

RANGATAHI COURTS NEWSLETTER

NGĀ KŌTI RANGATAHI O AOTEAROA
THE RANGATAHI COURTS OF NEW ZEALAND

SPECIAL EDITION: the AIJA Award for Excellence in Judicial Administration

On Monday 30 May, more than 300 people from around the country gathered at Ōrākei Marae to celebrate the Rangatahi and Pasifika Courts winning the 2015 AIJA Award for Excellence in Judicial Administration. This edition is dedicated to commemorating the occasion, and to sharing some of the kōrero heard on and around the day.

JUDGE TAUMAUNU

National Rangatahi Court Liaison Judge Kōrero at the Awards Ceremony

May I extend my congratulations to the 14 Rangatahi Courts and the two Pasifika Courts that have been awarded the 2015 AIJA Award for Excellence in Judicial Administration. To all of the court staff, court managers, Police Youth Aid officers, Child Youth and Family court officers and social workers, youth advocates and Crown counsel, lay advocates, education officers, forensic staff, academics, and those of you in the communities who provide support for our rangatahi and their whānau, tēnā rawa koutou katoa. Your collaborative contributions to the success of our Rangatahi and Pasifika Courts have now received international recognition. This award

is well-deserved by you all. We can be very proud that a truly homegrown New Zealand approach based on Māori and Pasifika cultures has received the acclaim it deserves.

I particularly acknowledge the elders, kuia and kaumātua who have travelled from near and far to be with us tonight. Your presence is vital to the success of our courts. When you participate in our Rangatahi and Pasifika Courts, you enhance the dignity of the proceedings with your mana, your wisdom, your patience, and your love for the rangatahi. You share freely with the rangatahi the benefit of your own life experiences, your wealth of cultural knowledge, and your clear understanding of how they can move forward in a positive fashion. Nō reira, he mihi mutunga kore tēnei ki a koutou, e kui mā, e koro mā.

Otira tēnā tātou i ō tātou tini aituā, i ō tātou tini mate, ko rātou te hunga wairua kua whetūrangitia. E hika mā, there are many elders who are now no longer with us



Pōwhiri at the AIJA Award Ceremony.



Detail on the wharenui at Ōrākei marae.

INSIDE THIS ISSUE

Judge Heemi Taumaunu	1
Principal Youth Court Judge Becroft	3
Greg Reinhardt (AIJA)	5
Tony Fisher (Ministry of Justice)	5
Highlights from the kōrero at the Awards Ceremony	6
Interviews: Kuia and kaumātua on strengthening the kaupapa	7
Photos of marae representatives at the Award Ceremony	8
STOP PRESS—Short Film: Ngā Kōti Rangatahi o Aotearoa	8
Interviews: The lay advocate—where to next?	11
Special Feature: Eru Findlay's research	12
Pānui: whānau, hapū and iwi in the CYPF Act	13

QUESTIONS OR COMMENTS? CONTACT US AT:
courtintheact@justice.govt.nz

but who have made important contributions to our courts in the past. Their names are numerous. Each of your courts will recall your own special memories of those who have passed on. I leave you with your own thoughts, however I can say this. **Ahakoā kāore rātou i tae ā tinana mai, kāore e kore, kua tae ā wairua, kei te menemene mai i tēnei wā. Although they are not present in person, they remain with us in spirit and no doubt are smiling upon us as I speak. Heoi anō waihō iho rātou te hunga wairua ki a rātou, waihō iho tātou te hunga ora ki a tātou.**

Tonight is a time to celebrate, to recognise the achievements of our courts, and also to reflect on our progress so far. Prior to the development of Rangatahi and Pasifika Courts, the Youth Court was both monolingual and mono cultural. We have come a long way.

Tonight's celebration is exactly eight years since the

The law now speaks and acts in the language and culture of the people it serves.

first sitting of the first Rangatahi Court. Since that first sitting in Gisborne, there are now 14 Rangatahi Courts and two Pasifika

Courts. I consider that the Rangatahi and Pasifika Courts have transformed the face of our youth justice system in Aotearoa New Zealand. The indigenous voices and cultures of Aotearoa and the Pacific Islands are now heard, recognised, and respected by our youth justice system. The law now speaks and acts in the language and culture of the people it serves. The Rangatahi and Pasifika Courts have successfully encouraged the strengths of each community to participate and play an extremely important role in each Court. I am confident that respect for the rule of law in our communities has been enhanced accordingly.

