the face-to-face engagement and tikanga-centred process which resulted in these consequences is the clear point of difference.

4.19 Chapter Summary

This chapter examined the results of the research into culturally-inspired remedies to legislative harm and presented and organised the findings and results under the appropriate subheadings.

An appropriate application of the Taniwha Index described in Chapter Two framed the description of each relevant statutory agency and its corresponding culturally-inspired remedy to legislative harm; Oho Ake, Hui-ā-Whānau and The Mending Room. The background to each of these culturally-inspired remedies was presented alongside my perspective and insights as an Insider Researcher. A brief description of the operation of how each of these remedies works was provided, followed by an examination of three case studies pertaining to each remedy. These were followed by the results of the interview responses from the research participants and concluded with appropriate secondary sources of data pertaining to each of these culturally-inspired remedies to legislative harm.

The next chapter provides some further discussion around the key themes and issues identified in the findings. This will include discussion around the interpretation of the findings, the significance of those findings and identifying some of the limitations of the research.

CHAPTER FIVE

DISCUSSION

I tū ai koe, i rere ai koe,	*By which you stood, by which you sped,*
Ka titia ō niho, e tetēā mai nā,	*Stab your terrible gnashing teeth,*
Ō tuatara e riri mai nā	*Your proud and raging spines,*
Ka moe! Ka ruhi e!	*Be at sleep! Be exhausted!*

Te Aokehu's karakia to subdue Tutaeporoporo, continued.

(Kauika, 1904, p. 92).

5.0 Chapter Introduction

The previous chapter examined the results of the research into culturally-inspired remedies to legislative harm and presented and organised the findings and results under the appropriate subheadings.

This chapter provides some further discussion around the key themes and issues identified in the findings. This will include a summary of the key findings, discussion around the interpretation of the findings, the significance of those findings and identifying some of the limitations of the research.

5.1 Summary of Key Findings

This research began with the problem of how the criminal justice and child protection system in Aotearoa New Zealand is basically broken, dysfunctional and actively hostile towards the needs and well-being of Māori. The 'System' itself was described as being essentially monocultural, and over-represented by Māori in all negative statistics. This hostility to Māori is expressed through statutory agencies, like the New Zealand Police, Oranga Tamariki and the Courts, for example, by way of legislative harm, stemming from exposure to the inherently damaging elements of the statutory system. This research provided a unique

opportunity for insight into the ways that three particular culturally-inspired remedies (Oho Ake, Hui-ā-Whānau and The Mending Room) are mitigating this problem across three distinct statutory frameworks (New Zealand Police, Oranga Tamariki and The Courts). Moreover diverting Māori away from harmful legislative processes and halting the descent of whānau and individuals into the entanglement of 'The System'.

The results indicate that culturally-inspired remedies are an effective solution to legislative harm in relation to their capacity to intervene and divert individuals and whānau away from harmful statutory processes and on to journeys of wellbeing based on tikanga. The data suggests that the potency of culturally-inspired remedies originates with culturally-specific frames and nuances, in particular, whakawhanaungatanga and tikanga, reinforced with sound cultural practice. The study demonstrates that while this approach may take more time and effort to establish with whānau in the initial stages compared with conventional approaches, it results in more meaningful and permanent outcomes in the long run. Culturally-inspired remedies likewise promote whānau self-determination and whānau empowerment, te mana motuhake o te whānau, to motivate and inspire them towards independence in an aspirational space beyond the reach of statutory agencies and their legislative harm. This analysis supports the theory that iwi self-determination at a macro-level, of necessity must find expression at a micro-level, moreover at the whānau and individual level where life happens.

5.2 Interpretations of the findings

The specific details of how the research findings address the research questions will be explained more comprehensively further in this chapter. Suffice to say that the culturally-inspired methods at the centre of this study share some key elements in common. For example, the data suggests that each culturally-inspired method asserts and maintains autonomy apart from its corresponding statutory process. This autonomy enables each method to favour tikanga, whakawhanaungatanga and cultural practices as the norm and moreover, unapologetically expresses this as the preferred response and antidote to legislative harm. Each method furthermore exploits the structural deficiencies of the system, e.g. Māori over-representation and institutional racism among others, as a compelling rationale for intervention in that system. Consequently each method capitalises on the latent opportunities within existing law as a basis for intervention in the system.

It was Pūaoteatatū that influenced the current child protection legislation (Oranga Tamariki Act 1989) and thereby cleared the way for Oho Ake and Hui-ā-Whānau - mā te ture, te ture anō e āki - as the titular whakatauākī for this research suggests. Similarly with The Mending Room, the legislative mechanisms of the Community Justice Panels, the Iwi Justice Panels and Te Pae Oranga were surpassed, transcended and transformed into a uniquely Ngāi Tūhoe vision - mā te ture, te ture anō e āki. Furthermore each method is a localised intervention based on the power of local relationships and expertise.

In spite of the longstanding and latent opportunities within existing legislation, were it not for fortuitous timing and the influence of key local relationships as described in the previous chapter, these culturally-inspired interventions would not have been achieved. Moreover, what makes these culturally-inspired methods effective is precisely that they are culturally-inspired and free to employ cultural norms and frames to mitigate legislative harm. This is clearly evident in the absence of obstructive timeframes in the observance of the whakawhanaungatanga process, which means it takes as long as it takes. Again, the details of how this specifically addresses the research question will be covered later. The same can be said for distinguishing culturally-inspired methods from conventional approaches. Since they are two very different approaches, the contrast between them is as distinct as night and day. Significantly, culturally-inspired methods were described as less intrusive and coercive than conventional approaches. Again, these differences will be more fully identified later in the chapter.

5.3 Themes identified from the research findings on culturally-inspired remedies

There were a number of themes which emerged from the findings of this research. Presented in a table for ease of reference and comparison, these themes are then described alongside their corresponding culturally-inspired remedies listed below. Triangulating the findings from the case studies, interviews and secondary sources of data will serve to address each of the three research questions posed at the beginning of this thesis.

Figure 15. Themes from the findings

Oho Ake	Hui-ā-Whānau	The Mending Room
Self-determination	Whānau empowerment	People-centred problem-solving
Early intervention	Diverts whānau from The System	People kept out of The System
A journey and process	Celebrates/normalises progress	Long-term journey
Tailor-made engagement	Tailor-made engagement	Relies on mutual commitment
Practitioner flexibility	Practitioner flexibility	Creative organic solutions
Alleviating trauma	Trauma-informed practice	Values/tikanga-driven
Fierce advocacy	Fierce advocacy	Decentralised infrastructure
Rebuilds self-confidence	Reconnects whānau	Cross-cultural appeal
	Iwi-informed practice	Tūhoe-driven/Iwi-centric
	Safe, open communication	Beyond conventional assessment
	Whānau-centred	Short-term successes
	Non-intrusive/non-coercive	
	Consistent whānau contact	
	Kaupapa-driven leadership	
	Reconnection as wellbeing	
	Honours relationship	

5.3.1 Oho Ake themes

Self-determination (mana motuhake; self-empowerment; mana-enhancing)

Oho Ake practice with tamariki promotes whānau self-determination, independence and mana motuhake, which fosters a mindset of self-reliance, self-confidence and self-belief. This reflects the chief aim of Tūhoe Hauora's practice, which is as one interview participant remarked, "To let our whānau know that you can empower yourself." This encourages and inspires whānau in the belief that they have the capacity to navigate their own future and not simply be passive recipients on the receiving end of external forces.

Evidence for this was presented in Case 1, the case of 'W' where W's nan facilitated all the meetings, which was an affirmation of her mana and leadership of the whānau. Evidence for

how Oho Ake helps rangatahi towards becoming empowered and self-determining was also presented in the joint Tūhoe Hauora and Police entry into the national Problem Oriented Policing challenge in 2017 (New Zealand Police, 2017). This evidence was provided by TA, a rangatahi who was a prolific criminal offender who grew up with extensive substance abuse, mental health issues, family harm and gang influences. Despite all these setbacks, TA was able to turn his life around with the support of Tūhoe Hauora and is now working in the farming sector with his young family.

This emphasis on whānau empowerment is in contrast to the current youth justice process where Police represent the state as its actors in a monologue. Little consideration is given to allow whānau a lead role in the process (Brooks, 2017). In Family Group Conferences the professionals largely call the shots while whānau are coerced into pre-conceived outcomes (Roguski, 2020).

Early intervention - people kept out of the system

Oho Ake is an early intervention in the youth justice system which aims to keep young people out of that system. As one interview participant explained, "The goal is to get them out of the system and stay out of the system." The clear reduction in Youth Aid cases and Family Group Conferences in the Eastern Bay of Plenty (Figure 5.) since the Oho Ake process was initiated clearly indicates that this is happening. By comparison, conventional Police responses also aim to keep young people out of the system, but use very different approaches (Henwood et. al., 2018) and moreover lack the cultural expertise and ideology to effectively keep rangatahi Māori out of the system (Roguski & Te Whaiti, 1998). As described in the literature, the statistics indicate that these conventional responses have had limited success, particularly with Māori (Ministry of Justice, 2020b).

A journey and process based on whānau goals and direction

Oho Ake practice recognises that progress is a journey and a process comprised of incremental steps. Practitioners work with tamariki, rangatahi and their whānau to identify their goals and develop a realistic and workable plan moving forward. As one practitioner described,

> *If we have some really good conversations, be very open and honest with each other, then it becomes clear which direction that we need to move and what strategies we need to put in place to be able to help our whānau achieve those goals.*

Police Youth Aid Staff also use goal-setting strategies with young people, but their influence is limited to the young person and not the wider whānau (Ministry of Justice, 2013). As Kruger et al., (2004) suggest, strategies that focus on the offending individual to the exclusion of the whānau are not likely to succeed.

Tailor-made engagement (based on whakawhanaungatanga; adapts to whānau needs)

One of the strengths of Oho Ake is the flexibility of practitioners to develop bespoke responses to working with whānau, based on an effective whakawhanaungatanga process with them. This allows for a high level of agility to decide which practitioner is the best fit for specific whānau members and how and where and to what degree that engagement will best take place. As one practitioner explained,

> *It's not a one box fits all working environment. Having that whakawhanaungatanga with our whānau helps us to tailor-make how we work with this whānau. A lot of it is being able to adapt very quickly to whatever situation will arise.*

Evidence of this was in Case 3, the case of 'B3' where one practitioner had an existing relationship with the children's dad, which served as a way in the whānau and allowed another practitioner to build a relationship the children's nan. The strength of the whakawhanaungatanga process was demonstrated in Case 2, the case of 'C', where one practitioner had an existing relationship with C's dad and older sister, which made it easier for the whānau to engage. An example of being adaptive to whānau needs was in the case of 'W' where the Oho Ake team worked around the whānau availability to be contacted, whether it was at home, school, or work, in addition to regular phone contact with W's nan at work. Sensitivity to whānau needs was also demonstrated in the Oho Ake team's dealing with W and her underlying issues, in particular her resentment toward her siblings who still lived with her mum.

Tailor-making the approach to suit the client and being adaptive and sensitive to their needs is not a defining feature of conventional Police responses in the youth justice system

(Ministry of Justice, 2013). Youth Aid Services is based on file management, rather than whakawhanaungatanga, and a high level of engagement with whānau is not easily attainable when case management and completion of routinely high volume of files can become the over-riding priority. That said, Youth Aid officers can and do develop good relationships with whānau over time, especially when the incidence of re-entry of Māori youth or other family members is high (Ministry of Justice, 2020b).

Rebuilds tamariki self-confidence

In Case 3, the case of 'B3' Oho Ake helped to restore tamariki confidence through successfully re-engaging the boys with education. Furthermore restoring visiting rights with the boys' father was recovering an additional source of resilience and support for them. This also gave the boys' nan some reprieve, since she had been practically raising the boys by herself up to then. In Case 1, the case of 'W', the Oho Ake team worked with their social service colleagues to provide ongoing support for W and provide her with new clothes and shoes for school. It's these seemingly small and simple things that help tamariki to reconnect and regain self-confidence as one practitioner from Tūhoe Hauora remarked:

> *So what the team is doing is getting these kids to reconnect to themselves and know that they are valued – 'Yes, I've messed up, but I'm still worthwhile and I can be somebody who can be trusted, I can be accountable with family members moving forward.*

Practitioner flexibility with organisation's support

Several interview participants highlighted the flexibility and freedom with which they could implement their practice, which they held in high regard. Participants were equally appreciative of the support they received from Tūhoe Hauora to be flexible in their practice. An example of this flexibility is where team members can engage with whānau members according to who they feel will likely be the best fit, as was the occasion in Case 3, 'B3', where one team member furthered an existing relationship with the boy's dad, while the other team member embarked upon a new relationship and whakawhanaungatanga with the boys' nan. One observation is that small to medium sized community organisations like Tūhoe Hauora and other iwi NGO's of necessity need to be flexible and 'think on their feet' unlike

their larger statutory counterparts, whose routine response has been largely described as coercive and prescriptive (Becroft, 2015).

Alleviating trauma

Trauma-informed practice is a shared feature with the Oho Ake and Hui-ā-Whānau processes. Not only does this include generational trauma such as the fallout from colonisation, but contemporary trauma as in Case 3, the 'B3' case. In this case the three brothers' parents had separated. They had thereafter been uplifted from their dad, who had subsequently been imprisoned. Their mother, who lived out of town, was not in a position to take care of them so they were sent to live with their grandmother, who was already raising another grandchild. As one participant described it, the general response to this trauma was to help whānau to firstly be aware of it and acknowledge its impacts. It was then about reassuring whānau that they actually had the power to make changes. Moreover giving whānau the tools to make those changes and do things differently to move beyond the negative impacts of trauma. By comparison, the standard Police response focuses on what Kruger et al., (2004), describe as criminalising and pathologising Māori individuals, where trauma is not generally considered.

Fierce advocacy that holds other agencies to account

The quality of relationship attained between Tūhoe Hauora practitioners and whānau through the whakawhanaungatanga process produces significant results compared with conventional statutory agency responses. Whakawhanaungatanga literally means 'to become as family' and this is expressed in Tūhoe Hauora practitioners taking responsibility for the tamariki, rangatahi and whānau entrusted to their care by way of the Oho Ake and Hui-ā-Whānau processes. One result of this is a fierce advocacy that holds other agencies to account in the interests of tamariki and their whānau. This is in acknowledgment that legislative harm as expressed through agency negligence and micro-aggressions can exacerbate the pain and frustration that whānau have already been through.

5.3.2 Hui-ā-Whānau themes

Whānau empowerment (self-confidence; self-determination)

Whānau empowerment was a strongly recurring theme in the research, particularly in the interview responses. In contrast to conventional Oranga Tamariki practices, which have been described as disempowering for whānau (Becroft, 2015), Tūhoe Hauora's Hui-ā-Whānau practice is founded upon the belief that with the right support and guidance, whānau are more than capable of coming up with their own solutions. This was demonstrated in Case 2, the case of 'S' and 'T', where with the appropriate support, 'the power of the whānau' effectively created a successful Whānau Plan, in spite of the inordinate delays and negligence of the statutory agencies. Likewise in Case 3, the case of 'R', whose whānau dynamics were atypical and complex, it was identified that "all the three whānau needed was a forum and process to help facilitate their kōrero in a setting where they could all be heard."

Whānau-centred practice

The efficacy of Hui-ā-Whānau lies in its unapologetic and unrelenting belief in the power of the whānau to effect change. This belief expresses itself in Hui-ā-Whānau practice through sensitivity and adaptability to whānau needs and promoting collective solutions rather than individualistic and prescriptive ones. In contrast to Oranga Tamariki practice, which has been described by one research participant as 'child-centred but whānau-exclusive', Hui-ā-Whānau goes to unconventional lengths to engage and empower whānau. Oranga Tamariki's engagement practices, by comparison, have been described as routinely falling short of locating appropriate whānau support and engaging with a child's full whakapapa. This was demonstrated in Case 2, the case of 'S' and 'T' where T's side of the whānau had not been kept in the loop by Oranga Tamariki or invited to participate in the Family Group Conference. Neither did Oranga Tamariki make any efforts to locate that side of the whānau, as one interview participant disclosed. This oversight was effectively mitigated by the Hui-ā-Whānau team and their expansive networks. As described in the case, 'Extended whānau, including several kuia, were able to discuss the matter amongst themselves'. The inability of Oranga Tamariki to locate whānau support was also identified by Kalan (2017). As outlined in the literature, practices which employ a narrow focus on the individual to the exclusion of the whānau will have limited results (Kruger et al., 2004).

Trauma-informed practice

Trauma-informed practice was another recurring theme in the research. At a macro level this is an acknowledgment of generational trauma, in particular the impact of colonisation,

legislative harm and its long-term negative consequences for generations of Māori (Kruger et al., 2004). One research participant described this trauma as a weight on whānau which they try to alleviate with alcohol and drugs. One identified solution therefore was to make whānau aware of that weight and where it originated from, and moreover give them the tools to alleviate the harmful effects of that trauma. As one practitioner from Tūhoe Hauora put it, "Intergenerational trauma impacts a lot of our families to this day, and it's going to continue."

On a personal and whānau level, Hui-ā-Whānau's trauma-informed practice recognises the impact that the hardships and misfortunes of life can have on whānau and responds appropriately. This was displayed in Case 1, the case of 'M', where M's mum had previously lost a child to cancer and was distrusting of professionals based on past experiences. M was the youngest of five siblings, the rest of whom were adults, which left her feeling estranged and isolated. The Hui-ā-Whānau team moreover recognised that M still had unresolved grief at the loss of her deceased sibling and were able to factor this in to their journey with her.

Trauma-informed practice has become a recognised and adopted approach in contemporary social work services and practice, including Oranga Tamariki (Atwool, 2019). In practice however, statutory agencies generally lack insight into how the routine micro-aggressions and legislative harm expressed in their day-to-day interactions with whānau actually exacerbates and antagonises the trauma that whānau already experience (Revell et al., 2014).

Tailor-made engagement based on practitioner flexibility

As identified with the Oho Ake process, the freedom and flexibility to implement tailor-made approaches to engagement with whānau based on whakawhanaungatanga is also a feature of the Hui-ā-Whānau process.

This was demonstrated in Case 2, the case of 'S and T' where Tūhoe Hauora staff were sufficiently agile enough to step beyond the confines routinely faced by statutory agencies to source and locate a distant relative who was willing to take responsibility for S and T's tamariki.

Relationship-honouring practice (honouring the mana of the whānau story)

The findings clearly showed that the Hui-ā-Whānau process places a high level of importance upon the position, interests and welfare of the whānau. The whānau is placed at the very centre of the process. Due to the depth of engagement reached with whānau in the whakawhanaungatanga process, the relationship transcends and surpasses that of the conventional mainstream client and agency relationship. This theme came through strongly in the interview responses, particularly around the disappointment and disbelief at the haphazard and inconsistent engagement from Oranga Tamariki. When frequent changes in social workers required whānau to repeat their story to yet another stranger, it was likened to 'picking off a scab' by one participant, which re-opens the hurt. This frustration with Oranga Tamariki's indifference towards the mana of the whānau was highlighted in the issues of legislative harm identified in Case 2, the case of 'S and T'. In contrast, Hui-ā-Whānau centralises and elevates the mana of the whānau in a convergence of whakapapa as grounds for a positive relationship moving forward (Kalan, 2017).

Reconnecting whānau - reconnection to whānau support

Hui-ā-Whānau promotes reconnection to whānau and whānau support as a form of resilience for whānau not only when cases are open, but particularly moving forward once a case is closed. Whānau reconnection and support is an important and often untapped source of strength for whānau. This was demonstrated in Case 2, the case of 'S and T' where T was initially reluctant to involve his whānau in his situation, but was in the end grateful for their involvement. Likewise T's whānau were given an opportunity to reconnect with their mokopuna with regular access and visits with T's children, which in turn was a benefit and support for those children. This focus on reconnection is at odds with conventional child protection approaches, that according to the literature can result in children becoming lost and disconnected to their whānau, moreover practices that centre on the child but excludes whānau (Hurihanganui, 2019).

Sustained consistency of whānau contact

A key feature of Hui-ā-Whānau is the sustained consistency and continuity of whānau contact which leads naturally to enhanced trust and confidence with Tūhoe Hauora practitioners. As a follow-on from the whakawhanaungatanga process, practitioners will most certainly be a constant and familiar presence with whānau and are not likely to change. Furthermore Hui-ā-Whānau practitioners maintain a high frequency of contact with whānau using a variety of

methods as described in the previous chapter (Figure 11). Taking the necessary time and effort 'at the front end' with whānau encourages meaningful engagement which lends itself to more permanent and satisfying results (Kalan, 2017).

Safe and open communication with whānau

Safe and open communication with whānau was a recurring theme from the research. This is not surprising given what is known about the level of engagement achieved in the whakawhanaungatanga process. This is in contrast to the dealings with statutory agencies which the literature has described as being coercive and predetermined for whānau (Becroft, 2015).

Fierce advocacy holds other agencies to account; interagency collaboration

As with the Oho Ake process, moreover Tūhoe Hauora practice in general, fierce advocacy that holds other agencies to account on behalf of whānau is a feature of Hui-ā-Whānau. This was clearly observed in the Hui-ā-Whānau team's disputes with Oranga Tamariki personnel in Case 2, the case of 'S and T'. As one participant, a Tūhoe Hauora practitioner, describes,

> *If you [agency] have told me that you are going to do this for the whānau, I have an expectation that you are going to follow through. If you don't I will come down like a rain of fire.*

The propensity to effectively collaborate with other agencies for the good of the whānau is another feature of Tūhoe Hauora's practice as seen in Oho Ake Case 1, the case of 'W' where the team used their existing relationship with Tūwharetoa ki Kawerau Health and Education services to assist and support W into Alternative Education. Similarly, keeping W's Youth Aid officer updated as to her progress is another example of effective collaboration. In Case 3, the case of 'R', Tūhoe Hauora staff engaged with service providers in R's new home in Waikato to help ease her transition into her new school and surroundings. Likewise in Oho Ake Case 3, the case of 'B3', Tūhoe Hauora staff worked effectively with schools and the social worker in schools to reintegrate the three brothers into education.

People kept out of the system and absence of re-notifications

People being kept out of the system and away from legislative harm is both a goal of Hui-ā-Whānau and an indicator of its success. Oranga Tamariki likewise acknowledged the absence of renotifications, that is, families not coming back to their attention to re-enter the system, as a positive outcome.

Less intrusive and coercive than conventional approaches

Hui-ā-Whānau was described as less intrusive and less coercive than conventional approaches. The clear distinction is that Hui-ā-Whānau engagement with whānau is founded on whakawhanaungatanga and empowered by good will, moreover aroha and manaakitanga and other culturally-inspired nuances as described in the literature (Ruwhiu, 2009). Conventional approaches toward engagement with statutory agencies like Police and Oranga Tamariki are based on a power imbalance where agencies are empowered by statute and whānau are coerced into compliance for fear of the consequences (Becroft, 2015). This is particularly noticeable with 'intent to charge' Family Group Conferences where, as described in the literature, statutory professionals (e.g. social workers, lawyers, police) routinely pre-empt the meeting's outcomes and whānau simply concede to avoid their young person going to court (Kalan, 2017).