From the outset our courts have been a judicially led initiative. I have learnt over the last eight years that this type of initiative can only be established if Judges are prepared to participate and lead the way. Our courts would not have been established unless Judges were prepared to leave the comfort zone of their courthouses and venture into the heart of the communities we serve. I believe it is important that we

[T]his type of initiative can only be established if Judges are prepared to participate and lead the way.

acknowledge the Judges of the Rangatahi Courts and the Pasifika Courts:

Judge Louis Bidois, nō Te Arawa waka; Judge Denise Clarke, nō Ngā Puhī, Hokianga whakapau karakia; Judge Francis Eivers, nō Tainui waka; Judge Greg Hikaka, nō Taranaki maunga; Judge Alayne Wills, nō Kai Tahu; Judge Eddie Paul, nō Ngāti Awa; and Judge Ida Malosi, nō Hāmoa.

It is also very important to acknowledge the other Judges who have all been trained and have assumed the role of backup Judges when required: Judge Greg Davis nō Ngā Puhī; Judge Noel Coccurullo from Hamilton; Judge Phil Recordon (for both Pasifika and Rangatahi Courts); Judge Jane McMeeken; Judge Lisa Tremewan and Judge Peter Rollo.

The final acknowledgement is to the Heads of Bench.

When the Rangatahi and Pasifika Courts were first established, Principal Youth Court Judge Andrew Becroft and the late Chief Judge Russell Johnson were both hugely supportive and encouraging of the initiative. I wish also to acknowledge Mrs Margaret Johnson, the late Chief Judge Johnson's wife. The late Chief Judge would have been hugely proud of our achievements and I am sure he joins with us in spirit in celebrating.

It is important to mention our current Chief Judge, Judge Jan-Marie Doogue. The Chief Judge dearly wished to attend the award ceremony to show her support for our courts, however, she gives her apologies. One of our brother Judges, Judge Les Atkins, passed away in Palmerston North, and Chief Judge Doogue is delivering the eulogy at his funeral. **Nō reira, e te rangatira, Judge Atkins, haere rā e hika, takoto, e moe.**

I also wish to acknowledge our Principal Family Court Judge Lawrence Ryan. It is an absolute pleasure to have you with us to share in this ceremony this evening. Welcome and thank you for joining us.

Judge Becroft's enthusiasm, professionalism and commitment to our courts has been unwavering.

Principal Youth Court Judge Andrew Becroft deserves a very special mention. He has encouraged all of us from the outset. His enthusiasm, professionalism and commitment to our courts and to the youth justice sector has been unwavering. He has been the Principal Youth Court Judge for the past 15 years, and over the last eight years has led the development of all of our Rangatahi and Pasifika Courts. I, along with my fellow Judges, have become very close to Judge Becroft both



Judge Heemi Taumaunu with elders from Tāmaki Makaurau at the pōwhiri.

as a colleague and as a friend. Judge Becroft knows all of us very well. He knew that none of us would have applied for this award and so he and Chief Judge Jan-Marie Doogue proceeded to make the application to the AIJA without our knowledge. He also knew that if we found out, that none of us would have agreed. **E kore te kumara e kōrero mō tōnā reka!** The kumara does not speak of its own sweetness! I appreciate that this sentiment is shared by you all, however, you will all no doubt agree that the award is well deserved. It is a fitting acknowledgement and reward for all of your collective achievements.

Eight years ago, on the night before I was due to preside over the launch of the first Rangatahi Court in Gisborne, what we were about to do had never been done before. I was anxious and concerned about what might unfold at the marae the next day, so I made an extremely nervous phone call to Judge Becroft. I finished that phone call inspired and encouraged by **Judge Becroft's confidence and enthusiasm for the journey we were about to embark upon.** From that time until now Judge Becroft has been a great leader and colleague of all of us who are involved in the Rangatahi and Pasifika Courts. I thank Judge Becroft personally and on behalf of everyone present.

Judge Becroft will become the Childrens Commissioner on the 1st of July and we take this opportunity to wish him well in his new role. We have decided to present Judge Becroft with a farewell gift from his brother and sister Judges who are involved in the Rangatahi and Pasifika Courts. Judge Wills has selected the gift on our behalf and will pass it to Judge Clark for the presentation to Judge Becroft. Judge Clark has been selected by us to present the gift because she is the longest serving and therefore most **senior District Court Judge of Māori descent amongst us.** **Tēnā koe Judge Becroft, you have the right of reply.**

Nō reira, tēnā koutou, tēnā koutou, tēnā tātou katoa! ■



Left to right: Toi Katipa, Rangī McLean and Martin Cooper at the Awards Ceremony.

JUDGE BECROFT

**Kaiwhakawā Matua o Te Kōti Taiohi
Principal Youth Court Judge
Korero at the Awards Ceremony**

E ngā mana, e ngā reo

E te mana whenua,

E ngā rangatira, e kui mā, e koro mā

Tēnā koutou. Talofa lava, malo e lelei, fakalofa lahi atu, kia orana, ni sa bula vinaka.

E ngā hau e whā, ngā mihi maioha ki a koutou e huihui mai nei ana mō tēnei kaupapa whakahirahira. E mahi tahi tātou hei hāpai i te oranga taiohi - "Ka pū te rūha, ka hao te rangatahi". Nō reira, tēnā koutou, tēnā koutou, tēnā tātou katoa.

I would like to welcome you all here on this special day of celebration and acknowledgement to mark progress with the Rangatahi Court initiative. Some apologies to begin with.

Our Chief District Court Judge, who supports this kaupapa, was called away to speak at the funeral of a judicial colleague.

The Honourable Georgina te Heuheu, former Minister of Courts, apologises as follows:

I acknowledge in particular the leadership of the District Court bench and of our iwi and Pasifika **communities especially, in ensuring that Ngā Kōti Rangatahi** has now become an integral part of our judicial system. The Award being presented today recognises this.

As a former Minister for Courts involved in **progressing and opening some of our Kōti, I** have ongoing interest in this important kaupapa and have been pleased to be involved in the **recent setting up of our own Kōti Rangatahi here in Tūwharetoa.**

In fact, Monday is Cabinet day, and both the Prime Minister and Minister of Justice have sincerely apologised, both wanting to be here personally but being unable to. There are many other people deserving mention, but there is not time, and I mean no disrespect in not mentioning them.

Some thank yous and welcomes are particularly important.

First to **Professor Greg Reinhardt**, from the Australasian Institute of Judicial Administration: **you've come from Melbourne to see how it's really done in Aotearoa!** Thank you for making the effort to be here.

Secondly, to **Justice Mark O'Regan**, of the Supreme Court of New Zealand. Our Courts are at different ends of the spectrum but both have a commitment to delivering justice. Your appearance today adds considerable lustre to this occasion.



Judge Becroft speaking at the Award Ceremony.

Thank you to **Ōrākei Marae** for your support and organisation.

Thank you to the **Ministry of Justice** for your enduring support and deep pockets! Tony Fisher, we never cease to be grateful for your presence and support, and we acknowledge it today.

Thank you to **Edge Creative** for the technical support and technology, provided well under cost as a commitment to the local community.

Thank you, too, to **my Executive Assistant Naomi-Blaire Ngaronoa**. She has been the outstanding administrator and organiser behind the scenes and is a proud daughter of Ngāti Porou. Like so many of the young lawyers I see here today, you will be part of a group of young lawyers who I think will change the face of justice in New Zealand.

Thank you to my judicial colleagues, who have made enormous personal sacrifices.

Thank you to my **judicial colleagues** who have led this work with dedication and commitment and have made enormous personal sacrifices in doing so. You took the risk of going out on a limb nine years ago,

saying “we want to do something different.”

But most of all can I thank all of you. This turnout is spectacularly encouraging. It is testament to a vision of justice that is collaborative, that is community-based, and that emphasises partnership.

As we embark on these proceedings we reflect on the *whakataukī* (saying; proverb):

Ka pū te ruha, ka hao te rangatahi.
The old net must be thrown away. A new net is needed.

Or, in the words of a biblical *whakataukī* from 2,000 years ago (and I take my lead from the elders, who have already quoted from the Bible):

No man puts new wine into old wineskins. If they do, the skins will burst. The new wine will run out and the wineskins will be ruined. No, they pour new wine into new wineskins, and both are preserved.

In 1989, a “new wine” in the form of the Children, Young Persons and Their Families Act 1989 was delivered. And it delivered on the vision of *Pūao-Te-Ata-Tū*:* a vision of a whole new way and model of delivering justice for young people. But tragically, that new wine was poured into an old wineskin: the old structures; the old, traditional, adversarial court processes, and an increasingly bureaucratised Family Group Conference process.

The new wine is— from my vantage point— now bursting the old wineskins. And the new wineskins— **the new nets, to use the Māori whakataukī**— are the Rangatahi and Pasifika Courts.