Celebrates and normalises progress, however incremental

Hui-ā-Whānau practice recognises that wellness is a journey and a process and celebrates incremental steps to progress, however small. The important thing is that progress is being made and whānau are headed in the direction of their goals. Consideration is also given to the historical and inter-generational context as one participant from Tūhoe Hauora explained.

> *[It's about] celebrating those little 'big' successes eh? You know – even if they're little, they're big. Because that little success might have been the first time in three generations that family had a change.*

Iwi-centred, iwi-informed practice

Hui-ā-Whānau practice does not operate in a vacuum but is very much grounded and expressed in the sociocultural framework of whānau, hapū and Iwi, moreover that of Ngāi Tūhoe. This was reflected in the interviews where participants acknowledged that different *whārua*, or valley dwelling communities within Ngāi Tūhoe, required a distinct and nuanced

approach appropriate to the local context rather than a one size fits all method typical of government agencies.

Kaupapa-driven leadership/organisation

The benefits of belonging to an organisation guided by kaupapa-driven leadership was identified once during the research interviews, but it is worth noting here. Māori organisations out of necessity must 'play the game' across a number of distinct and disparate fields without losing their bearings, or rather, losing sight of their kaupapa. One example is kaupapa Māori agencies with District Health Board contracts. Furthermore Māori organisations which contend with statutory agencies in an intervention space must all the more hold fast to their kaupapa in the face of hostile resistance, passive resistance, or just plain indifference. This was identified in the research where Tūhoe Hauora staff had to politely challenge Oranga Tamariki management about the distinct lack of Hui-ā-Whānau referrals coming through in the initial stages and at intermittent stages thereafter. The tenacity and insistence of Tūhoe Hauora's leadership to be kaupapa-driven frees its practitioners to get on with the mahi as one participant from Tūhoe Hauora explained.

> *What needs to be acknowledged is the trust that management has put into the team to work how they work. That's quite unusual, especially when you compare it to a western organisation – you know - 'This is what your job description says, this is what you have to do,', where for us it's more identifying how people work – what are their strengths, what are their weaknesses – and how does that complement the team?*

Reconnection as wellbeing

One feature identified with Hui-ā-Whānau is reconnection as a means to wellbeing. This need not be limited to cultural reconnection, like to one's marae as one participant explained, but can encompass so much more. People can reconnect to other family members, even those within their own household. They can reconnect to wider whānau, to familiar places and forgotten memories. They can even reconnect to themselves.

5.3.3 The Mending Room themes

Tūhoe-driven, Iwi-centric

A strong theme to come through the research, particularly the interviews, was that The Mending Room is an unapologetically iwi-driven, iwi-centric initiative firmly grounded in the interests and aspirations of Ngāi Tūhoe, as asserted by iwi Chair, Tamati Kruger.

> *I would say to you straight away that The Mending Room is not a 'Māori' tikanga. It's not a 'kaupapa Māori' – this is a Tūhoe tikanga – this is a tikanga of Tūhoe. This is not 'kaupapa Māori' – this is a Tūhoe tikanga operation where we can without hesitation say we then must be in a leadership role of it – we're not an invitee that has been co-opted into it to assist in somebody else's objective.*

This unapologetic iwi-centredness is not a common feature across the Te Pae Oranga sites and may simply reflect Tūhoe's insistence on self-funding The Mending Room. By comparison, at the Tairāwhiti Te Pae Oranga site that operates out of Te Rūnanga o Ngāti Porou, the iwi narrative is more subdued. This theme highlights the nuance between kaupapa Māori and kaupapa-ā-iwi, which will be discussed later in the chapter.

People-centred problem solving

The Mending Room's people-centredness was a strong and recurring theme to emerge from the research, as opposed to the court system which has been described in the literature as procedural and process-driven (Boulton et al., 2020). In the court system, people are labelled as offenders or defendants and are treated accordingly. Whereas in The Mending Room, people are received and treated as people in need of help or 'mending'. For instance, in The Mending Room the offender gets to tell their backstory leading up to the offending, whereas that is not the priority in the present mechanical court system where the individual is all but obscured and lost on the judicial conveyor belt. By comparison, people-centred problem solving was a frequent descriptor of The Mending Room as described by Tamati Kruger in the research interviews.

> *The Mending Room is this idea of people coming together to, number one; try and figure out what the problem is, the extent of the problem and who the problem is*

> *affecting, who it is hurting and the injury that has been caused, and together this room full of people work with each other to find ways through that.*

All sittings of The Mending Room focus on and revolve around the people. This includes the person for whom the meeting has been called and the people who have been harmed. Together all participants work on a resolution and a way forward. This feature was demonstrated in all of The Mending Room case studies, and was clearly identiifed in Case A, involving 'A', a teenaged girl who had spat on a Police officer. Furthermore, upon learning that A enjoyed cooking, one of her consequences was that she had to cook breakfast for her victim and his work team at the Police station. In addition A was directed to undertake counselling to help her with emotional issues and also offered employment in the outdoors, which she had disclosed was something she really enjoyed. In contrast to the present court system, The Mending Room's ethos, process and consequences is a community approach that centres on the person and what will most likely work best for them. This approach is more restorative and mana-enhancing for the person, compared with the current process-driven and mechanical approach that centres on legislation.

Relies on the honour and commitment of participants (tikanga based and values driven)

That The Mending Room is motivated by care and not money, moreover is reliant on the connection and commitment from its participants, was a strong theme to emerge from the research. This was clearly articulated in the interviews by Tamati Kruger.

> *So, I think once the person or persons that are reaching out for help comes and understands that everybody in the room does not work for another body, but they are working for each other in the room, and that everybody in the room without exception has in their life needed mending themselves, or are undergoing mending and fixing themselves, that you invite openness and that there is a high esteem for connection and for commitment from everybody. So that's part of the difference.*

In contrast to the current court system, which is expensive to operate (Righarts & Henaghan, 2010), The Mending Room expenses are negligible by comparison, which allows it to operate on the proverbial 'smell of an oily rag.' No tax payer or Government funding is used at all and what costs are accrued are met within Tūhoe's existing operating budget. Claims (personal communication) that Tūhoe is perhaps only in a position to self-fund The Mending

Room because of their Treaty settlement are unfounded, because the costs associated with The Mending Room are minimal. How much does it cost to make a cup of tea? As Tamati Kruger explained, "Talking with each other, helping each other costs you nothing."

As with the other Te Pae Oranga sites which rely on volunteers, The Mending Room personnel likewise contribute their time freely in addition to their day-to-day roles. Police attendance is likewise covered by New Zealand Police, as it is with the other Te Pae Oranga sites. Dependency on funding is actually viewed as the antithesis to self-determination and a liability as Kirsti Luke, CEO for Tūhoe Te Uru Taumatua explained.

> *One of the features of The Mending Room that I think would probably be unique to us is we take no funding for The Mending Room. Because we see funding and programmizing of care is an Achilles' Heel. Because if this care is to be determined by resources, then the care can never be a natural piece of infrastructure of a hapū. It will fail and it will falter. It will twist.*

This insistence on The Mending Room operating independently was likewise commended by a participant from New Zealand Police.

> *One thing really nice about The Mending Room is that it isn't money-driven. Tūhoe have never asked for any money. It allows them to maintain control as well which I think has been a really, really good thing. The Mending Room has never been about funding, so it's actually been about the people, so that's why The Mending Room is so unique.*

Consequently the solutions and consequences developed in The Mending Room are distinctly organic and cost-effective based on grassroots relationships and mutual respect, honour and commitment. They therefore require little to no funding at all. As Tamati Kruger said, talking with each other, helping each other costs you nothing.

Creative, meaningful consequences and organic solutions

The power of The Mending Room is based on relationships, moreover Tūhoetanga and its intrinsic values. Therefore consequences that are organic, tailor-made for the person and cost-effective is a defining feature common to all cases in The Mending Room. These consequences were identified in the draft report prepared by Dr. Simone Bull (2019) and

were also demonstrated in the case studies. As described previously in Case A, in the matter of 'A', her consequences were developed around her individual life skills and activities that enhanced her mana, namely her love of cooking and the great outdoors. In Case B, involving 'B', her consequences revolved around her skillset of being a caregiver for children where she was tasked with organising a Whānau Day for local children. In Case C, in the matter of 'C', he was directed to undertake community work with the local council's parks and recreation team based on his love of gardening. Although the personnel were ultimately unable to secure this placement for him, it need not detract from The Mending Room's resourcefulness nonetheless. The opportunity for meaningful and creative consequences was highlighted by one of the participants from New Zealand Police.

> *It's actually been about the people, so that's why The Mending Room is so unique. We're not putting through high numbers. We're actually focusing on the person. Like I said there's going to be a consequence for the offending, but we're actually looking at what opportunities can be provided for them – and that comes out of that conversation – whether it's starting off employment, or housing….Really one good thing about The Mending Room is there's no structure around the consequences, so, it comes out of the conversation with that person, eh?*

This emphasis on organic and meaningful consequences is vastly different from the conventional court system where the penalties are inflexible and impersonal, as outlined in the draft report for The Mending Room prepared by Dr. Simone Bull (2019). Conventional community work hours are effectively meaningless toil, which may have benefits for the community, as in beautification of parks and reserves, but little meaning for the penalised individuals. Likewise with fines and court costs that disappear into Ministry of Justice and central government coffers, it is difficult to see the immediate benefits to victims, the community or indeed the offender.

Another example of The Mending Room's creative consequences came by way of personal communication and involved a young woman who was referred there because she had shoplifted. She had brought a relative with her as a support person.

As the session unfolded this young woman actually refused to take full responsibility for her offending and insisted that her victim, a franchise department store, was a wealthy multi-national corporation that was unaffected by her offending and besides which, could absorb

the loss of stolen items through insurance. To this young woman's shock and dismay her support person was summarily ordered to make the repayments for the stolen items. This consequence is wholly consistent with culturally-inspired responses identified in the literature, like utu, muru and whakaiti, which moreover assumes that crime impacts upon the collective and thus invites an appropriate response (Ruwhiu, 2009). By contrast, this response would never have been permitted to happen in the present court system for a number of reasons, the least of which being that legislation does not allow for it. Moreover, this young woman's back story would never have been heard in court, nor would she have been allowed to voice her disapproval and dispute her case. Furthermore, like most western institutions, the court system elevates and pathologises the role of the individual and minimises the role of the collective (Kruger et al., 2004). What this does perhaps highlight is the structural deficiency of a system whose influence is based merely in legislative coercion compared with an approach empowered by tikanga and the strength of relationships to achieve natural justice.

Ideally decentralised part of natural Tūhoe infrastructure

The Mending Room was identified as a potentially naturally occurring part of Tūhoe infrastructure among whānau and hapū moving forward. It is not that yet, but they are working towards it. The aim with The Mending Room pilot is to eventually train up whānau and hapū members to be able to operate the process. Therefore the professionalisation and monetarisation of caring is the very antithesis of what The Mending Room is about. The end goal is to implement The Mending Room in a natural and de-centralised approach as Kirsti Luke explained.

> *It's a very delicate balance between turning it into a programme or creating dependency around that. So we don't have a workforce. That's a unique thing about The Mending Room.*
>
> *We don't have a social work or a policing background, none of us. Deliberately. Because, again if it relied on financial resources and skilled people, we won't have enough skilled people – that's another Achille's Heel. It won't be able to stand up on its feet in a self-generating kind of a way and then we will fail to achieve what we want, which is natural infrastructure, forever.*

This intention to decentralise The Mending Room and moreover transform it into a natural part of whānau and hapū life is in distinct contrast to the current court system which the literature has described as bureaucratic and self-serving (Boulton et al., 2020), moreover an industry built on brokenness and dysfunction (Kalan, 2017).

Defies and transcends conventional measures of assessment

The Mending Room is a unique phenomenon, especially as expressed in its innately Tūhoe-centric approach, moreover its self-sufficiency and total independence of external funding. In this sense The Mending Room defies and transcends conventional measures of assessment, as Tamati Kruger explains.

> *I don't think Tūhoe has to account for it seeing we've not used anybody's money, you know? So, accountability changes – auditing these things changes when there's no money involved. Basically it's between you and the whānau, 'You happy?', 'Yeah', 'Well okay, oh that's good.' You know? When somebody says, 'Well, how's it going? I demand you that you tell me how's…' Well, I don't know why you're demanding because it's cost you nothing.*

Kruger goes on to explain that the effectiveness of The Mending Room defies conventional measures and is perhaps best described in qualitative terms.

> *Unlike Oranga Tamariki where you can say 'we've made a reduction of this many of Tūhoe children going into care, it's very hard to measure this The Mending Room – and against what? You don't know – because it is an early intervention – and the outcome of it can only be truly assessed by the people who participated in it. So, I'm quite happy to live with that.*

Long term journey based on relationship

To a lesser extent compared with other themes to emerge from the research, The Mending Room was described by a Police representative as a long-term journey based on the continued (presently three years going forward) relationship between Tūhoe personnel and Police staff.

> *A massive part is that there is a good working relationship between Police and Tūhoe. It is about people for them. I think the relationship has been really important. You*

know Police talk about 'partnerships', [whereas] Tūhoe - well not just Tūhoe - talks about 'relationships'. So they're not after a 'partnership' here – they're after a relationship – a long-term relationship. So, they don't want to have people [Police staff] come in and out. They want someone to actually go on that journey with them. They are about a journey and it's a long journey and it's at their speed and their pace. At the end of the day that's the same journey that I want to go on with them as well, so yeah, that relationship is probably the key point with Tūhoe.

Cross-cultural appeal

The cross-cultural appeal of The Mending Room, based on its people-centred approach and elevation of commitment and honour expressed through relationships, was a significant finding of the research. As Tamati Kruger observed,

In two years then, one of the things that stand out is that not only have Tūhoe whānau volunteered or preferred to come to The Mending Room, but non-Tūhoe have as well, and non-Māori have as well. So we're finding that people beyond Tūhoe - which is how we measure our effectiveness - other people are finding that they prefer that [The Mending Room] as well.

The Mending Room's cross-cultural appeal is in contrast to the present court system, which has been described in the literature as monocultural and inaccessible to minorities (Te Uepū Hāpai i te Ora - Safe and Effective Justice Advisory Group, 2019a).

Keeps people out of the system

Similar to Oho Ake and Hui-ā-Whānau, a central aim of The Mending Room is to keep people out of the system, as one participant from New Zealand Police explained.

It's an alternative to put people through an alternative resolution, basically other than putting them through court. The Mending Room is an opportunity to put people out there [Tūhoe Te Uru Taumatua], where we could find out more about THEM and their story, where court doesn't do that. The Mending Room allows us to find out what's actually going on with that person.

Compared with the court system, The Mending Room centres on the individual and places value on their story, and consequently values them as a person, as described by Police.

> *I think it's a great tool that we're able to use to get people out of the court system, where it's worked for some and it hasn't worked for others, and we actually hear that person's story. Because, it's amazing the stories that have come out, and we would never had learnt that if you'd gone to court. You would have got your community work and you would have got your penalty, and it snowballs from there.*

Short-term success when supported (relapsed offending, unsustainable outcomes)

One significant theme from the research is that The Mending Room outcomes for the people who have gone through it have been for the most part unsustainable in the long term. Moreover in terms of addressing the incidence of reoffending once the person's plan and consequences have been completed, as one participant from Police explained.

> *It appears that people seem to work really well when I give you everything. You know, 'Here's your accommodation, here's your job, here's some food in the cupboard' 'Goodo – I can work with all that'. But then we say, 'At this point here you're gonna have to just sort all that stuff out yourself,' – and a lot of people, they can't.*

It would appear that the issues and problems and needs that people are confronted with are so much wider than the narrow confines of The Mending Room or the justice system entirely.

> *I've looked through a few of the cases, and a lot of people finished the consequences – you know, they paid back the money and they did the hours or whatever – they did all that side of things. But then, we've seen offending later on. I suppose one of the problems – intrinsic problems – we have here is that the person ends up back in the same environment that they came out of. So, unless you're a strong person that has that will power to not go back to drugs, not to go and steal from Paknsave, they're gonna go and do it again.*

This inability to effect lasting change for people or significantly reduce Māori reoffending is a commonly recognised problem of the present court system (Te Uepū Hāpai i te Ora - Safe and Effective Justice Advisory Group, 2019b), which is generally ineffectual in reducing the

incidence of recidivism. The Mending Room is therefore not alone in this. However this need not detract from The Mending Room's innovative approach and positive benefits as a culturally-inspired remedy to legislative harm. The Mending Room plans and consequences moreover place people and their welfare at the centre of the process, which is a significant contrast with the present court system. Nor does the court system factor post-procedural client follow-up and welfare into their business, whereas The Mending Room is at least concerned about it. To place things in perspective, for an innovation which has only just emerged from its pilot stage into its third year of operations, The Mending Room is yet in its infancy. Compared with the inflexibility of the court system, there is ample potential and flexibility to further adapt and improve The Mending Room's processes and delivery moving forward.

5.4 The Taniwha Index revisited – an expanded view

The Taniwha Index has been applied throughout this study to reveal how an approach informed by pūrākau as a research methodology can be used to bridge the spaces between the known and the unknown, the strange and the familiar, the seen and the unseen. As applied in this study, pūrākau can provide the lens through which seemingly irreconcilable and disparate phenomena can unexpectedly make sense. Not unlike the way that random scatterings of colour suddenly form patterns when viewed through a kaleidoscope. In this study the power of pūrākau made it possible to reframe and reinterpret statutory agencies as contemporary taniwha and thereby transform and inform our perceptions of and interactions with them. An expanded view of the Taniwha Index here will elicit further insights into the culturally-inspired remedies to legislative harm at the centre of this study.

Taniwha: Te Tari Pirihimana

Location or Iwi: Ngāi Tūhoe and Whakatāne rohe

Offence: Legislative Harm

Legislative harm is expressed by Te Tari Pirihimana by way of it being the doorway into the criminal justice system (Latu & Lucas, 2008). Its innate conscious and unconscious bias (Stanley & Bradley, 2021) influences its inordinately high apprehension rates of Māori (Jones, 2016). Combined with the structural inequalities and unequal access to alternative

actions, this results in the routine over-representation of Māori within the criminal justice system (Jones, 2016). Moreover the failure to effectively address the high incidence of reoffending rates is endemic.

Mitigation: Oho Ake– a culturally-inspired intervention in the youth justice system, owned and operated by Tūhoe Hauora

The Pūaoteatatū Report alerted society to the structural deficiencies and institutional racism within the statutory child protection system. Furthermore it called for increased input from whānau, hapū and iwi into that system. This would immediately shape the Oranga Tamariki Act 1989 (which also sanctions New Zealand Police youth responses) and thereby create the opportunity within legislation for iwi, hapū and whānau intervention, moreover the implementation of the Oho Ake process. This is reflected in the whakatauākī by Te Kooti Arikirangi shortly before his death, 'Mā te ture, te ture anō e āki,' – it is only through the law that the law can be curtailed.

The Oho Ake process was only made possible through key relationships and whakawhanaungatanga. Moreover the longstanding relationship between Tom Brooks from Police Youth Aid Services in Whakatāne and Pania Hetet, veteran child protection social worker and clinical manager with Tūhoe Hauora in Tāneatua. Between them both, each possessed the required professional experience, integrity and expertise – mana - with which to leverage the appropriate levels of trust and confidence with the gatekeepers in New Zealand Police. This created an opening in the system, not unlike Te Aokehu and his māripi, through which tamariki and rangatahi could escape to freedom. So Oho Ake was born. Oho Ake uses culturally-inspired solutions to address cultural disconnection and social deprivation issues for tamariki, rangatahi and their whānau. The 2010 Letter of Agreement between Tūhoe Hauora and New Zealand Police (see Appendix 8) holds both parties to account, but figuratively performs the function of a hook through the nose, holding Te Tari Pirihimana fast.

Taniwha: Oranga Tamariki

Location or Iwi: Ngāi Tūhoe and Whakatāne rohe

Offence: Legislative Harm

Legislative harm is expressed through Oranga Tamariki in terms of institutional racism and the over-representation of Māori (Waitangi Tribunal, 2021) and general organisational incompetence and negligence. It has been criticised for harmful practices like child uplifts (Waitangi Tribunal, 2021) and coercion and manipulation as in the case of Family Group Conferences (Kalan, 2017). Moreover generations of children entrusted into State care have been subject to the trauma of cultural and family disconnection, moreover the abhorrence of physical, sexual and psychological abuse (Stanley, 2016).

Mitigation: Hui-ā-Whānau – a culturally-inspired intervention in the child protection system, owned and operated by Tūhoe Hauora

As was the case with Oho Ake, Pūaoteatatū influenced the legislation to give opportunity for increased input from whānau, hapū and iwi under the Oranga Tamariki Act 1989 – mā te ture te ture anō e āki. Public outcry also brought public pressure to bear upon Oranga Tamariki to change its ways in view of its dismal performance over decades (Expert Advisory Panel, 2015). This outcry converged with a number of timely factors to usher the Hui-ā-Whānau process into being.

As with Oho Ake, the presence of several key relationships and whakawhanaungatanga were expedient to the creation of Hui-ā-Whānau. Tom Brooks had existing relationships with Pania Hetet, Principal Youth Court Judge Andrew Becroft and Member of Parliament for the East Coast and Minister of Social Development, Anne Tolley. Anne Tolley likewise had a good relationship with Tamati Kruger, who had only recently completed Ngāi Tūhoe's Treaty settlement. This settlement included the Service Management Plan, that bound the Government to work together with Tūhoe in matters of significance, like child protection. District Commander for Bay of Plenty, Andy McGregor, had furthermore identiifed iwi partnerships as one of his strategic priorities for the district. Into this mix also came Tayelva Petley, who for years had been trying to get Oranga Tamariki to work more collaboratively with iwi. Through a pūrākau lens and approach, it is interesting to see how these 'networks' would quite literally and figuratively express 'how a net works.' The taniwha was duly ensnared therein and the rest as they say, is history.

Hui-ā-Whānau uses culturally-inspired practice including whakawhanaungatanga to help whānau to implement their own Whānau Plan to empower them and divert them away from Oranga Tamariki's harmful statutory processes. The 2016 MOU between New Zealand

Police, Oranga Tamariki and Tūhoe Hauora (see Appendix 9) likewise compels these statutory agencies into submission like a metaphorical hook through the nose.