People often ask, what is the legal basis for this new wineskin; this new way of doing things? In fact, it was always there. This is one of the eight youth justice principles in the Children, Young Persons and Their Families Act 1989:

Section 208(c)

Any measures for dealing with offending of a child or young person should be designed—

(i) to strengthen the family, whānau, hapū, iwi and family group of the child or young person concerned, and

(ii) to foster the ability of families, whānau, hapū, iwi and family groups to develop their own means of dealing with offending by their children and young persons.

The legal mandate has been in staring us in the face the whole time, but some of us have been reading the act as though the words hapū and iwi had been “twinked out”.

The legal mandate has been staring us in the face the whole time

But the challenge is enduring. It’s been there for 25 years, and we are only now beginning to deliver on it. That new wine, from 25 years ago, is being poured into **new wineskins. Or to use the other whakataukī, the old net has been thrown away. A new net has been delivered.**

This is the first step towards a new way of delivering **justice. Judges don’t often talk in the words of revolution, especially when the Supreme Court is present. We tend to talk in terms of evolutionary steps.**

Now I can say this: the challenge to go further is now with us. A transformative process of justice for the **whole community, not just for Māoridom, is before us.** There is no turning back. You could not turn back this many people. The encouragement we receive from this occasion is to keep on taking those steps. And in a decade or two decades’ time, I hope we see real transformative community justice before us.

Tēnā koutou katoa. ■

* *Pūao-Te-Ata-Tū* means daybreak. It is the Report of the Ministerial Advisory Committee on a Māori perspective for the (then) Department of Social Welfare (1988).

SPEECHES AT THE AWARDS CEREMONY

GREG REINHARDT: AIJA

The Australian Institute of Judicial Administration (AIJA) is very much involved in identifying ways in which the administration of justice can be improved. The organisation has been in existence now for over 30 years. It has a real trans-Tasman presence,



Greg Reinhardt speaking at the Award Ceremony.

in the sense that many of its members are New Zealanders. There has always been a close relationship between the legal professions in New Zealand and Australia through the AIJA.

We try to identify issues that are at the cutting edge in relation to judicial administration. Recently, we've had a real interest in areas such as family violence, youth justice, and— of course— indigenous justice.

You have been at the cutting edge of justice as it affects indigenous communities.

We're about to have our fifth indigenous justice conference in Alice Springs in

August this year. The conference will involve representatives from New Zealand's Rangatahi and Pasifika Courts. You have been at the cutting edge of justice as it affects indigenous communities.

[Judge Becroft], in his comments, referred to the fact

that we do basically have an adversarial system of justice. But I think that is, to a large extent, breaking down— and that is a very good thing. We need to be able to find solutions that are acceptable to those who come before the courts; and which they feel comfortable with. For too long, our system has been one that imposes results on people.

The adversarial system of justice is, to a large extent, breaking down—and that is a very good thing.

and to the extent that we are collaborative, to the extent to which we take into account differences in culture, in ethnicity, and so on, we actually gain greater acceptance from people for the work of courts and tribunals. That is what the AIJA seeks to support and to nourish. I'm really pleased to see that in relation to the Rangatahi and Pasifika Courts, that approach is really bearing fruit.

There will be another stage. There will be a need to move forward, and to

There will be a need to move forward, and to look at how things can be improved.

look at how things can be improved. However, I am very comforted by the fact that people here have taken up that challenge, and that as far as Māori and Pasifika communities are concerned there are solutions being offered which are far more acceptable than traditional adversarial justice.

We will continue to follow what is happening in New Zealand with very close interest, and I will look forward to working with you in the future in relation to the work of these very important courts. ■

TONY FISHER: MINISTRY OF JUSTICE

We are in a period where the government is really focussing its attention on channelling resources and effort into those initiatives that will make a difference in the long-term. **More of the same, they continue to tell us, just isn't going to cut it.** And what's interesting about that is that Māori have been saying that for years.



Tony Fisher speaking at the Award Ceremony.

While Rangatahi Courts won't solve all of the problems and issues associated with youth offending, they certainly will help. There are some really positive statistics that are emerging, which support calls for this type of approach [to justice] – Ngā Kōti Rangatahi – to be further extended, not just for rangatahi but also for adult offenders.