Taniwha: Ngā Kōti

Location or Iwi: Ngāi Tūhoe and Whakatāne rohe

Offence: Legislative Harm

Legislative harm is expressed through Ngā Kōti in the over-representation of Māori (Te Uepu Hāpai i te Ora - Safe and Effective Justice Advisory Group, 2019a) and high rates of recidivism analogous to the revolving door of the court house (Klinkum, 2019). The court system has been furthermore criticised as monocultural and dehumanising, moreover foreign and meaningless (Boulton et al., 2020). The court system thus represents the commodification of offending (McCulloch & McNeill, 2007), specifically Māori offending, so yet another industry built upon brokenness and dysfunction (Kalan, 2017).

Mitigation: The Mending Room – a culturally-inspired intervention in the court system, owned and operated by Tūhoe Te Uru Taumatua

As with Oho Ake and Hui-ā-Whānau, the role of strategic relationships was also instrumental in the development of The Mending Room. In particular the relationship formed between Tamati Kruger, Kirsti Luke and New Zealand Police Commissioner Mike Bush in the wake of the Police apology to Ngāi Tūhoe for the 2007 Terror Raids was key. Likewise the relationship with Police Superintendent Wally Haumaha, general manager of Māori Pacific Ethnic Services was important. Wally had assumed responsibility for the Iwi Community Panels (rebranded later as Te Pae Oranga) as an MPES flagship project and was supportive of Tūhoe becoming involved. The Panels relied more upon policy and Police discretion rather than legislation. Police can refer offenders to the panels instead of bringing charges against them in court, which also expresses the titular whakatauākī of this study, where ‘te ture’ can also refer to law enforcement as well as the legislation – mā te ture te ture anō e āki. Furthermore the positive working relationships developed on the ground between Tūhoe and Police personnel in The Mending Room demonstrate the benefits of embarking on a journey together.

The Mending Room, empowered by Tūhoe tikanga, employs people-centred problem-solving to mitigate the legislative harm of the court system and divert people away from its harmful processes. Moreover it develops creative and mana-enhancing consequences to address the harm that has been caused and redirect people to a more aspirational place in life.

Tūhoe's independent stance, which refuses to take any government money for The Mending Room, is not only wholly consistent with their aspirations of self-determination, te mana motuhake ō Tūhoe, but is actually a very powerful position that places them beyond the intrusive ties and tentacles of Ngā Kōti and the state's collusion and control. It is this independence that empowers The Mending Room to operate with a high degree of autonomy and freedom to develop people-centred solutions with elegance and ingenuity. Furthermore, because there is no funding received by The Mending Room, there is consequently no contract or binding agreement. However on a personal level, the people referred to The Mending Room can only participate with their informed consent (see Appendix 10). Providing those people can complete their Mending Room plans, they are diverted out and away from Ngā Kōti, whose jaws have effectively been muzzled.

5.5 Research Questions answered

This section considers the accumulated findings from the multiple case studies, qualitative interviews and secondary sources of quantitative data examined during the scope of this research to address each of the Research Questions posed at the beginning of this study.

1. **How are culturally-inspired methods being used to reduce the entry and re-entry of Māori into statutory processes?**

The evidence from the research suggests that it is the intrinsic potency of culturally-inspired methods in and of themselves that is effective in reducing the entry and re-entry of Māori into the statutory processes. That said, how to create and develop the space wherein these methods can be implemented across the statutory processes in the first place is an important consideration.

Firstly, structural deficiencies and legislative harm was identified within each of the statutory agencies, typically expressed through the over-representation of Māori and monocultural practices. This problem moreover informed the hypothesis that a culturally-inspired response

would be more appropriate to address the problem, in view of the routine failure of conventional methods to provide the answers.

Secondly, latent opportunities within the existing law (The Oranga Tamariki Act 1989) for increased involvement from whānau, hapū and iwi were acknowledged and appropriated (Oho Ake and Hui-ā-Whānau). Likewise, similar opportunities within existing policy formed the basis for intervention in the court system (The Mending Room).

Thirdly, as previously stated, it is not enough simply for an opportunity to be present. It furthermore requires people to seize upon and capitalise on those opportunities, which indicates the importance of key relationships. People with key relationships and the necessary integrity, expertise and influence can achieve significant things, as demonstrated in all three of the culturally-inspired methods in this study. The people at the centre of this study were able to position themselves, not unlike how Te Aokehu positioned himself in the pūrākau of Tutaeporoporo, to engage with the system and moreover create an opening in the system through which tamariki, rangatahi and their whānau could be diverted.

Finally, it is not enough to merely have a referral system that diverts out and away from legislative harm. People need to be sufficiently equipped, empowered and supported to make the necessary changes and transformation so that they do not end up enmeshed in the system again. But even if they do, all is not lost. As the research indicated, wellbeing is a journey. Transformative and culturally-inspired practices and practitioners have the time, patience and skills to support that transition (Oho Ake and Hui-ā-Whānau). Investing more time at the front end of the relationship through whakawhanaungatanga increases the chances of success in the long run. Furthermore the absence of time constraints allows people as much time as they need to effectively and authentically engage in the process. Authentic engagement, trust and confidence will take as long as it takes. The Mending Room, by comparison, does not have a lengthy opportunity for whakawhanaungatanga with people when they first arrive there, although there is an extended period of time for relationship building with the facilitator and personnel afterwards when they are completing their plans.

2. What makes a culturally-inspired method effective?

As mentioned previously, culturally-inspired methods are intrinsically effective in themselves, particularly when used in a kaupapa Māori space by competent practitioners.

Significantly, culturally-inspired methods also resonate with people of other cultures and ethnicities as described in the research (Becroft, 2009). That said, there are a number of factors that enhance the efficacy of culturally-inspired methods and improve the chances of their success.

Culturally-inspired methods work best when practitioners have the autonomy to implement them without interference. As Brooks (2017) suggests, it requires statutory agencies to trust Māori organisations and relinquish power and control. A common feature of all three culturally-inspired interventions in this study is that the statutory agencies could in no way impinge upon, dictate or influence the terms of the culturally-inspired interventions implemented by Tūhoe Hauora and Tūhoe Te Uru Taumatua. Once a person was referred through to them, the statutory agencies had a distinctly diminished influence in the process.

The second consideration is that culturally-inspired methods work best without time constraints, where sufficient time is available for a whakawhanaungatanga or 'getting to know each other' process. Whakawhanaungatanga helps to achieve authentic engagement as it elevates the role of the person and moreover honours their whakapapa and back story. This in turn enhances connection as demonstrated in Oho Ake and Hui-ā-Whānau. The Mending Room is likewise honouring of whakapapa and connection, but has less 'up front' time in which to achieve it due to the limited window in which they have to intervene in the court process. The whakawhanaungatanga process yields a number of benefits including authentic connection between practitioners and referrals; positive engagement in the culturally-inspired process; fierce advocacy on behalf of whānau and a quality of relationship and connection that extends beyond the finite parameters of the case being closed. Whakawhanaungatanga moreover creates a high trust environment whereby whānau are more inclined to disclose deeper underlying issues beyond the initial concerns they presented with in the first place (Kalan, 2017).

The third consideration that makes culturally-inspired methods effective is similarly based in whakawhanaungatanga, and that is the high degree and frequency of contact between the iwi practitioners and whānau. Once whānau had entrusted themselves into the iwi provider's care, practitioners were in frequent contact with them to maintain the momentum and keep up the support. Practitioners furthermore used a range of communication forms to keep in touch with whānau including text, email, phone and online social media platforms (Kalan, 2017). This high level of contact with whānau is in contrast to the bare minimum approaches to

whānau contact practiced by the statutory agencies which moreover makes it easy for whānau to fall through the cracks (Kaiwai et al., 2020). The agility and frequency of contact employed by iwi practitioners is all but necessary in the impermanent, unstable and temporary living arrangements which vulnerable and transient whānau move about in. Compared with the statutory agencies, the iwi practitioner's ability to make contact with whānau is not limited to business hours between nine and five from Monday to Friday. This high contact with whānau by iwi providers furthermore builds and reinforces the relationship, as highlighted in the literature.

> With each interaction between the Tūhoe Hauora practitioner and the whānau an additional layer of whakawhanaungatanga was woven between the parties, thereby enhancing mana and strengthening the ties and the relationship between them (Kalan, 2017, p. 95).

A final consideration with culturally-inspired methods is that since there are no time constraints, whānau can progress at their own pace and in their own time. This furthermore reinforces the notion that wellness is a journey which will necessitate as much time as required. The insistence on meeting deadlines and professionals' schedules in the statutory agencies can put undue pressure upon whānau and coerce them into compliance. The potential danger of which, is that engagement is merely superficial and not genuine. Moreover whānau only comply with the professional's predetermined outcomes to avoid being unduly penalised (Kalan, 2017) and be over and done with the process.

Since wellness and wellbeing is treated as a journey, every incremental step along the wellness continuum can be celebrated. Viewed in this way, even setbacks and stumbles can be accepted as a normal part of life's journey. The fact that a person can be still willing to get back up and carry on is likewise cause for celebration. The power of whanaungatanga is that, when your whanaunga stumbles and falls, as we all do, they remain whānau nonetheless.

3. What distinguishes culturally-inspired methods from conventional approaches?

In addition to the features identified previously, there are several characteristics which distinguish culturally-inspired methods from conventional approaches. The most obvious distinction, that conventional approaches are largely monocultural and the culturally-inspired methods in this study are not, is literally stating the obvious. Neither is it a constructive

observation. While it may simply confirm that these two different approaches are quite literally worlds apart, a closer inspection is necessary.

One defining feature of culturally-inspired methods is the prominence of relationships, moreover a rationale and practice grounded in a people-centred ethos. In a culturally-inspired response, it is people who come first. Conventional approaches like those expressed through statutory agencies are mostly driven by their institutional processes. One observation is that whereas dysfunction in a key relationship can be a catalyst for harm in an individual and whānau (e.g. absent or abusive parent), conversely, the growth of healthy and healing relationships can kickstart the process back to wellbeing. Culturally-inspired practitioners journey together with whānau, whereas with conventional approaches, in most cases the statutory agency maintains professional aloofness and whānau are generally left to sort things out for themselves. There are exceptions of course, for example, based on my own personal observations, where particular individuals within the statutory agencies can move above and beyond the confines of their roles to express empathy, understanding and oftentimes practical expressions of care.

With conventional approaches there is an intrinsic power imbalance between the statutory agency and the person or whānau, where one party assumes the power to do and the other party is the passive recipient. Typically, if one person is the professional, then the other by implication must invariably be the client. These prescribed roles can only result in prescriptive measures, with each actor playing out their scripted part. Culturally-inspired methods on the other hand, encourage and advocate self-empowerment and independence for whānau, recognising that assumed helplessness and a victim mentality simply plays into the dominant narrative of the system (Waititi, 2019).

Finally, culturally-inspired methods accept and celebrate indigenous values, practices and ways of knowing as a given. Culturally-inspired responses are normalised and elevated without apology. Although increasing cultural disconnection is a reality for vulnerable whānau, the major benefit of a culturally-inspired approach is that the people being helped feel more comfortable and can freely relate to culturally-inspired practice. Culturally-inspired responses likewise enhance standard social work practices, enhancing access and engagement. The interaction and engagement with understanding practitioners aligned to a culturally-responsive approach is a welcome reprieve from the routinely frustrating and intimidating encounters with the State (Kaiwai et al., 2020). Culturally-inspired methods are

safe spaces for tamariki, rangatahi and whānau to simply be, where their cultural norms and nuances are understood, validated and moreover celebrated. By comparison, a similar level of engagement may be observed within the tertiary sector in Aotearoa, where a chief incentive for indigenous tertiary students attending whare wānanga is the prerogative for their culture to be fully received and accepted, moreover appreciated and understood. In addition, dispensing with the need to clarify one's position and explain the rudimentaries of an indigenous worldview to uninformed educators and supervisors, as can sometimes be the case with mainstream institutions. The high level of engagement in culturally-inspired methods furthermore minimises the chances of tamariki, rangatahi and whānau reappearing in harmful statutory processes. What the research demonstrates overall is that culturally-inspired methods can mitigate legislative harm more responsively, economically and permanently, than conventional approaches.

5.6 Significance of the findings

The results of this research are significant for several reasons. This section examines the implications of those results and the relevance of the outcomes.

5.6.1 Culturally-inspired remedies to legislative harm

The primary outcome of this study substantiates the opening assumption that culturally-inspired remedies are an effective response to legislative harm. Not only do the results confirm the theories of Ruwhiu (2009), Kruger et al., (2004) and others (Kaa & Milroy, 2001; Moyle, 2013; Williams, 2013), that Māori whānau and individuals respond best to culturally-inspired practices, but the evidence furthermore verifies Pūaoteatatū's assertion that culturally-inspired responses can also be engaged to effectively intervene in and mitigate harmful legislative processes (Ministerial Advisory Committee on a Māori Perspective for the Department of Social Welfare, 1988). This outcome in itself is significant, moreover addressing the gap identified in the literature where, with the exception of two examples of child protection arrangements Oranga Tamariki had with iwi (Mokopuna Ora and Caring for our Tamaiti Mokopuna), the practical application and evidence for culturally-inspired intervention in statutory frameworks was notably absent. This result suggests there are practical implications for further studies and raises questions as to how culturally-inspired interventions might be further replicated. Moreover, why hasn't the uptake of culturally-inspired interventions across statutory frameworks been more widespread? Furthermore re-

examining established considerations of power, equity and control, especially as it relates to the interplay between indigenous communities, in particular whānau, hapū, iwi and the State. The major implication of these results is that the System can be bypassed. The jaws of the taniwha can be muzzled.

5.6.2 Towards a concept of legislative harm

This research furthermore proposed and developed a working concept of 'legislative harm', moreover locating it in proximity to, yet distinct from, theories of structural violence, legal violence and structural evil. Legislative harm was described as having its origins in statutory breaches of Te Tiriti o Waitangi and the colonisation of Aotearoa. Legislative harm continues to be expressed today through harmful legislation and exposure to statutory agencies and their processes. Legislative harm moreover describes the inherent hurt or detriment experienced by individuals or groups in the course of being subject to statutory processes and agencies. While there may potentially be other ways to address legislative harm, the results do demonstrate that it can be mitigated by culturally-inspired remedies. The practical implications of this result suggests there is wider scope to further apply the concept and moreover survey the parameters of legislative harm. Where else can it be identified? What other opportunities exist for further studies on legislative harm? What other taniwha are out there? Are there other ways in which statutory frameworks can be engaged? Must the relationship with legislative frameworks be as adversarial as Te Kooti prophesied – *mā te ture te ture anō e āki?* Or does potential exist for a diversity of responses, as Te Whānau a Apanui chair, Rikirangi Gage suggests? *"Ka kuhuna atu te ture hei matua mō te pani me te rawakore,"* meaning, one may enter and engage with the legislative environment to be a father to the orphaned and needy (Personal communication).

5.6.3 Te mana motuhake o Tūhoe

There was some anticipation at the beginning of this study that the examination of these culturally-inspired methods could demonstrate how practical aspects of te mana motuhake o Tūhoe, Tūhoe self-determination, could begin to be expressed in the interface between Tūhoe aspirations and the reality of present State control. The results of the study demonstrate precisely that. Culturally-inspired interventions in statutory processes effectively bridge the gap between total State monopoly and Tūhoe's emerging steps towards independence in a post-settlement reality. This reflects the sentiment of working together with the Crown

towards Tūhoe aspirations as documented in *Nā kōrero Ranatira ā Tūhoe me Te Karauna* (Ngāi Tūhoe, 2011). These results similarly demonstrate the imperatives documented in the *Ngāi Tūhoe Service Management Plan* (2011), in particular, building Tūhoe capability and capacity, moreover working together with the State towards improved outcomes for Tūhoe tamariki and rangatahi. The results are furthermore consistent with the aims and values expressed in *The Blueprint: New Generation Tūhoe Authority*, particularly in regard to the freedom to raise children and mokopuna in accordance with Tūhoe paradigms and practices (Tūhoe Establishment Trust, 2011).

The results furthermore filled the gap identified by Herrmann, in particular the inadequacy of the State's responses to provide culturally-appropriate reforms and increased participation of whānau, hapū and iwi (Herrmann, 2016). As the results of this study have shown, this is a task the State is ill-equipped for and mostly unwilling to do. Moreover the State has been described as an unwelcome intrusion into whānau affairs (Kalan, 2017). As the results suggest, in view of its harmful legislative processes, it is generally more feasible for the State to relinquish power and control to iwi and make space for the implementation of culturally-inspired responses.

The results likewise demonstrate two of William's (2010) threefold criteria for te mana motuhake ō Tūhoe, specifically as it applies to Tūhoe people in terms of tikanga and whakapapa. Moreover self-determination, the ability for Tūhoe to establish its own processes and structures to attain its own aspirations. Considering Tamehana's threefold forecast as to how Tūhoe self-governance would manifest itself through dependence, co-dependence or independence (Tamehana, 2013), the results are more open-ended. Tūhoe Hauora operated Oho Ake in the initial stages without government funding. Conversely based on the success of Oho Ake, funding for Hui-ā-Whānau was subsequently made available. Tūhoe Hauora maintained control and ownership of both processes either way. The Mending Room is self-funded, which provides a certain level of autonomy, although it is still required to operate within specific parameters as determined by Government.

Regardless of the various interpretations of Tūhoe self-determination, the results of this study meets the gap in the literature by revealing practical concrete examples of how that self-determination can begin to be implemented and moreover reclaimed from the control of statutory processes. The results moreover contribute to these considerations of Tūhoe self-determination, particularly in regard to the significance of whānau empowerment and whānau

self-determination, as demonstrated in Oho Ake and Hui-ā-Whānau. The role of whānau self-determination and whānau empowerment was conspicuously absent from the available literature pertaining to te mana motuhake ō Tūhoe. This has implications for how Tūhoe self-determination is definitively understood and expressed. Moreover raising the question as to where does self-determination begin? Does self-determination originate only at iwi level and thereafter filters down to hapū and whānau? Or does self-determination start at the individual and whānau level and thereafter expands through to hapū and iwi? While the word 'self' may provide a good head start, such exploration is beyond the scope of this study.

5.6.4 Self-determination and devolution

Similarly, considerations of the relationship between self-determination and devolution were not contingent upon this study, which merely confirmed that assumption from the outset. That said, the culturally-inspired responses in this study might represent a somewhat limited transference of power and authority from a higher order of government (Smith, 2002), but the connection is tenuous at best. The Mending Room intervenes in the Ministry of Justice framework, yet receives no funding, nor the proverbial strings attached, which distinguishes it from the models of devolution identified in the survey of the literature. Likewise the Oho Ake and Hui-ā-Whānau processes have been the recipients of state funding, yet at other times have not been. Moreover that the justification for their intervention in New Zealand Police and Oranga Tamariki processes is actually based in existing legislation (Oranga Tamariki Act 1989) is a compelling argument quite separate to the considerations of devolution explored in the literature.

While the culturally-inspired methods in this study presented opportunities for culturally-responsive programmes and capacity-building as identified in the devolution research (Rae, 2009; Kalan, 2017), they equally lacked the constraints and imposition of non-indigenous criteria and models described therein as a potential hazard (Rae, 2009). In contrast to the commonly held perspectives of devolution described in the literature, the culturally-inspired methods in this study sit well beyond the wider considerations of how the conventional transfer of government power and authority transpires.

As mentioned earlier in the study, rather than wait for permission or power and authority to be devolved from on high, in terms of the culturally-inspired interventions in this study, it has simply been coerced and prised out from under State control. Regardless of the specific

considerations of devolution and self-governance, the practical implications of the results of this study simply reinforce and validate the case for increased devolution and culturally-inspired intervention in statutory frameworks.

During the course of this study Ngāi Tūhoe experienced a measure of internal conflict and disunity which gained significant publicity in local and national media (Jones, 2021). Among other things, this highlighted the variances in opinion as to what te mana motuhake ō Tūhoe is and furthermore, who has the mandate to define what it means. Moreover, who speaks for Ngāi Tūhoe? Does the mandate sit with whānau and hapū, or does it sit with the mandated post-settlement governance entity? The examination of such political considerations are beyond the scope of this study, albeit the practical implications of the results of this study are directly relevant to Tūhoe self-determination.

> Mana motuhake is a political stance that supports the retention and restoration of power and control by Tūhoe over all matters pertaining to Tūhoe (Tūhoe Establishment Trust, 2011 p. 12).

Suffice to say, regardless of how Tūhoe self-determination is ultimately defined or manifested, the results of this study demonstrate the practical application of how culturally-inspired responses can effectively intersect and bridge the space between State domination and iwi aspiration.

5.6.5 Pūrākau as research methodology

This study was informed by pūrākau as a research methodology. In particular, generationally transmitted narratives about taniwha were juxtaposed with their metaphorical contemporary counterparts – in this case statutory agencies – to reveal unique insights and possibilities. The research posed the theory that if statutory agencies could be metaphorically reinterpreted through pūrākau as contemporary taniwha, based on their characteristics and behaviours, then perhaps pūrākau could likewise provide vital clues as to how to best mitigate and overcome them. The internal thought process whereupon I arrived at this conclusion was in a constant state of flux throughout the research process and the concept was furthermore distilling and percolating until late in the study. The end product of that process is a problem-solving model, *Titiro Whakamuri, Kōkiri Whakamua, (Look back to advance forwards)* that demonstrates how problems might be re-interpreted through pūrākau to identify potential

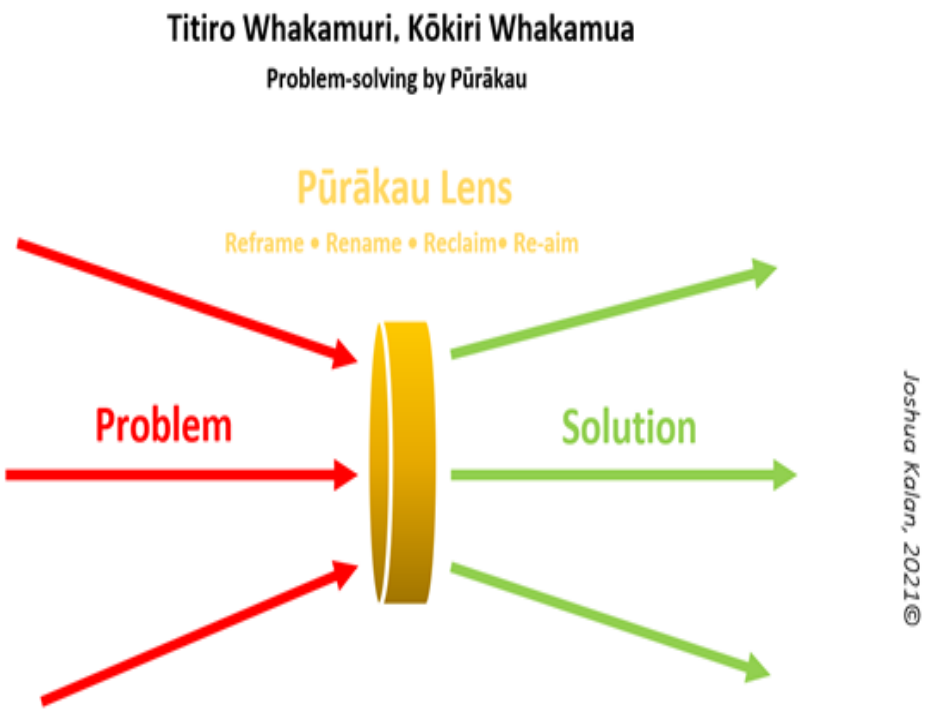
solutions. It moreover describes a process by which pūrākau might inform and impact upon contemporary phenomena.