One feature of the Rangatahi Courts that is often overlooked is their durability. As you know, the first Rangatahi Court was established over eight years ago and it's still going strong, as are those that followed. They demonstrate what can be done when marae whānau, hapū and iwi actually own the solution. The challenge for bureaucrats and Judges is to continue to work with hapū and iwi to find and promote solutions like Ngā Kōti Rangatahi.

Today's rangatahi are tomorrow's rangatira.

Finally, I want to reflect on an experience I had very recently when Judge Becroft and I were visiting Rangatahi Courts. At the pōwhiri proceeding at Manurewa Rangatahi Court, the tangata whenua reminded us that today's rangatahi are tomorrow's rangatira. They are tomorrow's leaders.

So I was really keen to sit in on the Rangatahi Court session at the marae that day. And I can tell you that listening to the rangatahi coming before us, I didn't see youth offenders, I saw tomorrow's leaders, and I saw the court and the marae whānau and kaumātua working to try and unlock that potential. ■

SOME HIGHLIGHTS: Kōrero at the Awards Ceremony

Sir Justice Mark O'Regan | Supreme Court Judge and former AIJA President

"I am very proud of my judicial colleagues who have been responsible for this **demonstrable improvement** in the way we deliver justice. I would like to acknowledge not only the Judges involved in the running of Ngā Kōti Rangatahi and the Pasifika Courts but also the judicial leaders who have encouraged and supported the concept. Chief Judge Jan-Marie Doogue and Principal Youth Court Judge Andrew Becroft deserve special mention, as does the late Chief Judge Russell Johnson, who was so supportive of the concept at the outset."



Justice O'Regan speaking at the Award Ceremony.

"The AIJA Award for Excellence in Judicial Administration is a very prestigious award. Its criteria are demanding. Ngā Kōti Rangatahi and the Pasifika Courts meet all of the key measures. They involve innovation in processes and practice. And they deliver real benefit to our justice system. To me the key is the involvement of **kaumātua, kuia and other community leaders** in the resolution of offending by young people."

"Everyone involved in the delivery of justice in this country is concerned about the high proportion of youth offenders of Māori and Pasifika origin. It has seemed an almost intractable problem. The development acknowledged and rewarded by today's Award tackles this issue head on, and is making a **tangible difference** to the way we as a society deal with it." ■

Glenis Philip-Barbara Child, Youth and Family

"We have an opportunity right here, right now... to **extend this successful approach in working with Māori and Pacific peoples** and drive it even further through the system, all the way to the beginning, when we first become concerned about the welfare of our tamariki, of our mokopuna, of our whānau."

"What we've established here is an **important precedent** that we simply cannot ignore. **How many years have our kaumātua asked for this very approach to be driven into**

the heart of the way that we work with our whānau, with our mokopuna? Judge Becroft, please come and be a bridge and bring this iwi whānui with

you, to help restore the mana to our whānau... so that in times to come, **child protection services will not be required.**" ■



Glenis Philip-Barbara speaking at the Award Ceremony.

Wally Haumaha | Police Youth Aid

"What a great day it is... What a great tribute to the **cultural transformation of justice** across this country."



Wally Haumaha speaking at the Award Ceremony.

"We can talk about statistics until we're blue in the face and think about the **70% of our Māori kids going through the Youth Court**, and ask, what are the solutions? What's out there? And of course **the solutions are sitting right here**. You are testimony to the fact that our people do care."

"I pay my respects and acknowledgements to the Judges for having **the courage, the persistence, the passion and the perspiration to get through this far ...** the Judges, particularly our Māori Judges, have captured the hearts and minds of their colleagues to come into our space and **understand what makes us tick.**" ■



Colin Lynch speaking at the Award Ceremony.

Colin Lynch Ministry of Justice

"Everyone involved with Rangatahi and Pasifika Courts know that this is no easy "out" for the young person. But it is a different dynamic, bringing a sense of **"doing with"** rather than being "done to", and connecting young offenders with their culture, their sense of identity and providing formal and informal support through processes that are at the very heart of Māori world views." ■

Q: Where to next? **Kuia and kaumātua from four marae reflect on how to strengthen and expand the Rangatahi Court kaupapa.**

MĀTAATUA

POPSY (PAUL) BROWN

Educate the family, not just the kids

The biggest kaupapa behind all this is our kids, but I think at times we need to educate the parents and the grandparents. A lot of [the kids' behaviour] comes from the family. The kids walk out of the marae and back into the same environment.