The model assumes a working knowledge and repertoire of pūrākau. A given problem is analysed and extrapolated to identify its composite parts and defining features. This is then juxtaposed across a range of contexts until parallels with a known pūrākau category or type is identified. For example, defining features of the statutory agencies were compared with taniwha. The problem is then re-interpreted and filtered through the lens of pūrākau (through a process of reframing; renaming; reclaiming and re-aiming), by which an appropriate solution may be identified:

- Reframing – the problem is reframed as its pūrākau narrative counterpart.
  In this study legislative harm was reframed as a taniwha problem.
- Renaming – the problem is renamed as its pūrākau narrative counterpart.
  The problem was reinterpreted, reclassified and redesignated accordingly.
- Reclaiming – the power and occasion to re-engage with the problem is reasserted.
  Pūrākau about taniwha provided new insights as to how to approach the problem.
- Re-aiming – efforts to address the problem are focused through the new narrative.
  The problem is re-engaged according to the new insights e.g. The Taniwha Index.

Reframing the statutory agencies as taniwha in this study, based on the utility of The Taniwha Index, was an appropriate response. Pūrākau moreover demonstrated that our tīpuna had numerous unique and innovative ways of dealing with the taniwha which beset and harassed them. Furthermore demonstrating that pūrākau is a viable research methodology with which to inform future studies. The practical implications of this are potentially widespread. In an indigenous oral tradition replete with pūrākau, how else and where else could pūrākau as research methodology be applied? What other taniwha remain to be identified and examined? What other worlds remain to be explored? What other contemporary phenomena, moreover problems, could benefit from a pūrākau approach?

Figure 16. Titiro Whakamuri, Kōkiri Whakamua



5.6.6 Kaupapa Māori and Kaupapa-ā-iwi

The advent of Kaupapa Māori theory in the early 1990's had a pivotal role in advancing and validating indigenous knowledge in Aotearoa and reclaiming Māori pedagogy and teaching philosophies, as reflected in the development of kura kaupapa Māori (Calman, 2021). Kaupapa Māori theory was a pioneering movement that championed Māori knowledge and ways of knowing, moreover creating the methodological space and platform which launched a generation of indigenous scholars and academics in Aotearoa. With the passing of time it was only natural to see kaupapa Māori theory develop into more nuanced iwi-specific responses as iwi began to reassert their mana and rights to determine their future in post-colonial Aotearoa. This was particularly the case as iwi began to settle their individual Treaty claims and thereafter enter into post-settlement phases of development. Moreover looking to the prosperity and wellbeing of their people. Iwi-centred language revitalisation strategies such as Ngāi Tahu's *'Kōtahi Mano Kaika'* and Te Wānanga ō Raukawa in Ngāti Raukawa are examples. It is only natural then, that kaupapa Māori theory would inevitably

lead to an increased focus on identifying and developing iwi-centric ways of knowing, or kaupapa-ā- iwi, which, as Smith (2015) explains, ultimately derives from whānau, hapū and iwi. The theme of kaupapa-ā-iwi came through strongly in the results, particularly in relation to The Mending Room, where it was unequivocally maintained that The Mending Room was an openly Tūhoe tikanga, rather than a generic Māori tikanga, or a kaupapa Māori, as Tamati Kruger explained.

> *I would say to you straight away that The Mending Room is not a Māori tikanga. It's not a kaupapa Māori – this is a Tūhoe tikanga. This is a tikanga of Tūhoe. We don't know what 'Māori' is, and often we find ourselves competing with kaupapa Māori.*

Kaupapa Māori can be at odds with and in competition against tikanga-ā-iwi, especially as it relates to government constructs, as Tamati Kruger elaborates.

> *So the Education department says to me, 'No, we don't do Tūhoe reo, we do Māori reo.' So I'm now competing with everybody because that there [Māori] is a brand that's owned by the Crown. The Crown pays you to train in it, the Crown is in charge of the qualification of it, the mandating of it, the monitoring of it and the assessing of it. You're just a contributor or a participant – you're not in control.*

The Crown's preference to engage solely with terminology which moreover reduces all Māori to a generic and homogenous group was furthermore identified by Tamati Kruger as a government tactic to overshadow and marginalise the centrality of iwi.

> *Institutions who respond and exist to meet the Crown's priorities also take on the Crown's language. So the Crown is there to serve the needs of what it calls 'Māoris'. If that gets too hard, they say 'individual citizens of New Zealand, who happen to have Māori ethnicity'. So they will go around 'Iwi'. Once you start talking 'Iwi' their power is gone – the Crown's power is gone. So the Crown will talk 'Māori, Māori, Māori', and if that doesn't work, they then say, 'Māori people, individuals, ratepayers, taxpayers, citizens.*

The implications of these results is potentially wide-ranging, particularly for iwi efforts towards self-determination. The commonly recognised etymology of the word 'Māori' would suggest precisely that, moreover that which is normal, generic and ordinary (Royal,

2006). It indicates a non-specific, generalised and innocuous label, disconnected from the context of time and place. The term moreover gives the Crown agency to adopt blanket approaches to indigenous engagement.

One example is when New Zealand Police changed tact from advocating *'Iwi Crime and Crash Reduction Plans'*, as adopted by Te Arawa, Ngāpuhi, Ngāti Whātua and Tainui (Radio New Zealand, 2013), to implementing *'The Turning of the Tide'* national prevention strategy, to engineer a generic Māori response (New Zealand Police, 2012).

Conversely, the minute that the terminology acknowledging iwi and hapū is engaged, the illusion and pretence of Crown dominion is dispelled. To recognise iwi and hapū is to ground and contextualise the conversation in historical time and space. To engage with iwi and hapū is to reference whakapapa and whenua, moreover the sovereignty of tangata whenua. To thus acknowledge the sovereignty of tangata whenua, is to call the Crown into question.

5.7 Limitations

This section identifies and discusses the limitations of the research.

The absence of tamariki and whānau as research participants in the research interviews is a clear shortcoming of the research. The involvement of tamariki and whānau interview participants could have offered a more layered and nuanced perspective from which to inform this study. That said, the utility to interview tamariki and whānau was to prove problematic for a number of reasons. Due to the sensitivities and legal constraints of confidentiality concerning tamariki and whānau engagement in the statutory processes (Oranga Tamariki and New Zealand Police), direct engagement with tamariki and whānau was not available. Secondly, from a kaupapa Māori research position, it was the Tūhoe Hauora practitioners, not I, who had the relationship with tamariki and whānau based on whakawhanaungatanga. Moreover my role as an employee with New Zealand Police could have been perceived as a conflict of interest and potentially unsafe for tamariki and whānau. Ironically, exposing them to such a risk would have qualified as 'legislative harm', moreover an intrusion. Notwithstanding the ethical risks to me and my learning institution.

An additional obstruction to tamariki and whānau participation in the research interviews came by way of the unfortunate timing of the global Covid-19 pandemic, that saw Aotearoa locked down at Covid Level 4. This disrupted my contact with Tūhoe Hauora practitioners and likewise impacted their engagement with tamariki and whānau, though they did well to maintain significant levels of support during lockdown. By the time Aotearoa had returned to Covid Level 1, the momentum of Tūhoe Hauora's tracking with whānau, moreover the momentum of this study, had all but ground to a halt. Despite this shortcoming, the absence of tamariki and whānau interviews does not adversely affect the generalisability of this study when considered alongside the evidence from practitioners' interviews, the case studies and secondary sources of data. All methods point to the same results.

Likewise with The Mending Room, whereas the study could have benefited from interviews with its 'guests' or 'manuhiri', privacy constraints precluded this. Covid-19 also impacted upon the ability to conduct interviews when The Mending Room was suspended during lockdown and ensuing months when Police personnel changed. Furthermore due to the limited opportunities for whakawhanaungatanga with The Mending Room personnel, it was difficult enough for them to develop a rapport with their manuhiri, let alone an external researcher. This absence of the manuhiri's perspective was mitigated somewhat by Dr. Simone Bull's inclusion of their narratives in her draft report, which I refrained from including due to considerations of sensitivity and the 'tapu' nature of the disclosure of their kōrero. I simply did not have the right or permission to reproduce those kōrero. Moreover those narratives outline their personal backstories and history of offending, rather than their experiences of The Mending Room process.

Again, the absence of the manuhiri's perspective in the research does not detract from the generalisability of the results, nor the versatility and innovation of The Mending Room, which according to the research lies with its autonomy to apply person-centred problem-solving and creative consequences, moreover a response planted firmly in the tikanga of Ngāi Tūhoe. Having had time to reflect on these limitations, one potential method to mitigate the absence of tamariki, whānau and 'manuhiri' perspective would be to use surveys or questionnaires, although these methods may not resonate with vulnerable whānau (Te Puni Kōkiri, 2015). Another more viable method would be to enlist the help of Oho Ake, Hui-ā-Whānau and The Mending Room personnel and have them conduct the interviews, subject of course to ethics approval. While this would perhaps only qualify as secondary sources of

data, the added benefit would be the established relationship and whanaungatanga between tamariki, whānau and practitioner.

The use of quantitative methods of primary data collection were not used in this study, but could be used to enhance future studies. This would be particularly useful in comparing the rates of recidivism between conventional and culturally-inspired methods.

The other limitation of this research is that this study centres solely upon culturally-inspired remedies to legislative harm as they are expressed at a local level, in the Eastern Bay of Plenty, moreover Whakatāne. In terms of how this study reflects a modern taniwha pūrākau narrative, this is a tale of how local heroes have confronted local taniwha. Meaning that the culturally-inspired remedies in this study have only intervened the statutory agencies at a local level. The taniwha have only been mitigated locally, not at a national level. Down the road in other districts, towns and cities these taniwha are alive and well and still terrorising the neighbourhood.

The generalisability of the study is verified, however, for example, with the counterparts of Oho Ake which have been replicated in Tauranga Moana with 'He Kanae Rere' with Ngāti Ranginui; 'E Tipu ā Tai' with Whakatōhea in Ōpōtiki; Tūwharetoa ki Kawerau in Kawerau and Te Whānau ā Apanui in Te Kaha. Plans to replicate Oho Ake in Ōtepoti between New Zealand Police, Te Kāika iwi service provider and Te Rūnaka o Ōtakou have been underway for some time now with a start date pending. Whereas these taniwha remain unaffected at a national and strategic level and continue to operate as normal (e.g. New Zealand Police; Oranga Tamariki, or The Courts of New Zealand) the results highlight the unique opportunities for local heroes to meet these localised challenges head on.

This study perhaps demonstrates that these taniwha can only be engaged at a local level. To combat them at a nation-wide level is to perhaps invite parallel institutionalism which for one, does not exist and secondly potentially threatens to replace one system of taniwha for another. Based on the examples in this study, in practical terms, replicating these culturally-inspired responses would require a qualified and capable social service provider, equally capable and instrumental personnel within the respective statutory agencies and the willingness to make the necessary changes in process. More importantly, an established and close working relationship with each other, or at least the willingness to begin that journey.

Yet another clear distinction between the taniwha in this study and the taniwha of traditional pūrākau and oral narratives is that those taniwha were typically disposed of conclusively and in quick order. Once a plan of attack was hatched, those taniwha were dispatched with rather decisively. Whereas the contemporary taniwha in this study have simply been 'mitigated' as the results indicate. That said, the Taniwha Index, based on the utility of pūrākau, was an intuitively appropriate framework from which to conceptualise the research problem. Whereas the Taniwha Index was used in this study as a conceptual framework in which to examine existing culturally-inspired remedies to legislative harm, future studies could also test the utility of the Taniwha Index as a problem-solving model to identify and engage further contemporary taniwha beyond those examined in this study.

5.8 Chapter Summary

This chapter provided some further discussion around the key themes and issues identified in the findings. This included discussion around the interpretation of the findings, the implications of those findings and identified some of the limitations of the research. The chapter also introduced a problem-solving model, *Titiro Whakamuri, Kōkiri Whakamua*, based on the utility of pūrākau.

The next chapter summarises the thesis, *'Mā te ture, te ture anō e āki: Culturally-inspired remedies to legislative harm,'* with recommendations and a recap of the main points of the study and its contribution to the literature and wider body of knowledge. The chapter will conclude with a summary and overall conclusion to the research.

CHAPTER SIX

CONCLUSION

Te tūāpapa i raro nei, maiangi ake,	*Let the foundation below here arise,*
Kia au te toka i raro nei,	*Let the rock below here ascend,*
Maiangi ake ki runga nei,	*Arise here above,*
Kia au ki tō kauhou i tū ai koe,	*Ascend to your master who has halted you,*
I rere ai koe ki te mokopu-o-rangi,	*Arise to the surface of daylight,*
Ko koe, koia, hikitia!	*It is you that is levitated!*
Ko koe, koia hapainga!	*It is you that is upraised!*
Tangi te tō, hiki! ē! ē!	*How the hauling resounds! Arise!*

Te Aokehu's karakia to raise Tutaeporoporo from the depths.

(Kauika, 1904, p. 93).

6.0 Chapter Introduction

The previous chapter provided discussion around the key themes and issues identified in the findings. This included interpretation of the findings, the implications of those findings and identified some of the limitations of the research. The chapter also introduced a problem-solving model, *Titiro Whakamuri, Kōkiri Whakamua,* based on the utility of pūrākau.

This chapter summarises the thesis, *'Mā te ture, te ture anō e āki: Culturally-inspired remedies to legislative harm.'* A conventional chapter by chapter synopsis has been omitted in favour of a general approach which succinctly ties the chief arguments of the study together. This chapter includes a recap of the research questions and main points of the

study, a summary and reflection on the research and recommendations for future research. Contributions to the body of knowledge and further research is identified, in addition to some consideration of the significance of the research. This will close the chapter in an overall summary and conclusion to the research.

6.1 Research questions solved

This research began with the problem of how the criminal justice and child protection system in Aotearoa New Zealand is broken, dysfunctional and hostile towards the needs and well-being of Māori. The System is largely monocultural, and consequently Māori are over-represented in negative statistics. Systemic hostility to Māori is expressed through statutory agencies by way of legislative harm, which originated with the oppressive colonial application of the law initially used to bring the indigenous population into subjection to Crown rule and dispossess them of their lands. Legislative harm maintains and extends that subjection and oppression to the present day through the intrinsically damaging exposure to the statutory system and its agencies.

This research gave insight into the ways that three specific culturally-inspired remedies (Oho Ake, Hui-ā-Whānau and The Mending Room) are being used in the Whakatāne region of the Eastern Bay of Plenty to address this problem across three distinct statutory frameworks (New Zealand Police, Oranga Tamariki and The Courts). In so doing, divert Māori away from harmful legislative processes and halt the descent of whānau and individuals into the entanglement of 'The System'.

The research questions and answers are reproduced here in brief.

1. **How are culturally-inspired methods being used to reduce the entry and re-entry of Māori into statutory processes?**

   In response to the routine failure of conventional methods to provide solutions to legislative harm, the culturally-inspired responses in this study exploit the latent opportunities within existing law and policy as the basis for intervention and increased involvement from whānau, hapū and iwi. Key people in pivotal relationships positioned themselves to capitalise on and seize these opportunities to create a critical change in New Zealand Police, Oranga Tamariki and the Court's statutory processes. Moreover

interventions through which vulnerable individuals and whānau are diverted away from harm into culturally-responsive support and practice.

2. What makes a culturally-inspired method effective?

Intrinsically effective in themselves, culturally-inspired methods work best when used in a kaupapa Māori space by competent practitioners who have the autonomy to implement them without interference or time constraints. Authentic engagement based on whakawhanaungatanga and the high degree of contact from practitioners empowers whānau and individuals to journey towards wellbeing at their own volition and pace, free from statutory agency coercion.

3. What distinguishes culturally-inspired methods from conventional approaches?

Whereas conventional approaches are largely process-driven, culturally-inspired methods are people-centred based on the primacy of relationships. Culturally-inspired practitioners journey together with whānau, whereas with conventional approaches whānau are generally left to sort things out for themselves. Conventional approaches maintain the inherent power imbalance between the statutory agency and the person or whānau, whereas culturally-inspired methods encourage and advocate self-determination and independence for whānau. Culturally-inspired methods accept, normalise and celebrate indigenous values, practices and ways of knowing as the status quo. Culturally-inspired methods enhance standard social work practice, improving access and engagement for whānau.

Culturally-inspired remedies are an effective solution to legislative harm based on their capacity to intervene and divert individuals and whānau away from harmful statutory processes and on to journeys of wellbeing. The potency of culturally-inspired remedies centres upon culturally-specific frames and nuances. In particular, whakawhanaungatanga and tikanga, reinforced with sound cultural practice. This approach may take more time and effort to establish with whānau in the initial stages compared with conventional approaches, but it results in more meaningful and permanent outcomes in the long run. Culturally-inspired remedies promote whānau self-determination and empowerment beyond the reach of statutory agencies and legislative harm.

6.2 Summary and reflection on the research

6.2.1 Rationale for the research approach

I embarked upon this research for a number of reasons. As a 'non-sworn', or civilian employee of some sixteen years in New Zealand Police I have observed first-hand the legislative harm described in this study. Moreover at times I have been on its receiving end. On the other hand, I have also been in a position with others to begin to turn this dismal situation around. The culturally-inspired remedies in this study are an example. Having had some influence in the development of these responses as described in the research, I acknowledge more than a passing interest and some gratification in their success. The process to get these interventions off the ground was challenging at times, but worth it in the end. To see the significant results has been equally rewarding. Oho Ake is still operating almost twelve years since its inception, as is Hui-ā-Whānau over six years on. The Mending Room is nearing its fourth year moving forward. The significance of what has been achieved by a small band of singular individuals needed to be acknowledged and documented. The potential to consign this task to another was therefore untenable. Given my unique insider position and indigenous researcher vantage point, I believed the challenge of documenting this journey was mine to accept. Moreover expediting my timely return to post-graduate studies.

Another compelling reason for undertaking this research was, as a Tūhoe researcher, the opportunity to explore these culturally-inspired methods as operated by Tūhoe organisations. Furthermore, how the development of these interventions could inform the process and development of Tūhoe self-determination – te mana motuhake ō Tūhoe. Moreover forecasting what I had long anticipated was the necessary interface and 'space between' continuing State dominance and fledgling Tūhoe independence, as proposed in the Service Management Plan. Whichever pathway to independence that Tūhoe eventually settles upon, it is not likely to happen overnight, nor indeed has it happened yet. Moreover it will likely involve a sequential progression from dependence to co-dependence to independence as described by Tamehana (2013). Furthermore demonstrated by the progressively evolving composition of the Te Urewera Board membership (Te Urewera Act 2014).

The significance of this study is that it demonstrates that Tūhoe organisations are able to intervene where statutory agencies have routinely failed, and rescue individuals and whānau from legislative harm.

6.2.2 Results and expectations

In terms of my expectations, the results of this study have generally emerged as anticipated. Positioned as I have been over a number of years to observe the development of these culturally-inspired remedies to legislative harm, the results were not unexpected. The only exception to this has been the high incidence of reoffending post The Mending Room, which has been disappointing, but perhaps only in terms of my wounded Tūhoe pride. By comparison the conventional court-based approach is detrimentally flawed, demeaning to its participants and fares worse at reducing recidivism rates. Furthermore as described in the results, personal transformation substantively depends on an individual's own willingness to seize the opportunity to begin to turn their life around. It was therefore unrealistic of me to assume that The Mending Room could affect such a dramatic turnaround in such a limited window of opportunity. In my opinion however, with the benefit of people-centred problem-solving and the autonomy to implement creative consequences, The Mending Room is off to a promising start. What remains now perhaps is to ideally develop a process of follow-up support and reintegration for its manuhiri thereafter.

Furthermore, having become somewhat familiar with the Hui-ā-Whānau process during my Masters research also informed my outlook of the potential results of this study. These expectations also have generally been met. The results have basically validated my hypothesis that culturally-inspired remedies to legislative harm are more meaningful, effective, economical and permanent than conventional approaches.

6.2.3 Effectiveness of chosen methodologies

In view of the results and my experience of the research process overall, and for the reasons that follow, I consider that the research methodologies employed in this study were appropriate to the task. These findings moreover have implications for theory and future research.

Kaupapa Māori methodology was applicable to this study across a number of fronts and appropriate to address the research questions. The study met the need for research to understand and engage with the State to encourage the State apparatus to work for indigenous interests (Smith, 2003), moreover building a critique of those social structures that work to oppress Māori (Cram et al., 2002). The research approach also reflected the need for kaupapa Māori research to be transformative, bringing positive change to Māori communities (Smith, 2003). Māori research should furthermore empower those being researched (Bevan-Brown, 1998).

Insider Research methodology was also appropriate given my insider status within one of the statutory agencies in this study. The benefits of this to the research included privileged access and information (Floyd & Arthur, 2012), access to data and organisational knowledge sources (Workman, 2007), and perhaps most importantly, key relationships (Costley et al., 2010). Furthermore the position of inside researcher itself is an acknowledged data source that can be utilised as part of the research process (Workman, 2007). This was demonstrated in my contribution to the research, particularly in the results chapter charting the development of the culturally-inspired remedies to legislative harm.

Pūrākau as a research methodology was a similarly fitting approach to the research questions. Indigenous narrative is a powerful intellectual and political statement that asserts the indigenous experience and perspective as valid (Sium & Ritskes, 2013). A pūrākau approach can also challenge dominant discourses in ways that resonate and connect to indigenous people (Lee, 2005). A pūrākau approach to this study furthermore helped to conceptualise the relationship between legislative harm and culturally-inspired remedies. Moreover giving rise to *The Taniwha Index* as a conceptual framework, as well as a pūrākau-based problem-solving model, *Titiro Whakamuri, Kōkiri Whakamua*.

Qualitative research methodology was appropriate to addressing the research questions. The strength of qualitative research is its ability to provide information about the "human" side of an issue (Mack et al., 2005). This was demonstrated in the interviews and supported by the multiple case studies. Qualitative methods provide a deeper understanding of social phenomena (Gill et al., 2008) and is useful in instances where little is known about a given phenomenon (Neuman, 2014).

This was relevant to this study since little was known about these culturally-inspired methods beyond the limited number of studies identified in the literature review. Furthermore the holistic treatment of phenomena in qualitative methodology aligns appropriately with a kaupapa Māori approach (Stake, 1995).

6.2.4 Personal reflections

The process of completing this research has been an interesting journey not without its challenges. Firstly I found it a challenge to both undertake this research enrolled as a full-time student while working full-time as well. When added to the responsibilities of parenthood and various community roles and duties, the prospect of completing the research at times seemed an improbable Houdini act. But I am hardly alone in this.

Furthermore the global impact of Covid-19 during the course of this project was a shock to everybody and an unwelcome intrusion to our lives which impacted upon research participants, students, staff, whānau and the research institution alike. While lockdown at home, child care notwithstanding, was arguably the ideal setting for thesis writing, as an 'essential worker' I was required to work as per normal throughout each lockdown. But it's a time for heroes. In summary the PhD journey for me at times has been a challenging and disrupted process pulled together 'on the fly'. Yet at other times it has also been a pleasant distraction from the manifold challenges of unprecedented times. A welcome reprieve and diversion from the demands of daily life.

As mentioned earlier, it has been quite rewarding to document the development and implementation of the culturally-inspired remedies to legislative harm in this study. One benefit of doing this research is that the record of these phenomena and the singular individuals involved in their development is more likely to endure, rather than be lost in the swirling mists of time. For this study in turn to potentially inspire further culturally-inspired responses to legislative harm would also be an added bonus.

This research moreover represents some measure of personal redemption and an important milestone which substantiates the past sixteen years spent working in a government department. In particular *this* government department. Moreover the beleaguered efforts of a small few to influence critical change from within the system for the benefit of many.

6.3 Recommendations for future research

Based on the results of this study, several recommendations for future research have been identified. They are listed here in no particular order:

6.3.1 The inclusion of tamariki and whānau interviews for Oho Ake and Hui-ā-Whānau

The inclusion of tamariki and whānau interview participants for Oho Ake and Hui-ā-Whānau will provide a more layered and nuanced perspective from which to inform this study. For the reasons given in the previous chapter, this was not possible in this study. To navigate issues of confidentiality with vulnerable whānau and tamariki, enlisting the help of Tūhoe Hauora practitioners to conduct those interviews is one potential way to approach this.

6.3.2 The inclusion of manuhiri interviews for The Mending Room

Future studies could benefit from the inclusion of manuhiri interview participants for The Mending Room, which was not available in this study. This would provide an end-user perspective and insight into The Mending Room experience and practice. Issues of confidentiality and sensitivity could similarly be navigated by enlisting the help of The Mending Room personnel to conduct the interviews.

6.3.3 Increased use of quantitative methods of data collection

The increased use of quantitative methods of primary data collection could be adopted to enhance future studies. This would be particularly useful in comparing the rates of recidivism between conventional statutory agencies and culturally-inspired methods.

6.3.4 The relationship between whānau self-determination and iwi self-determination

The goals of whānau empowerment and whānau self-determination were identified as key findings from this study. Further research exploring the relationship between whānau self-determination and iwi self-determination, particularly te mana motuhake ō Tūhoe, could be a significant contribution to its ongoing conversation and development. Further studies could potentially highlight future opportunities and inform Ngāi Tūhoe's journey moving forward.

6.3.5 The Taniwha Index substantiated as a problem-solving model

The Taniwha Index was introduced in this study as a conceptual framework and a means to demonstrate the relationship and interaction between legislative harm and its respective culturally-inspired remedies, which was a useful application. This application was admittedly retrospective, since the culturally-inspired remedies were operating years before this research commenced.

However the utility and practicality of The Taniwha Index could be more robustly demonstrated by furthermore testing its application as a problem-solving model. As demonstrated in the genre of taniwha pūrākau identified in the literature, our tīpuna employed highly creative and ingenious means of dispatching these ever-present and dangerous threats to their way of life. What further contemporary taniwha exist out there beyond those examined in this study? Who are they? Where are they? Who are they victimising? These taniwha need not be limited to injurious statutory agencies either, but could potentially include any phenomenon or situation that could pose as a problem. A simple adaptation to The Taniwha Index could result in a simple template identifying the problem, moreover outlining potential candidates, their habits, traits and behaviours alongside corresponding strategies, methods and risks of their mitigation.

Figure 17. The Taniwha Index Problem Solving Model

The Taniwha Index Problem Solving Model	
Taniwha:	Mitigation:
Location/iwi:	Strategy:
Offence:	Tactics:
Habits:	Opportunities:
Behaviours:	Risks:
Vulnerabilities/Weaknesses:	Action:

6.3.6 Titiro Whakamuri, Kōkiri Whakamua substantiated as a problem-solving model

Titiro Whakamua, Kōkiri Whakamua was introduced in the previous chapter as a problem-solving model based on the utility of pūrākau. Further applications would test the veracity of this model and furthermore attest to the potency of pūrākau as a research methodology and culturally-inspired approach to problem-solving. Further testing would moreover build the pool of available literature around this compelling research methodology.

6.4 Contributions to the wider body of knowledge

Several contributions to the wider body of knowledge, particularly within the discipline of Māori studies and kaupapa Māori theory, have been identified based on the findings of this study. These contributions are listed below in no particular order.

6.4.1 The concept of legislative harm

This research began with the concept that interaction with statutory agencies in Aotearoa is inherently harmful, particularly for Māori. The theory was posited that the more contact and interaction that Māori had with statutory agencies, the more harmful the outcomes would be for them. Examples of these harmful outcomes include Māori over-representation in statutory frameworks, in particular the criminal justice and child protection system. Legislative harm can include institutional racism, negligence, coercion and the everyday micro-aggressions that express the intrinsic power imbalance routinely played out between Māori and the State. This influenced the conversation towards a definition of legislative harm, which perhaps in itself is a new contribution to the wider body of knowledge. Legislative harm was furthermore posited as being in affinity with, yet distinct from, broader theories of structural violence, legal violence and structural evil. Moreover the process of formulating a definition identified a hereditary lineage from the colonial dispossession of tangata whenua through the misuse and abuse of legislation. This abuse of the law continues to the present day through the colonial project's legislative frameworks as expressed through its statutory agencies.

In addition, much as the proverbial elephant is best eaten 'one bite at a time', so the idea of legislative harm lends itself to a process of 'chunking down' the insurmountable 'powers that be' into a less intimidating and more palatable form. Moreover compartmentalising those

power structures by concentrating a narrow focus on their separate components, in this case, legislative harm, in isolation from the whole. A piecemeal approach, if you will. Whereas a direct confrontation with the leviathan of generationally entrenched colonisation and discourse might seem daunting or insurmountable, the concept of legislative harm is a way to dismember that leviathan into manageable chunks and diminish the 'shock and awe' of such an exercise.

The System is empowered and expressed through legislation, as represented by its statutory agencies. It is arguably empowered also by the commodification of the high numbers of Māori enmeshed in its processes. Consequently, disproportionate numbers of Māori are harmed through legislation, moreover by being entangled within statutory processes. This is legislative harm. If it is true that the more contact a person has with the statutory system, the worse the outcomes will be for them, it thus follows that the reverse must also hold true; that the less a person has to do with the statutory system, the better the outcomes will be for them.

There are however, anomalous exceptions to this position. For example, the very small number of people I have encountered who actually prefer the routine and predictability of being 'kept' in prison, to the uncertainties and burden of freedom and responsibility on the outside. When people prefer prison to freedom, all this might simply corroborate is the definitive end-goal of colonial oppression and the ultimate in legislative harm.

Keeping individuals and whānau out of and away from the statutory processes and legislative harm also keeps them out of and away from the System. The System won't function well if it doesn't get fed. Therefore, mitigating legislative harm may be synonymous with mitigating that System. The significance of this research is that it demonstrated the efficacy of culturally-inspired remedies to legislative harm. Moreover, culturally-inspired remedies to statutory agencies. In other words, culturally-inspired remedies to the System. Mā te ture te ture anō e āki.

Yet another benefit of engaging with the concept of legislative harm is the opportunity to adopt this approach across the statutory processes separately, one agency at a time, as shown in the research. This may prove more feasible than the improbable task of engaging the whole System at once. Like eating the elephant. Engaging and mitigating the statutory agencies separately according to their degree and expression of legislative harm at least makes the formerly insurmountable, imaginable. Furthermore, as discussed previously,

engaging with these agencies at a local level through local people is probably a more viable alternative to a whole of systems approach at the centre.

6.4.2 The vision of Pūaoteatatū recaptured…if only partially

The Pūaoteatatū Report (1988) decried institutional racism in Government agencies and made compelling and forceful arguments for a total overhaul of the System. Though these arguments were largely ignored, Pūaoteatatū did manage to have a critical influence upon subsequent child protection legislation, moreover the Oranga Tamariki Act 1989. The new Act made provision for increased involvement from whānau, hapū and iwi in the child protection and criminal justice system, thereby impacting upon Oranga Tamariki and New Zealand Police. Although this provision likewise has been largely ignored and untested over the three decades since the law was enacted (with the exception of the Family Group Conference, which despite the misnomer is an innately state-driven process), it did create the latent opportunities for Oho Ake and Hui-ā-Whānau to intervene in the New Zealand Police and Oranga Tamariki frameworks. Whereas the literature is abundant with acclaim for Pūaoteatatū and just as plentiful with disappointment at how its recommendations were side-lined into obscurity, concrete examples of how whānau, hapū and iwi have exploited the latent opportunities in the Oranga Tamariki Act 1989 are largely absent. The results from the study on Oho Ake and Hui-ā-Whānau to some degree address that disparity.

6.4.3 Culturally-inspired remedies to legislative harm

The research showed how interventions based in indigenous and culturally-inspired responses could be used to mitigate legislative harm. The research demonstrated that culturally-inspired remedies can be employed to extricate Māori individuals and whānau out of the enmeshment of the statutory agencies and divert them out and away from legislative harm. Whereas studies describing how culturally-inspired methods are routinely engaged to support individuals and whānau in a health, wellbeing and social work context are well-established, this research demonstrated that culturally-inspired methods are as equally effective in intervening in statutory processes to mitigate legislative harm. This research contributes significantly to the gap in the literature, where practical examples demonstrating how culturally-inspired responses can intervene in legislative frameworks, either in Aotearoa or elsewhere, were noticeably absent. The global significance therefore of an indigenous

intervention into a modern Government's statutory framework is potentially a world-first, the gravitas of which would be easy to overlook.

6.4.4 State domination meets self-determination – towards Te Mana Motuhake ō Tūhoe

This study did not contribute significantly to the politics and competing definitions or complexities associated with Ngāi Tūhoe's journey towards self-determination, te mana motuhake ō Tūhoe. Albeit this was plainly anticipated at the outset. As identified in the literature, such considerations remain open-ended. The implications of who defines mana motuhake for Tūhoe and how this process is reached remain well beyond the scope of this study.

However, what this study has contributed to the general discussion, which had not been identified previously, was the centrality of whānau-empowerment and whānau self-determination posited alongside the broader context of iwi self-determination. If the conventional notion that iwi are comprised of hapū, which in turn are comprised of whānau, is valid, then the results of this study highlight a critical discrepancy in the available literature. The juxtaposition between whānau empowerment, whānau self-determination and te mana motuhake ō Tūhoe has not been adequately explored. It also raises an important question: What are the overall implications and future prospects for iwi autonomy when whānau remain weak and disadvantaged, moreover the passive recipients of legislative harm? If indeed it is precisely the individuals and whānau which comprise the essential 'building blocks' of the iwi, the results of this research are compelling.

While ultimate considerations of Tūhoe self-determination remain indefinite and inconclusive, the results of this study fills the substantive gap in the literature by showing concrete and practical examples of how Ngāi Tūhoe can begin to assume responsibility and leadership over processes which were formerly the exclusive domain of the State. One exception to this gap perhaps, is the formation of the Te Urewera Board, which oversees the maintenance and protection of Te Urewera lands on behalf of Ngāi Tūhoe (Te Urewera Act 2014). While the Te Urewera Board is an example of iwi assuming authority from the State, it differs for several reasons. The Te Urewera Board was established under specific bespoke legislation as a direct result of Tūhoe's Treaty settlement in 2014. Furthermore the membership of the board was intentionally orchestrated and staggered to gradually replace tauiwi members with Tūhoe members over time. Moreover, Te Urewera was never the

Crown's to own and control in the first place and had simply been dubiously alienated from Tūhoe's possession. Finally, to my knowledge there has not been any substantive studies carried out on the specific development of the Te Urewera Board itself.

Whatever the ultimate implications and way forward for Tūhoe self-determination may be, the value of this study has shown that culturally-inspired remedies based on Tūhoe tikanga and ways of knowing can effectively mitigate legislative harm. The results of this study have provided practical concrete living examples of how statutory processes have been superseded and reclaimed from the State. Furthermore, Tūhoe mana has been reasserted over that which is important to them, moreover the welfare of their tamariki, mokopuna and whānau.

> Mana motuhake is a political stance that supports the retention and restoration of power and control by Tūhoe over all matters pertaining to Tūhoe…The freedom to determine how Tūhoe will live, how they will raise their children and mokopuna, how they will keep their traditions alive, how they will celebrate who they are, how they will preserve and maintain their language and cultural values and ultimately how they will prosper and continue (Tūhoe Establishment Trust, 2011, p. 12).

It is anticipated that in time, Tūhoe self-determination will only continue to be expressed in increasing measure in juxtaposition to conventional statutory power sharing arrangements. This will predictably necessitate some process of power exchange, which, based on the balance of probability, is likely to be incremental. The significance of this study is that it has demonstrated how culturally-inspired remedies to legislative harm can effectively bridge and navigate that tension and space between State domination and Tūhoe aspiration. Mā te ture te ture anō e āki.

6.4.5 The Taniwha Index as a conceptual framework

Unassuming in its simplicity, yet remarkable in its utility, the Taniwha Index, informed by pūrākau as research methodology, proved to be a compelling, practical and uncomplicated means of conceptualising the central dynamics at play in this research. Reframing harmful statutory agencies through a pūrākau lens as contemporary taniwha contextualised the research problem succinctly in a manner which centralised and resonated with the indigenous experience.

Moreover, elevating the heroic exploits of our tīpuna in dispatching these marauding predators in pūrākau uncovered their ingenious methods hidden in plain sight.

In direct contrast to the comparative despondency posed by the modern research problem, the courageous acts of our tīpuna had already established a precedent and foundation for hope. The utility of the Taniwha Index as a conceptual framework has barely been tested in this study, leaving potentially limitless possibilities for further exploration and application for kaupapa Māori research.

6.4.6 Titiro Whakamuri, Kōkiri Whakamua: Problem-solving by Pūrākau model

The creative effort of theorising and conceptualising the application of pūrākau methodology to the research process produced an unintended result. In particular, the development of a problem-solving model based on the utility of pūrākau. *Titiro Whakamuri, Kōkiri Whakamua (Look back to advance forwards)* demonstrates how contemporary problems might be re-interpreted through pūrākau to identify potential solutions. By juxtaposing a given problem across a range of contexts until a parallel with a corresponding pūrākau category or type is observed, the problem is then re-interpreted and filtered through the lens of pūrākau (in a process of reframing; renaming; reclaiming and re-aiming), by which an appropriate solution might be identified. The utility of this model opens a myriad of possibilities for future projects informed by pūrākau as research methodology and represents a significant contribution to kaupapa Māori theory and Māori studies in general.

6.5 Contributions to research theory

This research made several contributions to existing research theory.

- **Insider Research**

  The research demonstrated the advantages of Insider Research as a research methodology and moreover substantiated the assertions and benefits identified earlier in this chapter. In addition the research demonstrated the utility of Insider Research as applied within a kaupapa Māori research framework. While this is hardly a unique or exceptionally innovative approach, it nonetheless contributes to the body of knowledge. Conversely my location as an indigenous insider researcher conducting a study from within the confines of a statutory agency, moreover the New Zealand

Police, is a potential rarity in itself that would perhaps represent a unique and significant contribution to Insider Research theory, kaupapa Māori research theory and the current body of knowledge. Furthermore the exegesis of *Te rauhanga a Te Aokehu – The strategy of Te Aokehu*, described in Chapter Three, contributed significant insight and learnings for insider researchers, particularly indigenous insider researchers operating within hostile environments.

- **Pūrākau as Research Methodology**

  The research contributed significantly to demonstrate the utility of pūrākau as research methodology. Drawing specifically upon the nuances and dynamics of pūrākau to reinterpret the research problem for a modern context produced a highly functional conceptual framework from which to address the problem. It moreover framed the central argument of this research. For indigenous researchers and inheritors of oral traditions replete with pūrākau, the opportunities to wield this formidable *taonga tuku iho* (heirloom) to create significant inroads for the benefit of their people is potentially unlimited.

- **Kaupapa-ā-iwi**

  This research did not intentionally set out to contribute to an understanding of kaupapa-ā-iwi theory in relation to kaupapa Māori theory. Based on the findings however, it has perhaps indirectly contributed to exactly that. As discussed in the previous chapter, the subject of kaupapa-ā-iwi was a significant theme in the research, specifically in terms of Tūhoe-specific tikanga and responses as distinguished from a generic kaupapa Māori framework. This research, which has examined culturally-inspired remedies to legislative harm, moreover as expressed by Tūhoe organisations, could therefore contribute significantly to a kaupapa-ā-iwi knowledge base. Moreover the development of what could perhaps be classified as 'Tūhoe Studies', or what Doherty (2014) has described as 'mātauranga Tūhoe'. Potentially positioned within the broader context of kaupapa-ā-iwi, situated within the wider and more generalised parameters of kaupapa Māori theory.

6.6 Contributions to current statutory agency and indigenous social work practice

This research offered several useful considerations and contributions to current statutory agency and indigenous social work practice. They are listed here in no particular order.

- **Culturally-inspired remedies to legislative harm work.**

  The research demonstrated that culturally-inspired remedies to legislative harm are effective. Legislative harm can be mitigated. Statutory agency personnel and indigenous practitioners alike should be encouraged by these results. The efficacy of culturally-inspired remedies need not be limited in their application to individuals and whānau. Culturally-inspired remedies have been proven to intervene in legislative frameworks and moreover rescue and divert individuals and whānau away from harmful statutory processes. Moreover contributing to the reduction of Māori featuring and reappearing in statutory processes.

- **An emphasis on a change in process, not programmes**

  The culturally-inspired remedies to legislative harm in this study did not represent programmes as such, but rather changes in process. The deficiency of mere programmes is that they invariably have a start and end date and require personnel and resources to make them operational. Usually, once the resources end, so does the programme. A change in process however, is more enduring and permanent. In the case of the culturally-inspired remedies to legislative harm in this study, the internal 'plumbing' of the statutory processes were reconfigured to divert people out of the system and into the care and support of indigenous support networks and a journey of wellbeing. A focus on reconfiguring the statutory processes and developing effective referral pathways out of legislative harm would similarly save statutory agencies and indigenous practitioners alike precious resources. Moreover encourage the development of key relationships between them as demonstrated in the research.

- **Promoting key relationships between indigenous practitioners and statutory personnel**

  This research demonstrated the centrality and efficacy of key pivotal relationships between statutory agency personnel and indigenous practitioners to effect the necessary changes in process to mitigate legislative harm and reduce the high incidence of Māori appearing and reappearing in harmful legislative processes. Whereas statutory personnel will inevitably experience high turnover and change frequently, iwi and hapū will endure forever, which highlights the opportunities through key relationships to affect more permanent, transformative change. As demonstrated in the research, trust and confidence in the relationship, alongside professional integrity, sensitivity and expertise is vitally important to the effective

implementation of culturally-inspired remedies to legislative harm. It bears reiterating here that the use of the taniwha metaphor within this study refers essentially to the structural and corporate personification of the statutory agency, its corporate *wairua* and culture. Moreover what Wink (1992) has described as "the diseased spirituality of an institution" (pp. 7-8), rather than the unsuspecting individuals and personnel who may comprise its membership.

6.7 Contributions to Further Research

- **The Taniwha Index and Titiro Whakamuri, Kōkiri Whakamua**
  At the risk of sounding repetitive, both the *Taniwha Index* as an indigenous conceptual framework and *Titiro Whakamuri, Kōkiri Whakamua* as an indigenous problem-solving model are significant contributions to further research, particularly kaupapa Māori and indigenous research. Arguably these two models represent sufficiently practical and efficient tools in the hands of the indigenous researcher, much like Te Aokehu's māripi, Taitimu and Taiparoa, with which to conduct transformative and kaupapa-driven research.
- **Additional insight into te mana motuhake ō Tūhoe**
  While the contribution of this study to the existing body of knowledge pertaining to te mana motuhake ō Tūhoe was admittedly limited, the contributions were valid nonetheless. The research primarily demonstrated the utility of Tūhoe-specific frames and culturally-inspired remedies to legislative harm, which in itself is a significant finding. The study furthermore posited the relationship between whānau self-determination and autonomy alongside iwi self-determination and autonomy as a basis for further exploration. This was also significant and moreover signalled a noticeable gap in the literature.

6.8 New personal insights and reflections from the research

It may be useful at this juncture to identify some of the new personal insights and reflections gained during the process of conducting this investigation into culturally-inspired remedies to legislative harm. This will highlight new data and information, both positive and challenging, that was not known prior to completing this study.

- **Pūrākau as a research methodology is valid and effective**
  Prior to this study I was completely ignorant of the utility of pūrākau as a research methodology to inform and guide the research process. Although I was somewhat familiar with a limited number of pūrākau sourced locally and from around the motu, I never considered myself a 'pūrākau person'. Nor did I fully appreciate their inherent value as a teaching and learning tool, moreover the inheritance of treasures concealed within them, which has been a revelation to me. Moreover an awakening to a greater respect and appreciation for these taonga tuku iho. Pūrākau represent time capsules from the past of our ancestors that contain valuable messages and insights for the generations and descendants of today.
- **Even a statutory agency can implement culturally-inspired methods, to an extent**
  It became evident during the course of this study that Oranga Tamariki had initiated their own process of Hui-ā-Whānau, which was more culturally-responsive and meaningful than their conventional approaches. The research participants from Oranga Tamariki interviewed in this study demonstrated an uncommon professionalism, empathy and responsiveness to whānau needs. However Oranga Tamariki's general disconnection and isolation from critical support networks within the Māori community coupled with their organisational constraints in policy and practice hindered the agency's ability to fully empower whānau, compared with their iwi and community-based counterparts. Given Oranga Tamariki's past stigma and history of coercion with whānau as one of the State's more dominant government agencies, this is hardly surprising. Oranga Tamariki furthermore sought to improve their cultural responsiveness to Māori with the creation of Kairaranga roles. Essentially a cultural navigator position. The added benefit of the role's cultural expertise with a focus on developing connection to Māori support networks in the community represents a significant investment in Oranga Tamariki's service delivery.
- **Not everyone is supportive of change**
  Culturally-inspired remedies to legislative harm, as noble a sentiment as that might seem within a kaupapa Māori doctoral thesis, isn't everyone's cup of tea. Culturally-inspired remedies do not necessarily serve the status quo, in fact, they are outright subversive to dominant discourses and conventional power arrangements. They can moreover represent a threat to a system that has commodified Māori entrenchment in

broken statutory systems and consequently those whose livelihood and professions depend on those systems.