JOSHUA KALAN (IWI LIAISON OFFICER)

Earlier red flags

Getting kids earlier is going to take a whole of government systemic approach – with red flags going up earlier. Within the justice system, we're putting things in place, but it needs to be the whole system.

Do the basics well

One thing everyone can do is: just do the basics well, rather than looking for the silver bullet. A lot of the time, systems are already in place. If everyone does their jobs well, that solves a lot of problems.

ŌWAE

RUA JOSEPH

Keep all marae up to date

We need kaumātua across the whole country to be involved. I hope [non-present kaumātua] know what's going on... They will want to know what's happening.

Encourage new kaumātua to get involved

[Our Kōti Rangatahi] had quite a few kaumātua but a lot of them passed away. We're trying to encourage new kaumātua. I know they're there— it's just a matter of getting them involved. At first it was about getting the whānau there, now it's about getting the kaumātua there.

RAWIRI DOORBAR

Wider iwi buy-in

We need a wider buy-in from iwi. We get a bit tight on the ground—we need more people to come in and support it.

Organise transport to the marae

We have got a great kaumātua support base, but they live in New Plymouth and they can't get transport to come out to the marae. That's the hardest thing. If we had a van, we'd be able to use it on the weekend for the kids and during the week for the kaumātua. We would be picking people up from the door.

TE ARAWA

ANARU RANGIEUEA

Involve victims in the Rangatahi Court

We want to get more of the victims involved. Sometimes they're not heard.

Work on relating to the young people

Over time, we have learnt how to relate to the young person. Everybody seems to be more at ease, now. Even the kids themselves. They talk to the Judges – just like they're talking to mum and dad. They all express themselves, and you get to the root of the problem by getting them into that frame of mind. The judges are very good too. They don't talk down to the kids. They talk eye to eye.

Get fathers along—not just mothers

It's the mother who is there, not the father. Occasionally they are but it's usually the mother, the aunties who turn up. The male seemed to be missing. I don't know why. You need the role model on both sides.

ŌRĀKEI

HERA GREY

Tikanga wairua to help kids stand tall

In the District Court we have men who come every week to learn their tikanga wairua. I believe we should have something like that in the Kōti Rangatahi. I think it'd be awesome for the younger ones.

At a tikanga wairua, you stay at the marae for the week, so the kids could bring their family—and sometimes you find that their parents and grandparents don't even know where they come from, and they are amazed to find out.

If we can get the kids earlier, they can stand tall when they're kids. I only just got over being colonised myself. When I started kapa haka with the older people here – and I love it – I said "I've got to tell you something." And they said "What?" And I said, I stopped kapa haka when I was 14, in third form in college. I had been colonised. I hadn't been a Māori. I was so taught that we were savages back at the schools of that time. And I believed it.

But that was then, this is now. It feels good to do kapa haka now. Things have moved on and I am just happy that the Judges of this time have allowed this to happen.

Ngā Kōti Rangatahi and Pasifika Courts

Te Poho-o-Rāwiri
Rangatahi Court
30 May 2008, Gisborne
Judge Taumaunu



Manurewa Rangatahi Court
23 September 2009,
South Auckland
Judge Hikaka



Hoani Waititi Rangatahi Court
10 March 2010, West
Auckland Judge Taumaunu



Ōrākei Rangatahi Court
22 June 2010, Auckland
Judge Paul



Māngere Pasifika Youth Court
22 June 2010, South Auckland
Judge Malosi

Avondale Pasifika Youth Court
30 September 2011, Auckland
Judge Malosi



Ngā Kōti Rangatahi and Pasifika Courts

**Ōwae Rangatahi Court
26 June 2010, New Plymouth
Judge Hikaka**



**Kirikiriroa Rangatahi Court
7 August 2010, Hamilton
Judge Clark**

**Mātaatua Waka
Rangatahi Court
11 June 2011, Whakatāne
Judge Bidois**



**Pukekohe Rangatahi Court
30 September 2011,
South Auckland
Judge Hikaka**

**Papakura Rangatahi Court
1 October 2011,
South Auckland
Judge Eivers**



Ngā Kōti Rangatahi and Pasifika Courts

**Te Arawa Rangatahi Court
2 December 2011, Rotorua
Judge Bidois**



**Ōtautahi Rangatahi Court
22 March 2014, Christchurch
Judge Taumaunu**

**Rāhui Pōkeka Rangatahi Court
26 March 2014, Huntly
Judge Clark**



**Tauranga Moana Rangatahi
Court
14 March 2015, Tauranga
Judge Bidois**

**Tūwharetoa Rangatahi Court
5 December 2015, Taupō
Judge Wills**



STOP PRESS | Short Film: Ngā Kōti Rangatahi o Aotearoa

Office of the Principal Youth Court Judge



Image from the production of Ngā Kōti Rangatahi o Aotearoa.

The AIJA Award Ceremony was also the premiere of the short film **Ngā Kōti Rangatahi o Aotearoa**. Commissioned by the Office of the Principal Youth Court Judge and produced by **Julian Arahanga of Awa Films Ltd** (“Songs from the Inside”), this 7-minute film takes the viewer inside both the Rangatahi Courts and the Pasifika Court, and features interviews with Judges, kuia and kaumātua, Police Youth Aid, youth advocates, and the Rangatahi themselves. We are very excited to announce the film is now available **FREE ONLINE** at the following link:

<https://vimeo.com/168848118>

UPCOMING: A longer version of the film is also being produced. Details will be announced in the upcoming weeks.

This project would not have been possible without the support of the following people and organisations: Ministry of Justice, Te Puni Kōkiri, New Zealand Police, Ministry of Social Development, Ministry for Pacific Peoples, the three marae (Wairaka, Hoani Waititi and Te Herenga Waka), the Māngere Pasifika Youth Court and Naomi-Blair Ngaronoa (Judge Becroft’s Executive Assistant). Tēnā koutou.

INTERVIEWS: THE LAY ADVOCATE—WHERE TO NEXT?

RAWIRI DOORBAR | LAY ADVOCATE ŌWAE RANGATAHI COURT

How has your experience in the role changed since the beginning?

It’s become more natural for me to have the conversations with the young person. It’s easier now to approach it from the perspective of, “how much do you know already?” It takes having a conversation – instead of feeding them information, drawing it out of them; getting them to go home and have conversations with their parents; getting their parents to ring up aunty and uncle and find out more information—and a bit of “ask aunty Google”.

How could things improve for lay advocates?

The lay advocates seem to work in isolation, doing the grassroots of dealing with the whānau and the rangatahi. It would be good just to have a debrief and share ideas. It’s really hard to evolve without wider communication – we’re just evolving in our own little circles. And in that isolation, we might actually be going right off the track from what we’re supposed to be doing. Coming here tonight is a fantastic opportunity to see people. It’d be great to have more extended quality time with other lay advocates – to talk about what’s been working and what’s not been working.

How could the role develop from here?

Our time with rangatahi is very short. They’re in court and then they’re out. There’s no catch up or follow up, no chance to ask how they’re doing. That would be great – to be resourced to be able to have so many catch ups after court – just to keep tabs. I know CYF

do the follow through, but as a lay advocate you do form a relationship with these rangatahi and you don’t get specific resource to be able to follow up. I have opportunistic catch ups but it would be cool if it was [formalised]. Then, if they’re not doing so well, I can use the relationship to know that and to make a referral. It would be really cool if lay advocates had their own referral forms, to make referrals to another agencies. ■



Rawiri Doorbar

ELEANOR HUNT | LAY ADVOCATE PASIFIKA COURT

What is the lay advocate role all about?

The lay advocate role is evolving, and MOJ is also learning how to manage this role. From a Pasifika Samoan lay advocate perspective, to me its all about understanding and valuing relationships, trust, connection with families through story telling moments, having faith, hopiong and believing your role will make a difference to young people and their families on a real, human level through good service.

How could things improve for lay advocates?

The lay advocate role is not an easy role. You have to work hard, really hard, to engage with families to bring them on board. I work hard on getting the

-----Continued from page 11-----

ELEANOR HUNT | LAY ADVOCATE: PASIFIKA COURT

small connections right because that’s the beginning of relationship building. These small [steps] need to be acknowledged and recognised by MOJ.

Partnering agencies need to acknowledge and include lay advocates in the process. Often lay advocates are left out unless you have built a good relationship with some of the professionals, [who are then] aware of your capacity and capability to do the job.

We also need a more collaborative and collective approach from organisations [in relation] to families. The CYFS Act is clear [that it requires] a collective approach involving the community. However, this collective approach is not always taken by organisational partners and often families, and even me, feel that things are dictated to us in terms of how they should happen for the family and young person.

At the end of the day, people connect with people they trust, like and gel with. Often I hear professionals say to me, “that’s a dumb kid, he/she doesn’t get it, there is no way this family will benefit from family therapy because they are beyond helping, **therapy is not in our budget...**” - to me, [this means we are] failing our young people and their families before we even try and start supporting them.