6.9 The significance of the research – why this research matters

This section serves to highlight the significance of the research. It seeks to explain why this research matters, moreover to whom should this research matter?

This research might resonate with those who recognise there is a longstanding problem of Māori being over-represented and entangled in statutory frameworks. It should moreover strike a chord with those who are furthermore at a loss as to how to begin to address this problem. This research and its results are therefore significant to potential reformers and change agents because it has demonstrated that there are culturally-inspired remedies that do actually work to address that problem.

From this perspective, the research has relevance to personnel and influencers within the statutory agencies who acknowledge that conventional and historic approaches have been insufficient to meet the scale of the problem. This research highlights the significance of building relationships with tangata whenua and related indigenous communities. These relationships are intrinsically valid and meaningful in themselves, quite apart from any consideration of whatever gains might be had from that relationship, or 'what's in it for me?' That said, the research demonstrated the surprising results that can flow out from these relationships, as expressed in the culturally-inspired remedies examined in this study. Each intervention and solution to the problem began first and foremost out of a relationship. Moreover the strength of our interventions is only as strong as our relationships.

Similarly this research is significant to indigenous social work practitioners working at the grass roots with vulnerable whānau. Routinely stretched for resources and frequently putting out fires, it can be easy for them to become so overwhelmed by their workload that they don't fully appreciate the value of their work. The results of this research substantiates the work of these indigenous social work practitioners in recognition and celebration of their tireless efforts. Moreover these results should encourage them in their work to not give up and consider how else and where else their formidable talents might be applied. As demonstrated in this research, culturally-inspired practice played a critical role in rescuing individuals and

whānau out of harmful statutory processes and diverting them away from legislative harm.

Furthermore this research has significance for iwi with aspirations towards increased self-determination and independence, moreover the welfare of their people. The research has demonstrated that it is entirely possible, moreover quite feasible, for iwi to utilise cultural frames and nuances to intervene in statutory processes and divert whānau and individuals away from legislative entanglement, into a supported journey of wellbeing. Nor is it necessary to wait for conventionally prescribed models of devolution to begin to effect this change. The research has particular significance to Ngāi Tūhoe as it not only documents how Ngāi Tūhoe has achieved this appropriation of statutory processes, albeit on a modest scale, but further contributes to the growing body of literature pertaining to Tūhoe self-determination, te mana motuhake ō Tūhoe.

Likewise this research has significance for the insider researcher. In particular the indigenous insider researcher operating within a hostile environment, who may feel isolated and alone in their work. The significance of this research, as demonstrated by the analysis of the pūrākau of Tutaeporoporo, *Te rauhanga a Te Aokehu*, is that an insider researcher's work has value and can serve a purpose beyond the confines of their particular project. Insider research can lead to significant outcomes and contribute to remarkable results. Just as the pūrākau described how Te Aokehu's efforts resulted in the safety and welfare of the community and the restoration of despoiled mana, so insider researchers have a unique opportunity and potential to make a positive impact in the lives of others. In addition I hope that my insider research insights into the culturally-inspired remedies to legislative harm in this study have been helpful.

Working and chipping away at this PhD in a sense has been synonymous with my hopes of crafting an 'escape pod' out from the confines of my present career and into a bigger and brighter future. I'm not there yet, but live on in hope. While I have not quite managed to escape from the murky bowels of this taniwha (yet), I might have been able to give it a mild case of indigestion. Nonetheless proving that it is entirely possible to write a PhD from a poky cavity within that taniwha using two-fingered typing…Mā te ture, te ture anō e āki!

6.10 Closing thoughts

Whereas this tale began with three cruel and gluttonous marauding taniwha terrorising the land, gorging themselves senseless on generations of hapless men, women and children, it ended with them entangled, muzzled, battered and subdued. In light of this extraordinary feat, a small band of heroes remain to be duly acknowledged.

To Tom Brooks, Pania Hetet and the Oho Ake and Hui-ā-Whānau teams at Tūhoe Hauora. Moreover Kevin Taylor and Tayelva Petley, whom we miss dearly. Your heroic efforts and courage have made all the difference for the many tamariki, rangatahi and their whānau whom have literally been saved from certain doom. To Tamati Kruger, Kirsti Luke, Roberta Ripaki and The Mending Room team at Tūhoe Te Uru Taumatua along with Shane Tailby. Your unwavering vision and stoic resolve has paved the way to true healing and restoration and shut the jaws of the dragon.

To the individuals, tamariki, rangatahi and their whānau who tested and proved the effectiveness of the culturally-inspired remedies examined in this research. Thank you for being willing and open to new approaches, which in reality have not been so new. You have validated the ways of our ancestors and cleared the way for others to follow. Peace on your journey as you reclaim the power that has always been yours.

To staff and personnel working within statutory agencies everywhere, I hope the findings and implications of this research have not been unduly upsetting. That was certainly not the intention. As a fellow statutory agency employee myself, my actions are not beyond enquiry, besides which, 'some of my best friends' are statutory agency personnel...I hope the problem and scale of legislative harm has been sufficiently upheld and highlighted in this research. Moreover that you would apprehend the incredible potential and opportunity that is yours, to recognise and address legislative harm as you find it. Ko ngā pae tawhiti, whaia kia tata, ko ngā pae tata, whakamaua kia tina. *Pursue distant horizons to draw them closer, seize the horizons at hand to hold them fast.*

Likewise thanks and acknowledgements also to the people of Ngāti Apa and Ngā Rauru of Whanganui for retaining and sharing the taonga of your pūrākau of Tutaeporoporo and Te Aokehu with the world. Rau rangatira mā, ka nui te mihi ki a koutou.

Whereas this account began with the prophetic utterance of an aging freedom fighter to a century in panic, turmoil and disarray, it ends with the revelation that his words are truly an enduring consolation of reassurance, aspiration and hope:

Mā te ture, te ture anō e āki.

6.11 Chapter Summary

This chapter summarised the thesis, *'Mā te ture, te ture anō e āki: Culturally-inspired remedies to legislative harm.*' This chapter included a recap of the research questions and main points of the study, a summary and reflection on the research and recommendations for future research. Contributions to the body of knowledge and further research were identified, in addition to some consideration of the significance of the research. These considerations closed the chapter in an overall summary and conclusion to the research.

Friends, it appears we have completed our exploration into the depth and breadth of the subject at hand. Thank you for your company along the peaks, troughs and meanderings along our journey and adventure which is now truly at an end. Life, health and vitality be to one and all. So be it!

E hoa mā, te āhua nei kua oti i a tātau te ruku ki te hōhonutanga me te whānuitanga o te kaupapa i hora nei. Tēnā koutou i tō tātau hīkoi tahi puta atu ki ngā piki, ngā heke me ngā kōpikopiko i tō tātau haerenga, i tō tātau kaupapa kua oti rawa nei. Mauri oho, mauri tū, mauri ora ki a tātau katoa. Haumi e! Hui e! Tāiki e!

REFERENCES

Administrative Appeals Tribunal. (2021). *The character test explained.*

https://www.aat.gov.au/about-the-aat/learn-more/the-character-test-explained

Akroyd, S., Paulin, J., Paipa, K., & Wehipeihana, N. (2016). *Iwi panels: an evaluation of their implementation and operation at Hutt Valley, Gisborne and Manukau from 2014 to 2015.* Ministry of Justice, New Zealand Police and Department of Corrections.

Alberta College of Social Workers. (2019). *Honouring Sacred Relationships: Wise Practices in Indigenous Social Work.*

https://www.acsw.in1touch.org

Ammenwerth, E., Iller, C., & Mansmann, U. (2003). Can evaluation studies benefit from triangulation? A case study. *International Journal of Medical Informatics*, (70), 237-248.

https://pdfs.semanticscholar.org/f1c7/ b36368f0c46632957 f809388e3b40fade150.pdf

Archibald, J-A. (2008). *Indigenous storywork: Educating the heart, mind, body, and spirit.* UBC Press.

Asmi, S. (2019). *Indigenous Youth Restorative Justice: Addressing over-representation in the Canadian Criminal Justice System.* Samuel Centre for Social Connectedness. https://www.socialconnectedness.org

Atwool, N. (2019). Challenges of operationalizing trauma-informed practice in child protection services in New Zealand. *Child & Family Social Work*, *24*(1), 25-32.

Australian Institute of Health and Welfare. (2021). *Indigenous Australian Reports.* https://www.aihw.gov.au

Barnett, P.& Bagshaw, P. (2020). Neoliberalism: what it is, how it affects health and what to do about it. *New Zealand Medical Journal*, *133*(1512), 76-84.

Beath, L. (2012). *Terrorism and counter-terrorism – Securing New Zealand against terrorism.* Te Ara – the Encyclopedia of New Zealand.

http://www.TeAra.Govt.nz/en/terrorism-and-counter-terrorism/page-3

Becroft, A. (2009). *Practical Ideas for Addressing Maori Youth Offending. A paper prepared for the Youth Justice Ministers Group by the Youth Justice Independent Advisory Group.* Ministry of Justice.

Becroft, A. (2015, July 15). *Playing to Win – Youth Offenders Out of Court (And Sometimes In): Restorative Practices in the New Zealand Youth Justice System.* Paper presented at Queensland Youth Justice Forum, Brisbane, Australia.

Becroft, A. (2018). *Signed, Sealed – (but not yet fully) Delivered.* Paper delivered at the Healing Courts, Healing Plans, Healing People: International Indigenous Therapeutic Jurisprudence Conference.

https://www.courtsofnz.govt.nz

Beehive. (2019). *Oranga Tamariki Review 18th June*.

https://www.beehive.govt.nz/release/oranga-tamariki-review

Bennett, A. (2021). *Budget 2021: 'What is good for Māori is good for all of Aotearoa'*. https://ngaitahu.iwi.nz/our_stories/budget-2021-what-is-good-for-maori-is-good-for-all-of-aotearoa/

Bevan-Brown, J. (1998). By Māori, For Māori, About Māori - Is That Enough? In *Proceedings of Te Oru Rangahau Māori Research and Development Conference* (pp. 231–246). Massey University.

Binney, J. (1995). *Redemption Songs: A life of Te Kooti Arikirangi Te Turuki.* Auckland University Press.

Binney, J. (2009). *Encircled Lands Te Urewera 1820-1921.* Bridget Williams Books.

Blagg, H., Morgan, N., Cunneen, C., & Ferrante, A. (2005). *Systematic racism as a factor in the over-representation of Aboriginal people in the Victorian criminal justice system.* Equal Opportunity Commission and Aboriginal Justice Forum.

Boulton, A., Wikaira, M., Cvitanovic, L., & Williams Blyth, T. (2020). *Te Taniwha i Te Ao Ture-ā-Whānau: Whānau Experience of Care and Protection in the Family Court*. Whakauae Research for Māori Health and Development; Te Kōpū Education. https://www.whakauae.co.nz/uploads/publications/publication320.pdf?1623894685

Bradley, T., & Walters, R. (2011). *Introduction to Criminological Thought*. (2nd ed.).

Pearson.

Brannick, T., & Coghlan, D. (2007). In defence of being "native": The case for insider academic research. *Organizational Research Methods*, *10*(1), 59–74. https:doi:10.1177/1094428106289253

Briskman, L. (2016). Decolonizing Social work in Australia: Prospect or Illusion. In M. Gray, J. Coates & M. Yellow Bird (Eds.), *Indigenous Social Work around the World: Towards Culturally Relevant Education and Practice* (pp. 83-96). Routledge.

Brooking, F.H. (2018). *The Journey of Pūao-te-Ata-tū: what did we learn?* [Master's thesis, Massey University].

Brooks, T. (2017). *Blueprint Transferability of Police Best Practice in Iwi Family Conferencing* [Master's thesis, Otago Polytechnic].

https://www.op.ac.nz/assets/OPRES/CAP-Brooks-2017-thesis

Bryers-Brown, T. (2015). *He reached across the river and healed the generations of hara: Structural violence, historical trauma, and healing among contemporary Whanganui Māori*. [Master's thesis, Victoria University].

Bull, S. (2019). *Mending Room Pilot Review.* (Unpublished).

Calman, R. (2021). *Māori education – mātauranga - Kaupapa Māori education.* Te Ara - the Encyclopedia of New Zealand.

https://teara.govt.nz/en/maori-education-matauranga/page-5

Card, C. (2010). *Confronting Evils: Terrorism, Torture, Genocide.* Cambridge University Press.

Carswell, S.L., o-Hinerangi, M., Gray, C., & Taylor, A. (2013). *Evaluation of Family Group Conference Practice and Outcomes – Scoping Phase.* Child, Youth and Family Services.

Children, Young Persons, and Their Families Act, (1989).

http://www. legislation.govt.nz/act/public/2017/0031/24.0/DLM7064516.html

Cleland, A., & Quince, K. (2014). *Youth Justice in Aotearoa New Zealand: Law, policy and critique*, LexisNexis.

Cole, DP., Gittens, M., Tam, M., Williams, T., Ratushny, E., & Sri-Skanda-Rajah, SG. (1995). *Report of the Commission on Systematic Racism in the Ontario Criminal Justice System.* Queen's Printer.

Costley C., Elliott G., & Gibbs, P. (2010). *Doing Work Based Research: Approaches to Enquiry for Insider Researchers.* SAGE.

Cowan, J. (1987). *Legends of the Māori: Volume 1.* Southern Reprints.

Cram, F., Pihama, L., & Walker, S. (2002). Creating methodological space: A literature review of Kaupapa Maori research. *Canadian Journal of Native Education*, *26(*1), 30-43.

Creswell, J. W. (2009). *Research Design: Qualitative, quantitative, and mixed methods approaches*. SAGE.

Creswell, J. W., & Plano, C. V. L. (2007). *Designing and conducting mixed methods research*. SAGE.

Croxford, S. (2016). *A Theoretical Analysis of Iwi Justice Panels. Where Does the Authority for These Panels Come from?* Victoria University.

Cunningham, C. (1998). A framework for addressing Māori knowledge in research, science and technology. In Te Pumanawa Hauora (Ed.), *Te Oru Rangahau: Māori Research and Development Conference* (pp. 387-397). Massey University.

Cunneen, C., & Luke, G. (2007). Recidivism and the effectiveness of criminal justice interventions: Juvenile offenders and post-release support. *Current Issues in Criminal Justice*, *19*(2), 197-210.

da Silva, S. (2013). *The Ongoing Legacy of Pūao te ata tū.* TE TIRITI BLOG: Articles and useful facts from Treaty Workers in Aotearoa.

http://treatyblog.org.nz/?p=60

Denney, D., Ellis, T., & Barn, R. (2006). Race, diversity and criminal justice in Canada: A view from the UK. *Internet Journal of Criminology.*

www.internetjournalofcriminology.com

Department of Corrections. (2009). Over-representation of Māori in the criminal justice system: An exploratory report.

https://www.corrections.govt.nz/__data/assets/pdf_file/0014/10715/Over-representation-of-Maori-in-the-criminal-justice-system.pdf

District Court. (2021).

https://www.districtcourts.govt.nz/

Doherty, W. (2014). Mātauranga ā-iwi as it applies to Tūhoe. In *Enhancing mātauranga Māori and global indigenous knowledge* (pp. 29–45). New Zealand Qualifications Authority.

Durie, M. (1998). *Te mana, te kawanatanga: The politics of Maori self-determination.* Oxford University Press.

Eastern Bay Iwi Provider Alliance. (2020). *Te Putorino a Raukatauri.*

https://www.nash.org.nz

Expert Advisory Panel. (2015). *Modernising Child, Youth and Family, Expert Panel, Interim Report*.

https://www.msd.govt.nz/documents/about-msd-and-our-work/work-programmes/cyf-modernisation/interim-report-expert-panel.pdf

Farmer, P. (1999). *Infections and inequalities: The modern plagues.* University of California Press.

Farmer, P. (2003). *Pathologies of Power: Health, Human Rights, and the New War on the Poor*. University of California Press.

Farmer, P. E., Nizeye, B., Stulac, S., & Keshavjee, S. (2006). Structural violence and clinical medicine. *PLoS Medicine*, 3(10), e449.

Floyd, A., & Arthur, L. (2012). Researching from within: external and internal ethical engagement. *International Journal of Research and Method in Education, 35*(2), 171-180.

Galtung, J. (1969). Violence, Peace and Peace Research. *Journal of Peace Research. 6*(3), 167–191. doi:10.1177/002234336900600301. S2CID 143440399

Gattey, E. (2013). *Do New Zealand Courts Regard Tikanga Māori as a Source of Law Independent of Statutory Incorporation? Or is Anglo-inspired Common Law Still "the sole arbiter" of Justice in New Zealand?* [LLB(Hons) Dissertation]. University of Otago.

Gilbert, J., & Newbold, G. (Eds), (2017). *Criminal Justice A New Zealand Introduction*. Auckland University Press.

Gill P., Stewart K., Treasure, E., & Chadwick, B. (2008). Methods of data collection in qualitative research: interviews and focus groups. *British Dental Journal, 204*(6), 291-295.

Gilligan, J. (1997). *Violence: Reflections on a National Epidemic.* Vintage.

Gray, M., Coates, J., & Yellow Bird, M. (Eds), (2016). *Indigenous social work around the world: towards culturally relevant education and practice*. Routledge.

Grootveld, C., & Brown, T. (2018). *Qualitative Process Evaluation of Mokopuna Ora: Summary*. AIKO. https://orangatamariki.govt.nz/assets/Uploads/About-us/Research/Latest-research/Specialist-Maori-Roles-Evidence-Synthesis/Report-Mokopuna-Ora-AIKO-2018.pdf

Health Quality & Safety Commission New Zealand. (2019). *He matapihi ki te kounga o ngā manaakitanga ā hauora o Aotearoa 2019: A window on the quality of Aotearoa New Zealand's health care 2019: A view on Māori health equity*. https://www.hqsc.govt.nz/assets/HealthQualityEvaluation/PR/Window_2019_web_final.pdf

Henaghan, M., & Righarts, S. (2010). Public Perceptions of the New Zealand Court System: An Empirical Approach to Law Reform, *Otago Law Review 12*.

Henwood, C., George, J., Cram, F., & Waititi, H. (2018). *Rangatahi Māori and Youth Justice Oranga Rangatahi.* Paper prepared for Iwi Chairs Forum with the support of the Henwood Trust and the Law Commission. Henwood.

Herrmann, K. (2016). *An exploration of Ngaī Tuhoe aspirations for self- determination in relation to statutory child welfare: current situation and change options*. [Unpublished Master's thesis]. Unitec Institute of Technology.

Hollis-English, A. (2015). Theories in Māori social work: Indigenous approaches to working with and for indigenous people. *Aotearoa New Zealand Social Work, 27*(4), 5-15. Doi:https://doi.org/10.11157/anzswj-vol27iss4id432

Hoskins, T.K., & Jones, A. (Eds). (2017). *Critical conversations in Kaupapa Māori*. Huia.

Human Rights Commission. (2020). *State Care Abuse inquiry pressure grows.*

https://www.hrc.co.nz/news/state-care-abuse-inquiry-pressure-grows/

Hurihanganui, T. (2019). *Legality and 'disconnection' between Māori kids and whānau.* https://www.rnz.co.nz/news/te-manu-korihi/395036/legality-and-disconnection-between-maori-kids-and-whanau

Hyslop, I. (2016). *Racism and Social Work in Aotearoa New Zealand: A Pākehā Perspective. Re-Imagining Social Work in Aotearoa New Zealand.* http://www.reimaginingsocialwork.nz/2016/01/racism-and-social-work-in-aotearoa-new-zealand-a-pakeha-perspective/#more-546

Independent Police Conduct Authority. (2016). *Review of Pre-charge Warnings.* file:///H:/Downloads/Chrome/14%20September%202016%20IPCA%20Public%20Report%20-%20Review%20of%20pre-charge%20warnings.pdf

Independent Police Conduct Authority. (2020). *Deaths in Police custody – lessons from a ten-year review*.

https://www.ipca.govt.nz/Site/publications-and-media/deaths-in-police-custody.aspx

Jackson, M. (1988). *The Maori and the Criminal Justice System: He Whaipaanga Hou - A New Perspective*. Department of Justice.

Jackson, M. (2007). Globalisation and the colonising state of mind. In M. Bargh (Ed.) *Resistance: An indigenous response to neoliberalism* (pp. 167-182). Huia.

Jones, B. (2016). *Offending outcomes for Māori and non-Māori, an investigation of ethnic bias in the criminal justice system : evidence from a New Zealand birth cohort*. [Unpublished Master's thesis]. University of Canterbury.

Jones, C. (2021). *Tūhoe protest against their own.*

https://www.nzherald.co.nz/rotorua-daily-post/news/tuhoe-protest-against-their-own/N5FGZSRHFQV25SMK3JWOT6L5LU/

Judge, J. (2017). *Justice for New Zealand's Stolen Generation: The State's Criminal Responsibility for Historical Institutional Child Abuse.* Victoria University.

Justice Canada. (2010). *Aboriginal Justice Strategy Mid-term Evaluation Final Report, October 2010.*

Kaa, W., & Milroy, W. (2001). *He Hinatore ki te Ao Māori – A glimpse into the Māori world: Māori perspectives on justice*. Ministry of Justice.

http://www.justice.govt.nz/publications /publications-archived/2001/he-hinatore-ki-te-ao-maori-a-glimpse-into-the-maoriworld/publication/at_download/file

Kaiwai, H., Allport, T., Herd, R., Mane, J., Ford, K., Leahy, H., Varona, G., & Kipa, M. (2020). *Ko Te Wā Whakawhiti, It's Time For Change: A Māori Inquiry into Oranga Tamariki.* Whānau Ora Commissioning Agency Summary Report.

Kalan, J. (2017). *Hui-ā-Whānau: a culturally-inspired alternative to the Family Group Conference in Ngāi Tūhoe*. [Unpublished Master's thesis]. Te Whare Wānanga ō Awanuiārangi.

Kauika, W. (1904). Te taniwha i patua e Aokehu. *Journal of the Polynesian Society, 8.* 89 – 93.

https://archive.org/stream/journalpolynesi09zgoog/journalpolynesi09zgoog_djvu.txt

Keenan, D. (1995). Pūao-te-Āta-tū: A brief history and reflection. *Te Komako: Social Work Review*, *7*(1), 11-29.

http://newzealandwars.co.nz/wp-content/uploads/2013/10/Puao-Te-Ata-Tu1.pdf

Kerstetter, K. (2012). Insider, Outsider, or Somewhere In Between: The Impact of

Researchers' Identities on the Community-Based Research Process, *Journal of Rural Social Sciences, 27*(2), 99–117. http://journalofruralsocialsciences.org/pages/Articles/JRSS%202012%2027/2/JRSS%202012%2027%202%2099-117.pdf

Klinkum, O. (2019). Taking New Zealand's Specialist Criminal Courts 'To Scale' for Better Criminal Justice Outcomes. *New Zealand Criminal Law Review* – Article 2.

Kruger, T., Pitman, M., Grennell, D., McDonald, T., Mariu, D., Pomare, A., … & Lawson-Te Aho, K. (2004). *Transforming Whānau Violence – A Conceptual Framework.* (2nd ed.).

https://nzfvc.org.nz/sites/nzfvc.org.nz/files /transforming_whanau_violence.pdf

Latu, A., & Lucas, A. (2008). Discretion in the New Zealand criminal justice system: The position of Māori and Pacific Islanders. *Journal of South Pacific Law, 12(*1), 84-93.

Leahy, H. (2015). *Crossing the floor: The story of Tariana Turia*. Huia.

Lee, J. (2005). *Māori cultural regeneration: Pūrākau as pedagogy.* Paper presented at Centre for Research in Lifelong learning International Conference, Stirling, Scotland. http://www.rangahau.co.nz

Lee, J. (2009). Decolonising Māori narratives: Pūrākau as a method. *MAI Review, 2*(3). http://www.review.mai.ac.nz

Mack, N., Woodsong, C., McQueen, K. M., Guest, G., & Namey, E. (2005). *Qualitative research methods: A data collector's field guide*. Family Health International.

MacKinnon, S. (2010). Child welfare devolution in Manitoba: a bumpy but necessary road to justice. *Canadian Centre for Policy Alternatives*.

https://www.policyalternatives.ca/publications/commentary/fast-facts-child-welfare-devolution-manitoba

Marriott, L., & Sim, D. (2014). *Indicators of inequality for Māori and Pacific people*. Victoria University.

Martin, G. (1996). *A Game of Thrones*. Bantam Books.

Maxwell, G., Kingi, V., Robertson, J., Morris, A., & Cunningham, C. (2004). *Achieving Effective Outcomes in Youth Justice: Final Report.* https://www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/archive/2004-achieving-effective-outcomes-youth-justice-full-report.pdf

McCulloch, T., & McNeill, F. (2007). Consumer society, commodification and offender management. Criminology and Criminal Justice, 7(3), pp. 223-242. doi: 10.1177/1748895807078863.

McLaren, K. (2010). *Alternative Actions that Work: A review of the research on Police Warnings and Alternative Action.* Police Youth Services Group, New Zealand Police.

Menjívar, C., & Abrego, L. (2012). Legal Violence: Immigration Law and the Lives of Central American Immigrants. *American Journal of Sociology 117.* 1380–1421.

Mika, J. (2002). *Māori capacity building: Making Māori independence a legitimate policy objective.* Victoria University.

Mikaere A. (2011). *Colonising myths: Māori realities, He rukuruku whakaaro.* Huia.

Ministerial Advisory Committee on a Maori Perspective on Social Welfare. (1988). *Pūao te Ata Tū (Daybreak): Report of the Ministerial Advisory Committee on a Maori Perspective for the Department of Social Welfare.* Department of Social Welfare.

Ministry for Culture & Heritage. *Coat of Arms.* https://mch.govt.nz/nz-identity-heritage/coat-arms

Ministry of Health. (2016). *Population-based funding formula*. https://www.health.govt.nz

Ministry of Justice. (2013). *Youth Crime Action Plan 2013–2023.* Ministry of Justice

Ministry of Justice. (2018). *Youth Prosecution Statistics 2017.*

https://www.justice.govt.nz/assets/Documents/Publications/youth-prosecution-statistics-data-highlights-2017.pdf

Ministry of Justice. (2019). *Māori victimisation in Aotearoa New Zealand: New Zealand Crime and Victims Survey Cycle 1 and 2 (March 2018 - September 2019).*

https://www.justice.govt.nz/assets/Documents/Publications/Maori-victimisation-report-v2.01-20210329-fin.pdf

Ministry of Justice. (2020a). *Trends in adult conviction and sentencing*.

https://www.justice.govt.nz/assets/Documents/Publications/w6uyer-Adults-convicted-and-sentenced-infographic-jun2020-v1.0.pdf

Ministry of Justice. (2020b). *Youth Justice Indicators - Summary Report*. Ministry of Justice,

https://www.justice.govt.nz/assets/Documents/Publications/Youth-Justice-Indicators-Summary-Report-December-2020-FINAL.pdf.

Ministry of Social Development. (2014). *Decentralising Welfare-Te Mana Motuhake O Tūhoe.* Ministry of Social Development.

https://www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/research/decentralising-welfare-te-mana-motuhake-o-tuhoe/decentralising-welfare-te-mana-motuhake-o-tuhoe.pdf

Moe-Lobeda, C. (2013). *Resisting Structural Evil: Love as Ecological-Economic Vocation.* Fortress Press.

Montgomery, K. (2014). *Tūhoe Hauora, Oho Ake Evaluation*. Unpublished.

Morrison, B. (2009). *Identifying and Responding to Bias in the Criminal Justice System: A Review of International and New Zealand Research.* Ministry of Justice.

Moyle, P. (2013). *From family group conferencing to whānau ora: Māori social workers talk about their experiences.* [Unpublished Master's thesis]. Massey University.

Moyle, P. (2014). A model for Māori research for Māori practitioners. *Aotearoa New Zealand Social Work, 26*(1), 29 – 38.

Moyle, P. (2015) in *Let's get real: Key discussion points from the symposium on the CYF Review.*

file:///H:/Downloads/Chrome/PSA-CYF-review-2015%20(1).pdf

Neuman, W. L. (2014). *Social research methods: Qualitative and quantitative approaches* (7th ed.). Pearson.

Newman, M. (2015). *The sovereign state of Tuhoe*. New Zealand Centre For Political Research.

https://www.nzcpr.com/the-sovereign-state-of-tuhoe/

New Zealand Herald. (2012). *Fury at school bus cancellation.*

https://www.nzherald.co.nz/hawkes-bay-today/news/fury-at-school-bus-cancellation/MJSRVHFHMIKCOKPMJEEJR455LU/

New Zealand Herald. (2020). *Police use of force report: Māori seven times more likely than Pākehā to be on receiving end.*

https://www.nzherald.co.nz/nz/police-use-of-force-report-maori-seven-times-more-likely-than-pakeha-to-be-on-receiving-end/F4WELSYC2KGHMPZF35NSCDNLM4/

New Zealand Herald. (2021). *Suharya Aden became New Zealand's problem because of a dubious Australian law that has since been repealed.*

https://www.nzherald.co.nz/nz/suhayra-aden-became-new-zealands-problem-because-of-a-dubious-australian-law-that-has-since-been repealed/BISAS4TUU2V4CE6IAUUFKCYJTA/

New Zealand Law Commission. (2001). *Maori Customs and Values in New Zealand Law*.

https://www.lawcom.govt.nz/sites/default/files/projectAvailableFormats/NZLC%20SP9.pdf

New Zealand Institute of Economic Research. (2003). *Maori Economic Development: Te Ohanga Whanaketanga Maori. Report prepared for Te Puni Kokiri.* New Zealand Institute of Economic Research.

http://www.tpk.govt.nz/publications/docs/economics/mdr_final.pdf.

New Zealand Police. (2012).*The Turning of the Tide Strategy 2012/13 – 2017/18.*

https://www.police.govt.nz/about-us/publication/turning-tide-strategy-2012-13-2017-18?nondesktop

New Zealand Police. (2017). *Police-Tūhoe youth initiative wins top award.*

https://www.police.govt.nz/nwews/ten-one-magazine/police-tūhoe-youth-initiative-wins-top-award

New Zealand Police. (2019). *Tactical Options Annual Report*.

https://www.police.govt.nz/sites/default/files/publications/annual-tactical-options-research-report-8.pdf

New Zealand Police. (2021). *Te Pae Oranga Iwi Community Panels.*

https://www.police.govt.nz/about-us/maori-and-police/te-pae-oranga-iwi-community-panels

Ngāi Tūhoe & Social Service Taskforce. (2011). *Ngāi Tūhoe Service Management Plan.*

http://www.ngaitūhoe.iwi.nz /vdb/document/44

Ngāi Tūhoe. (2011). *Nā Kōrero Ranatira ā Tūhoe me te Karauna.*

https://issuu.com/teurutaumatua/docs/tuhoe-compact

Ngāi Tuhoe. (2019). *Matemateāone Agreement.*

https://www.ngaituhoe.iwi.nz/Matemateaone-Agreement

NZ Institute of Economic Research. (2003). *Māori Economic Development – Te Ōhanga Whanaketanga Māori*. New Zealand Institute of Economic Research.

https://www.nzier.org.nz

Oranga Tamariki Evidence Centre. (2019). *Specialist Māori Roles: Synthesis of recent evidence and insights*.

https://www.orangatamariki.govt.nz/assets/Uploads/About-us/Research/Latest-research/Specialist-Maori-Roles-Evidence-Synthesis/Specialist-Maori-Roles-Evidence-Synthesis.pdf

Oranga Tamariki. (2021). *Quarterly Report – June 2021*.

https://www.orangatamariki.govt.nz/about-us/reports-and-releases/quarterly-report/text-only/

Oxford. (2021).

https://languages.oup.com/google-dictionary-en/).

Pearless, H. C. (2009). *State as terrorist : kāwanatanga te kaiwhakatuma : Parihaka 1881, Maungapōhatu 1916, Ruatoki 2007.* [Master's thesis, Massey University].

Radio New Zealand. (2013). *Crime reduction strategy seen as re-inventing the wheel.*

https://www.rnz.co.nz/news/te-manu-korihi/128332/crime-reduction-strategy-seen-as-re-inventing-the-wheel

Radio New Zealand. (2018). *New Zealand Post to close 79 shops: 'I do have concerns' – PM.*

https://www.rnz.co.nz/news/national/376881/new-zealand-post-to-close-79-shops-i-do-have-concerns-pm

Rae, J. (2009). Program Delivery Devolution: A Stepping Stone or Quagmire for First Nations? *Indigenous Law Journal*, *7*(2), 1-44.

Rahman, A., Clarke, M. A., & Byrne, S. (2017). The art of breaking people down: The British colonial model in Ireland and Canada. *Peace Research*, *49*(2), 15–38, 143–144. https://www.jstor.org/stable/44779905

Reddit.com. *Daenerys Targaryen* [online image]. https://www.reddit.com/r/DaenerysWinsTheThrone/comments/gev8mr/i_printed_framed_a_couple_of_our_queens_pictures/

Reed, A.W. (1963). *Treasury of Maori Folklore*. A.H. & A.W. Reed.

Revell, L., Papoutsaki, E., & Kolesova, E. (2014). Race, racism and everyday communication in New Zealand. In G. Dodson & E. Papoutsaki (Eds.), *Communication issues in New Zealand: A collection of research essays.* (pp. 38-51). ePress.

http://www.unitec.ac.nz/epress/index.php/ communication-issues-in-aotearoa-new-zealand-2/

Righarts, S., & Henaghan, M. (2010). Public perceptions of the New Zealand court system: an empirical approach to law reform. *Otago Law Review 12,* 329 – 344.

Roguski, M. (2020). The reclamation of whānau decision making in the context of child welfare. A case study of Iwi-led family group conferences. *International Journal of Critical Indigenous Studies*, *13*(2), 86-100. https://ijcis.qut.edu.au/article/download/1575/953

Rourke, J. (1993). *Policing Two Peoples: A History of Police in the Bay of Plenty 1867-1992.* New Zealand Police.

Royal, C. (2006, November). *Kaupapa Māori and Mātauranga Māori*. Presentation at Honolulu, Waikiki. http://www.rangahau.co.nz/methodology/59/

Rua, M., Hodgetts, D., Stolte, O., King, D., Cochrane, B., Stubbs, T., Karapu, R., Neha, E., Chamberlain, K., Te Whetu, T., Te Awekōtuku, N., Harr, J., & Groot, S. (2019). *Precariat Māori households today.* Ngā Pae o te Māramatanga. http://www.maramatanga.ac.nz/sites/default/files/teArotahi_19-0502%20Rua.pdf

Ruwhiu, L. (2009). Indigenous Issues in Aotearoa New Zealand. In M. Connolly & L. Harms (Eds.), *Social Work: Context and Practice* (2nd ed.) (pp. 107-120). Oxford.

Saleem, R., Vaswani, A., Wheeler, E., Maroney, M., Pagan-Ortiz, M., & Brodt, M. (2016). The Effects of Structural Violence on the Well-being of Marginalized Communities in the United States. *Journal of Pedagogy, Pluralism, and Practice*, *8*(1), article 10. https://digitalcommons.lesley.edu/jppp/vol8/Iss1/10

Scoop. (2017). *Aotearoa's Lost Generation - Maori children in state care.* https://www.scoop.co.nz/stories/PO1703/S00024/aotearoas-lost-generation-maori-children-in-state-care.htm

https://www.scoop.co.nz/stories/PO1703/S00023/maori-children-in-state-care-aotearoas-lost-generation.htm

Sennett, R. & Cobb, J. (1972). *The hidden injuries of class*. Cambridge University Press.

Sium, A., & Ritskes, E. (2013). Speaking truth to power: Indigenous storytelling as an act of living resistance. *Decolonization: Indigeneity, Education & Society*, *2*(1), 1-10. file:///Users/abigail/Downloads/19626-Article%20Text-46035-1-10-20130509.pdf

Smale, A. (2019). *The Māori Problem*. https://www.newsroom.co.nz/aaron-smale-the-maori-problem

Smith, D. E. (2002). *Jurisdictional devolution: Towards an effective model for Indigenous community self-determination*. Centre for Aboriginal Economic Policy Research, The Australian National University. https://core.ac.uk/download/pdf/156616535.pdf

Smith, G. (2003, December). *Kaupapa Maori Theory: Theorizing Indigenous Transformation of Education & Schooling.* Paper presented at 'Kaupapa Maori Symposium' NZARE / AARE Joint Conference. Auckland, New Zealand.

Smith, G. (2012). Kaupapa Maori: The dangers of domestication. *New Zealand Journal of Educational Studies,* 47(2), 11-20.

Smith, L. T. (1999). *Decolonizing Methodologies. Research and Indigenous Peoples*. Otago University Press.

Smith, L. T. (2015). Kaupapa Māori research – Some Kaupapa Māori principles. In L. Pihama & South, K. (Eds), *Kaupapa Rangahau A Reader: A Collection of Readings from the Kaupapa Maori Research Workshop Series* (pp. 46-52). Te Kotahi Research Institute.

Smith, M., Calder-Dawe, O., Carroll, P., Kayes, N., Kearns, R., Lin, E.Y., & Witten, K. (2021). *Mobility barriers and enablers and their implications for the wellbeing of disabled children and young people in Aotearoa New Zealand: A cross-sectional qualitative study*. Wellbeing, Space and Society. https://doi.org/10.1016/j.wss.2021.100028

Spencer, J. (2011). *Review of Public Prosecution Services.* https://www.crownlaw.govt.nz/assets/Uploads/Reports/prosecution-review-2011.pdf.

Stake, R. (1995). *The Art of Case Study Research.* SAGE.

Stanley, E. (2016). *The Road to Hell. State Violence against Children in Postwar New Zealand.* Auckland University Press.

Stanley, E., & Bradley, T. (2021). Pandemic Policing: Preparing a New Pathway for Māori? *Crime, Media, Culture: an international journal*, *17*(1) 53–58. https://doi.org/10.1177/1741659020946228

Stats NZ. (2018). *Tangata Māori population.* https://www.stats.govt.nz/topics/tangata-maori-populationstats.

Tamehana, H. (2013). *Exploring historical and contemporary contexts and practices of 'Mana Motuhake' as a foundation for Tūhoe self-government/governance.* [Unpublished Master's thesis]. Te Whare Wānanga ō Awanuiārangi.

Taonui, R. (2021). *Te ture – Māori and legislation*. Te Ara - the Encyclopaedia of New Zealand. http://www.TeAra.govt.nz/en/te-ture-maori-and-legislation/print

Taumaunu, H. (2014). *Māori Law Review*. https://maorilawreview.co.nz/2014/11/rangatahi-courts-of-aotearoa-new-zealand-an-update/

Tauri, J. (2005). Family Group Conferencing: The Myth of Indigenous Empowerment in New Zealand. In *Justice as Healing: Indigenous Ways.* McCaslin (Ed). Living Justice Press.

Tauri, J. (2015). Beware Justice Advocates Bearing Gifts: A Commentary on the Glorification of Family Group Conferencing, *New Zealand Sociology, 30*(1), 183-190

Te Puni Kokiri. (2015). *Understanding whanau-centred approaches: Analysis of Phase One*

Whānau Ora research and monitoring results.

file:///H:/Downloads/Chrome/understanding-whanau-centred-approaches.pdf

Te Runanganui o Ngāti Porou. (2019). *Caring for our Tamaiti Mokopuna – Voices of Ngāti Porou Tamaiti Mokopuna and Whānau*. https://ngatiporou.com/sites/default/files/uploads/TamaitiMokopuna/Te%20Runanganui%20o%20Ngati%20Porou%20Caring%20for%20our%20Tamaiti%20Mokopuna.pdf

Te Uepū Hāpai i te Ora - Safe and Effective Justice Advisory Group. (2019a). *He Waka Roimata: Transforming our criminal justice system.* https://www.safeandeffectivejustice.govt.nz/assets/Uploads/7efb12cccb/teuepureport_hewakaroimata2.pdf

Te Uepū Hāpai i te Ora – Safe and Effective Justice Advisory Group. (2019b). *Turuki! Turuki! Transforming our criminal justice system.* https://www.safeandeffectivejustice.govt.nz/assets/Uploads/28ce04fd87/Turuki-Turuki-Report-Interactive.pdf

Te Urewera Act 2014.

https://www.legislation.govt.nz/act/public/2014/0051/latest/DLM6183601.html

Te Whaiti, P., & Roguski, M. (1998). *Maori Perceptions* of the *Police.* Victoria Link.

The Guardian. (2021). *We tortured families: The lingering damage of Trump's separation policy.*

https://www.theguardian.com/us-news/2021/jan/04/trump-administration-family-separation-immigrants-joe-biden

The New Zealand Law Commission. (2001). *Māori Custom and Values in New Zealand Law*.

https://www.lawcom.govt.nz/sites/default/files/projectAvailableFormats/NZLC%20SP9.pdf

Tūhoe Establishment Trust. (2011). *The Blueprint: New Generation Tūhoe Authority*.

https://issu.com/teurutaumatua/docs/the_blue_print__new_generation_tuh?e=18309847/15178257

Tūhoe Hauora. (2017). *Tūia te here tangata: An evaluation of the Tūhoe Hauora Hui-ā-Whānau Pilot – A report to the Honourable Anne Tolley, Minister of Social Development.* (Unpublished).

Tūhoe Hauora & New Zealand Police. (2018). *Oho Ake: A prevention response to indigenous youth offending*.

https://www.pop.center.asu.edu

Waitangi Tribunal. (2021). *He Pāharakeke, He Rito Whakakīkinga Whāruarua: Oranga Tamariki Urgent Inquiry*.
https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_171027305/He%20Paharakeke%20W.pdf

Waititi, H. (2012). *Toitū te mana rangatahi: Marae-based Youth Courts – Negotiating Pathways for Rangatahi Offending*. [Master's thesis], Victoria University.

Waititi, K. (2019). *Is our mental health system making us crazy?*

https://e-tangata.co.nz/reflections/is-our-mental-health-system-making-us-crazy/

Waititi, R. (2020, December 3). Hansard (Debates).

https://www.parliament.nz/en/pb/hansarddebates/rhr/document/HansS_20201203_052110000/waititi-rawiri

Watt, E. (2003). *A history of youth justice in New Zealand*. Department for Courts.

https://www.youthcourt.govt.nz/assets/Documents /Publications/Youth-Court-History-of-the-Youth-Court.pdf

Wevers, S.G. (2011). *Recognising Rangatiratanga: Sharing Power with Māori through Co-Management.* University of Otago.

https://www.otago.ac.nz/law/research/otago036349.pdf

Whānau Ora. (2019). *100% support by Iwi Chairs to advance Māori-led Inquiry into Oranga*

Tamariki.

https://whanauora.nz/maori-inquiry/

Williams, J. (2013). Lex Aotearoa: An Heroic Attempt to Map the Māori Dimension in Modern New Zealand Law. *Waikato Law Review*, *21*(1).

http://www.nzlii.org/nz/journals/WkoLawRw/2013/2.html

Williams, R. (2010). *Te mana motuhake o Tūhoe.* [Master's thesis], Victoria University.

Wilson, R.J., Huculak, B. and McWhinnie, A. (2002). Restorative justice innovations in Canada, *Behavioral Sciences and the Law*, (20), 1–18.

Wink, W. (1992). *Engaging the Powers: Discernment and Resistance in a World of Domination*. Fortress Press.

Work and Income New Zealand. (2021).

https://www.workandincome.govt.nz/on-a-benefit/obligations/not-meeting-your-obligations.html

Workman, B. (2007). Casing the joint: explorations by the insider-researcher preparing for work based projects, *Journal of Workplace Learning*, *19*(3), 146-160.

Workman, K. (2016). From a Search for Rangatiratanga to a Struggle for Survival–Criminal Justice, the State and Māori, 1985 to 2015. *Journal of New Zealand Studies*, NS22, 89-104.

https://ojs.victoria.ac.nz/jnzs/article/view/3948/3539

Yeasmin, S., & Rahman, K. F. (2012). 'Triangulation' Research Method as the Tool of Social Science Research, *BUP JOURNAL*, *1*(1), 154-161.

https://www. bup.edu.bd/journal/154-163.pdf

Yin, R. (2003). *Case Study Research, Design and Methods.* Sage.

Yin, R. (2012). *Application of case study research* (3rd ed.). Sage.

Yin, R. (2018). *Case study research and applications: Design and methods* (6th ed.). Sage.

Zainal, Z. (2007). Case study as a research method. *Jurnal Kemanusiaan*, (9), 1-6.

http://psyking.net/htmlobj-3837/case_study_as_a_research _method.pdf

APPENDICES

Appendix 1: Ethics Committee Approval

TE WHARE WĀNANGA O
AWANUIĀRANGI

EC2020.10

07/07/2020 Student ID: 2020028

Joshua Magan Kalan
2521 Galatea Road
RD2
Waiohau
WHAKATANE
3192

Tēnā koe Joshua

Tēnā koe i roto i ngā tini āhuatanga o te wā.