How can we expand Pasifika families’ involvement in the youth justice process?

[To get families more involved, we] need to understand and be aligned with cultural perspectives.

Communication needs to improve: you need to have interpreters available for families where English is a second language. Often, family members and the lay advocate are relied upon to interpret.

We need to embrace the village or community meeting [format] because Pasifika families can relate to that. ■

SPECIAL FEATURE

‘Marae Justice: A way of reducing offending by Rangatahi’ — A MASTERS THESIS BY ERU FINDLAY, MASSEY UNIVERSITY, 2015

Experienced Lay Advocate Eru Findlay has completed a Masters thesis relating to the Rangatahi Courts. Here, we provide a quick guide to Eru’s research and findings.

WHAT IS IT ABOUT?

This Masters thesis highlights the issue of rangatahi offending in New Zealand and reflects on its historical context from Māori and European perspectives.

Findlay profiles Ngā Kōti Rangatahi as a cultural approach that is addressing the issue of reoffending. From quantitative and qualitative research—including a case study of the first Kōti Rangatahi—conclusions are drawn regarding the role of Ngā Kōti Rangatahi in reducing rangatahi offending.

Crucially, Findlay employs **Māori centred approaches** to understanding rangatahi offending. These include Kaupapa Māori theory and Te Whare Tapa Wha (a Māori philosophy of health).

WHAT ARE ERU FINDLAY’S FINDINGS?

The thesis identifies three important aspects to the Kōti Rangatahi: its *cultural*

aspects (tikanga Māori); its *collective* aspects (relationships between people); and its *individual* aspects (the rangatahi before the Court).

It concludes in support of the hypothesis that the Kōti Rangatahi—characterised by the three identified “aspects” above—are reducing reoffending.

Three key recommendations are provided:

- That family-based approaches be sourced and researched for use with Māori rangatahi;
- That information sharing be improved; and
- That similar interventions be considered outside of the Youth Court jurisdiction. ■

Contact us at courtintheact@justice.govt.nz if you would like a copy of Eru Findlay’s report.



The words **“whānau, hapū and iwi”** appear ten times across four youth justice-related provisions, and **“whānau and hapū”** appears once:

Section 4 General Objects

The object of this Act is to promote the well-being of children, young persons, and their families and family groups by—

- [...] (b) assisting parents, families, **whanau, hapu, iwi**, and family groups to discharge their responsibilities to prevent their children and young persons suffering harm, ill-treatment, abuse, neglect, or deprivation:
- (c) assisting children and young persons and their parents, family, **whanau, hapu, iwi**, and family group where the relationship between a child or young person and his or her parents, family, **whanau, hapu, iwi**, or family group is disrupted:

Section 5 General Principles to be applied in exercise of powers conferred by this Act

Subject to section 6, any court which, or person who, exercises any power conferred by or under this Act shall be guided by the following principles:

- (a) the principle that, 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 the views of that family, **whanau, hapu, iwi**, and family group:
- (b) the principle that, 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) the principle that consideration must always be given to how a decision affecting a child or young person will affect—
- [...] (ii) the stability of that child's or young person's family, **whanau, hapu, iwi**, and family group:

Section 208 Youth Justice Principles

Subject to section 5, any court which, or person who, exercises any powers conferred by or under this Part or Part 5 or sections 351 to 360 shall be guided by the following principles: [...]

- (c) the principle that any measures for dealing with offending by children or young persons should be designed—
- (i) to strengthen the family, **whanau, hapu, iwi**, and family group of the child or young person concerned; and
- (ii) to foster the ability of families, **whanau, hapu, iwi**, and family groups to develop their own means of dealing with offending by their children and young persons:
- (f) the principle that any sanctions imposed on a child or young person who commits an offence should—
- (i) take the form most likely to maintain and promote the development of the child or young person within his or her family, **whanau, hapu**, and family group; [...]

Section 327 Functions of Lay Advocate in the Youth Court

The principal functions of a lay advocate appointed under section 326 are as follows:

- (a) to ensure that the court is made aware of all cultural matters that are relevant to the proceedings:
- (b) to represent the interests of the child's or young person's **whanau, hapu, and iwi** (or their equivalents (if any) in the culture of the child or young person) to the extent that those interests are not otherwise represented in the proceedings.

AIJA AWARD CEREMONY | ŌRKEI MARAE 2016