Ethics Research Committee Application Outcome: Approved

The Ethics Research Committee met on Wednesday 01st July and I am pleased to inform you that your ethics application has been approved. The committee commends you on your hard work to this point and wish you well with your research.

Please contact your Supervisor Professor Virginia Warriner as soon as possible on receipt of this letter so that they can answer any questions that you may have regarding your research, now that your ethics application has been approved.

Please ensure that you keep a copy of this letter on file and use the Ethics Research Committee document reference number: EC2020.10 in any correspondence relating to your research, with participants, or other parties; so that they know you have been given approval to undertake your research. If you have any queries relating to your ethics application, please contact us on our free phone number 0508926264; or e-mail to ethics@wananga.ac.nz.

Nāku noa nā
Kahukura Epiha
Ethics Research Committee Administrator

WHAKATĀNE
13 Domain Road
Private Bag 1006
Whakatāne 3158
New Zealand
Telephone: +64 7 307 1467
Freephone: 0508 92 62 64
Facsimile: +64 307 1475

TĀMAKI MAKAURAU (AUCKLAND)
Building 1
19 Lambie Drive
Papatoetoe
Auckland 2104
PO Box 76035
Manukau City
Auckland 2241
Telephone: +64 9 260 4107
Facsimile: +64 9 263 5119

TE TAITOKERAU (WHANGAREI)
12A Murdoch Crescent
Raumanga Heights
Whangarei 0110
Private Bag 9019
Whangarei
Freephone: 0508 92 62 64
Telephone: 09 430 4901

www.wananga.ac.nz

Appendix 2: Consent Form

School of Indigenous Graduate Studies
Rongo-o-Awa
Domain Rd
Whakatāne

'Mā te ture, te ture anō e āki: culturally-inspired remedies to statutory harm.'

CONSENT FORM

THIS CONSENT FORM WILL BE HELD FOR A PERIOD OF FIVE (5) YEARS

I have read the Information Sheet and have had the details of study explained to me. My questions have been answered to my satisfaction, and I understand that I may ask further questions at any time.

I agree/do not agree to the interview being audio taped.

I agree to participate in this study under conditions set out in the Information Sheet , but may withdraw my consent at any given time.

Signature: _____ Date: _____

Full name – printed: _____

Appendix 3: Participant Information Sheet

Participant Information Sheet

'Mā te ture, te ture anō e āki: culturally-inspired remedies to legislative harm.'

Kia ora, my name is Joshua Kalan. I am currently enrolled in the PhD programme at Te Whare Wānanga o Awanuiārangi in Whakatāne. I am a father of four who is also employed as Pouwhakataki (Iwi Liaison Co-ordinator) with the New Zealand Police in Whakatāne where I have worked for the last thirteen years.

I would like your help with my research project (thesis), which forms a substantial part of this degree.

My project looks at how culturally-inspired interventions are being used in statutory frameworks (Government departments) to keep people from further progression into the system.

Researchers Information

Researcher: Joshua Kalan, joshua.kalan@police.govt.nz, 0272275008
Ngāi Tūhoe/ Ngāti Porou

Supervisor: Professor Virginia Warriner, virginia.warriner@wananga.ac.nz,

What participation means for you:
I would like to interview you because you are either a practitioner within Iwi social services, an Iwi representative, or key personnel in a statutory agency. This will take approximately an hour of your time at the most.

My project requires interviews with personnel who operate from within or across each of three distinct statutory frameworks – New Zealand Police; Oranga Tamariki and Ministry of Justice – and their partners in the kaupapa Māori intervention space.

You will not be offered payment or compensation for your participation, but I will offer to buy you coffee! I'm available to interview you at a time which is most convenient to you, at a time and place of your choosing. There will be no forseeable discomfort or risks to you as a result of participation.

What happens to the information from your interview?
You will have the option of remaining anonymous and all information you give will be treated with strict confidentiality.
All information you share will be stored on a password protected laptop for five years and then be destroyed. Hard copies of the information will be stored in a locked cabinet for five years and then destroyed.
All information received from you in the interview will be evaluated and grouped according to common themes and a summary of the project findings will be made available to you at the end of the research.

Appendix 4: Support Letter from New Zealand Police

New Zealand POLICE
Nga Pirihimana O Aotearoa

Thursday 16th April 2020

Support of Research – Joshua Kalan

To Whom It May Concern,

Joshua Kalan is employed as Pouwhakataki – Iwi Liaison Co-ordinator with New Zealand Police in the Eastern Bay of Plenty.

This letter is to express support and approval for Joshua to conduct his PhD research as required within the organisation, more specifically the Eastern Bay of Plenty area.

This consent specifically relates to:

i. Conducting research interviews with relevant Police personnel (subject to their individual consent and availability), and,

ii. The collection of anonymous statistical data, where required, in accordance with our organisational policies on privacy, confidentiality and the proper use of Police technology.

I wish Joshua every success in his studies and look forward to how his research can contribute to enhanced Iwi partnerships, improved outcomes for whānau and safer communities together.

Ngā mihi nui

Inspector Stuart Nightingale
Area Commander
New Zealand Police
Eastern Bay of Plenty

Safer Communities Together

Appendix 5: Support Letter from Oranga Tamariki

6 July 2020

2521 Galatea Road

Waiohau

RD2

Whakatāne 3192

Tēnā koe Joshua,

LETTER OF RESEARCH APPROVAL
"Mā te ture, te ture anō e āki: culturally-inspired remedies to legislative harm"

Thank you for submitting your research access application to the Oranga Tamariki–Ministry for Children Research and Data Access Committee (RADA).

I am pleased to inform you that your research access application for "Mā te ture, te ture anō e āki: culturally-inspired remedies to legislative harm" has been given full approval.

Your research must maintain fidelity with your RADA application and ethics approval. Please notify us if there are significant changes.

RADA also asks that you provide a summary of your research to the Ministry upon completion and adhere to the research access conditions and requirements attached.

Should you have any concerns or questions about the research approval, or for other research related matters, please continue to contact the RADA's Coordinator.
Good luck with your research.

Nāku noa, nā,

Beth Ferguson

Research Access Coordinator
Evidence Centre

Appendix 6: Support Letter from Tūhoe Hauora

Joshua Kalan
2521 Galatea Road
Waiohau
RD2 WHAKATĀNE

Thursday 19th March 2020

PERMISSION TO UNDERTAKE RESEARCH: OHO AKE & HUI-Ā-WHĀNAU

Tēnā koe Joshua

Thank you for your request to research the 'Oho Ake' and 'Hui-ā-Whānau' processes as convened by Tūhoe Hauora. In response as General Manager on behalf of Tūhoe Hauora, you have my consent to conduct the research outlined in your proposal, specifically:

a) Permission to access key data relevant to this study for the purpose of documenting a small number of case studies from each intervention.

b) To interview the Oho Ake and Hui-a-Whānau staff, subject to their individual consent.

Should you have additional requirements within the course of your research, please inform me at the earliest opportunity for discussion and direction.

I look forward to discussing the specific requirements of your research project and wish you well in this endeavour.

If you have any questions or concerns, please feel free to contact my office at 07 312 9874.

Ngā mihi,

Pania Hetet
General Manager
Tūhoe Hauora.

Appendix 7: Support from Tūhoe Te Uru Taumatua

KALAN, Joshua

From: Tamati Kruger <tamati@ngaituhoe.iwi.nz>
Sent: Tuesday, 17 March 2020 10:17 a.m.
To: Kirsti Luke; Roberta Ripaki; KALAN, Joshua
Subject: Re: Permission to interview you about The Mending Room

OK
ka tāea pea māua tahi ko Kirsti te uiui i te wā kotahi, mā Rereata e whakarite he wā

Get Outlook for Android

From: KALAN, Joshua <Joshua.Kalan@police.govt.nz>
Sent: Tuesday, March 17, 2020 10:09:22 AM
To: Tamati Kruger <tamati@ngaituhoe.iwi.nz>; Kirsti Luke <kirsti@ngaituhoe.iwi.nz>; Roberta Ripaki <roberta@ngaituhoe.iwi.nz>
Subject: Permission to interview you about The Mending Room

Tēnā koutou e hoa mā

I am in the second year of my PhD, looking at how tikana –based approaches are being used to deflect people away from harmful statutory processes.

I am keen to hear your views and experiences of The Mending Room, if that is okay.

If that's okay I would like to come and interview each of you at a time that suits (sometime in the next couple of months).

Each interview would take about half an hour or so.

Is this okay with you?

Nā mihi

Hōhua

Appendix 8: Oho Ake Letter of Agreement

tūhoe hauora
tihei mauri ora!

LETTER OF AGREEMENT

BETWEEN

TUHOE HAUORA

AND

THE EASTERN BAY OF PLENTY POLICE

1. Purpose

The purpose of this Letter of Agreement is to establish and promote a collaborative working relationship between Tuhoe Hauora and the New Zealand Police in the Eastern Bay of Plenty Police District (hereafter called the Police). The relationship's aim will be to encourage and ensure:

- Effective intervention aimed at Maori Children and Young People who fall into the Justice process at all levels.
- The participation of both parties in the development of projects to enable Safer Communities Together by establishing a Tikanga based process to reconnect not only Children and Young people who offend, but their families. It is a process which relies on a collaborative approach to undertake effective interventions for appropriate outcomes for Children and Young People and their family members.
- All parties agree to work collaboratively in an open, honest professional manner.

2. Outcomes

The desired outcomes of this agreement are:

- To reduce offences committed by Maori Children and Young Persons and also reduce the number of them becoming victims of crime.

- Interventions that reinforce Police and Iwi commitment to enhance and improve the design, access and delivery that impact on Maori social outcomes as they apply to the Police and the community.

- Increased responsiveness to the needs of Maori to promote Safer Communities Together

3. Consultation on Strategic Priorities and Plans

The parties to this agreement will meet regularly (fortnightly) to discuss case management, priorities and plans.

Processes to promote and evaluate the results of work undertaken by each party to the other will be implemented by agreement.

4. Collaboration and Joint Projects

Both Tuhoe Hauora as a partner in this initiative and the Police will provide each party to this agreement with outlines of their respective work programmes relevant to this agreement, and undertake to inform the other of any changes to priorities or plans as soon as practicable. If any notified changes will adversely affect any joint initiative, the parties agree to consult to prepare a modified plan to achieve the desired outcomes.

5. Review of Letter of Agreement

The parties will review the achievements and develop the intentions of this agreement quarterly. The parties agree that the purpose of this relationship is to build and increase the relationship between them.

The Agreement can only be modified by written agreement signed by persons authorised to by the respective parties.

6. Costs

This Memorandum of Understanding does not bind either party to the payment of costs or fees to the other in the performance of this agreement.

7. Changes to Government Policy

Where there are any changes to Government policy which affect the purpose and functions of this agreement, each party agrees to inform the other of those changes at the earliest possible time thereafter and agrees to meet to re-negotiate if necessary any aspects of this agreement.

8. Disputes

If any disputes arise in the course of this agreement. Both parties agree that these should be dealt with promptly; it should be raised as soon as possible. This can be done in writing or verbally.

The first step is to check the facts and make sure there really is a problem, and not simply a misunderstanding. A meeting will then be arranged where the issue can be discussed.

Should the issue not be resolved then both parties agree for an independent mediator be arrange to resolve the issue.

9. Role and Policies of the Parties

The roles and policies of the Police are set out in explanation for guidance in Appendix A.

Signed:

Waylyn Tahuri-Whaipakanga
Chief Executive
On behalf of Tuhoe Hauora

Greg Sparrow
Area Commander
New Zealand Police

SCHEDULE A

Role and Function of the Parties

1. Police will provide sufficient information, including relevant police forms for Tuhoe Hauora to undertake appropriate interventions with Children and Young Persons and their families. These will include, but are not limited to police summaries of facts, alternative action contracts, youth offender risk screening tool and other such documents relating to the history of the Child, Young Person and their family.

2. Police will provide a contract signed by the family consenting to Tuhoe Hauora to be an intervention point for them. Police will endeavour to encourage all families in the criteria to participate in the initiative.

3. The agreed criteria has been set as:
    1. All children and young people who whakapapa back to Tuhoe.
    2. All children and young people who live in Ruatoki - Waimana - Taneatua - Waiohau areas will be offered the option to engage with Tuhoe Hauora in the first instance.
    3. Those living in the surrounding district who chooses to utilise the service.

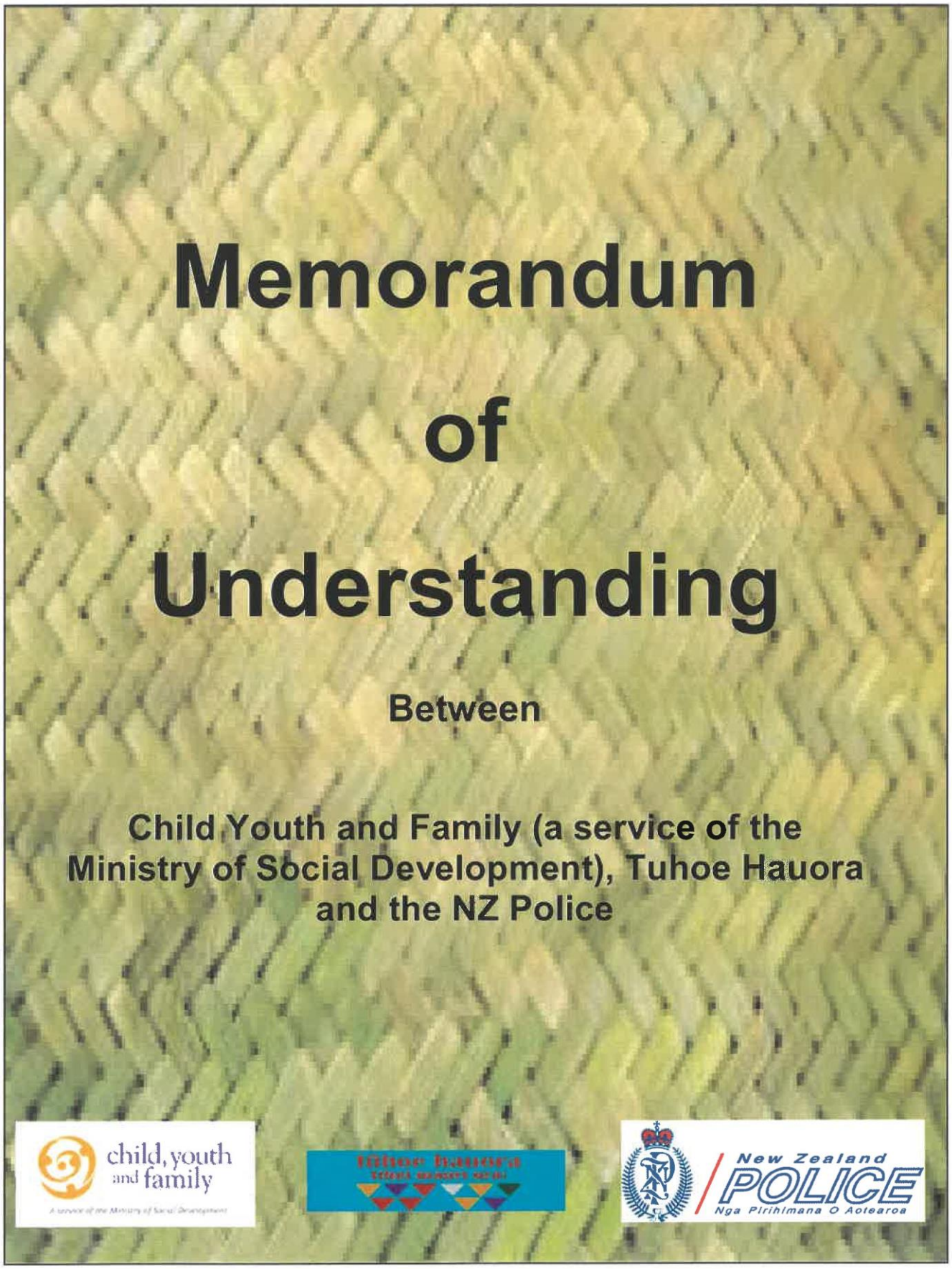
4. Victims rights and views will be maintained as per the Children Young Persons and Their Families Act 1989 and the Victims Rights Act 2002. This will be the responsibility of police.

5. This initiative will apply to all levels of the Youth Justice Process, subject to consent of other Government Departments. I.e. Justice Department of Courts, Child Youth and Family.

6. Tuhoe Hauora agrees to report on progress of action undertaken.

7. It is acknowledged that each party to the agreement will have their own measurements of the initiative.

Appendix 9: Hui-ā-Whānau Memorandum of Understanding



1. Table of Contents

2. Purpose

Each party agrees the purpose of the Memorandum of Understanding is to establish, formalise, record and promote a collaborative working relationship that meets their respective goals, objectives and aspirations.

3. Partners

The partners are Tuhoe Hauora, the NZ Police and Child, Youth & Family (a service of the Ministry of Social Development).

4. Relationship principles

These principles include:

- The partners recognise and respect the autonomy of the other;
- The partners will maintain confidentiality with, and be respectful of, client information details released by Child Youth and Family;
- The partners commit to open discussion, positive negotiation and a problem solving approach to all matters related to fulfilling the purpose of this partnership;
- The partners recognise and respect the diverse strengths and contribution each bring to the partnership;
- The partners will share responsibility in decision making on all matters related to fulfilling the purpose of this partnership.
- Effective communication and regular opportunities for dialogue. The establishment of formal mechanisms for input are essential to the success of the partnership, this includes prior warning of any media comment or statement under the Official Information Act.

5 Conflict resolution

In the event of an issue or conflict the parties agree that the General Manager Tuhoe Hauora, the BOP Operations Manager and if deemed appropriate a Police representative will meet to resolve any conflicts of interest.

6. Parties Representatives

Signatories

Signatories to the Memorandum of Understanding will be:

CHILD, YOUTH AND FAMILY

Title: Midlands Regional Director, Child Youth & Family

Address: Level 9, Anglesea Tower
Cnr Collingwood & Anglesea Streets
Hamilton 3204

Telephone: (07) 957 4738

Title: BOP Operations Manager, Child Youth & Family

Address: 75 Devonport Road
Tauranga

Telephone: (07) 928 5178

TUHOE HAUORA

Title: General Manager

Address: Tuhoe Hauora Centre
44-46 Tuhoe Street
Taneatua 3123

Telephone: (07) 312 29874

NZ POLICE

Title: District Commander

Address: 1190-1214 Fenton St
Rotorua

Telephone: (07) 349 9554

SIGNED ON THIS DAY, 15 MARCH 2016

Sue Critchley
Midlands Regional Director
Child, Youth and Family

child, youth and family
A service of the Ministry of Social Development

Tayelva Petley
BoP Operations Manager
Child, Youth and Family

child, youth and family
A service of the Ministry of Social Development

Pania Hetet
General Manager
Tūhoe Hauora

tūhoe hauora
tihei mauri ora!

Andy McGregor
District Commander
NZ Police

NEW ZEALAND POLICE
Nga Pirihimana O Aotearoa

Appendix 10: The Mending Room Referral Form

NEW ZEALAND POLICE
Ngā Pirihimana o Aotearoa

E tū ki te kei o te waka,
kia pakia koe e ngā ngaru o te wā

MENDING ROOM REFERRAL

Name: ..... DOB...../...../.....

Contact phone number: ..... Iwi: .....

Home address: .....

Email: .....

(Participant to note – you MUST be contactable via the supplied phone number – phone switched on during normal business hours – AND address – if NOT, this matter will likely be returned to Court. An email address may also be helpful if available).

You have been arrested without warrant, or are liable for arrest or summons, for the offence(s) of:

.....

(Specify offence(s) and relevant legislation)

As part of a new initiative you now have the opportunity of going before the Mending Room Panel, made up of members of the community who will decide on a suitable outcome.

By attending the Panel meeting and completing the actions as determined by the Panel, you will not have to appear before a Judge and you will not receive a conviction for this offence(s).

Possible outcomes could include any or a combination of the following: community service, making a formal apology, other restitution as deemed appropriate under the circumstances by the panel, and a rehabilitative component for example counselling, where support will be provided.

In accepting this opportunity, you MUST accept responsibility for the offence(s) indicated above, as the Mending Room process does not include any capacity for determining guilt or innocence. If you deny the offence(s) OR do not complete the agreed-upon actions, the matter will be returned to Court.

Declaration and Consent

I **AGREE** to participate in the Mending Room and will comply with the agreed actions required.
I **AGREE** that New Zealand Police can share all information held about me with the Mending Room.
I **AGREE** that the Mending Room can share all information held about me with New Zealand Police.

Participant Signature.....

Police ..... QID.....

Date.....

You are now released and **MUST** make contact as soon as possible to arrange a meeting with the Mending Room Coordinator **Roberta Ripaki** on **Ph: 07 922 4146 or 021 190 8554.**

Details will be provided to you on where to attend and at what time.

Police Coordinator Contact: Senior Constable Lyn SCOTT, Ph: 07 308 5255

HOW DOES IT WORK?

What is the Mending Room?

- It is a room where you have an opportunity to tell us what happened – your voice is heard.
- It is a room where you may hear the effect that your actions have caused to others.
- It is a room where you are given an opportunity to repair the harm that has been caused.
- It is a room that must keep everyone safe
- The Mending Room will help to provide support to you in addressing your needs.
- It is an alternative to being charged and going through the Court process.

What to expect?

- Before attending a Mending Room Hui, the coordinator will contact you to advise what to expect. They will ask you for information about yourself to gain an understanding of any wider issues that may have impacted on your reason for committing an offence. Your story will help contribute to the decisions and agreed actions made you will be encouraged to bring someone with you for support when you attend the hui – just let the coordinator know.
- After you are welcomed to the Mending Room, a summary of facts will be read by the NZ Police representative you may be asked if you agree with them, or to explain in your own words what was happening for you that day and why you have been charged with an offence.
- If there is a victim, they may be there to speak about what happened and the harm you have caused from their perspective, or they may have written to the Panel with their thoughts. Sometimes, they may ask someone else to attend for them.
- Those in the Mending Room will ask you questions about your circumstances and behaviour. They will be seeking your contribution to help them work out what happened, what caused it, and what could be done to avoid the same thing happening again. They will also be thinking about what kind of support might be available for you.
- You may be asked what you could do to repair any harm and to avoid it happening again. This is an opportunity for you to identify things that might help you.
- By the end of the hui, there will be a Mending Room agreement with agreed actions for you to complete. The actions may include you: apologising or explaining to the victim what happened; paying for damage or losses; attending services such as counselling and / or engaging with some form of education, such as driver training. You will need to agree to this and sign it.

What happens after the Mending Room Hui?

- The Mending Room coordinator will keep in touch with you, to help you meet all the conditions in your plan. If you do not meet the conditions or you don't respond to messages, the Panel will refer you back to the Police who may then decide to charge you and send you to Court.