

# NGĀ KŌTI RANGATAHI O AOTEAROA

*News, stories and events from the Rangatahi Courts and Pasifika Courts*

## NGĀ PITO KŌRERO

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## Tihei Mauri Ora!

*E ngā mana, e ngā reo, e ngā hau e whā, tēnā koutou katoa.*

3 *Tēnā hoki tātou i ō tātou tini mate kua whetūrangitia. E kore e mutu ngā mihi ki a rātou. Waiho iho rātou te hunga wairua ki a rātou, tātou te hunga ora ki a tātou, tēnā koutou.*

4 *E ngā kaiāpai o te kaupapa o te Kōti Rangatahi huri noa i te motu, tēnā koutou.*

5 *E tika ana me mihi au ki ngā iwi o Te Taitokeraui i karanga mai ki a mātou kia haere mai ki Terenga Parāoa marae i tērā atu wiki. Ko te kaupapa matua o tērā hui, ko te whakatūwheranga o te Kōti Rangatahi ki Whāngarei. Ka nui aku mihi ki a koutou i kaha tautoko i te kaupapa o te Kōti Rangatahi i runga i tō koutou marae. Ko te kupu kōrero, "Ka pū te ruha, ka hao te rangatahi".*

6 *Nō reira e hika mā, tēnā koutou, tēnā tātou katoa.*

8 On Saturday 24 February, more than 200 people gathered at Terenga Parāoa in Whangārei to launch the 15<sup>th</sup> Rangatahi Court. Hosted by the hau kāenga of Terenga Parāoa Marae, and supported by ngā iwi o Te Taitokerau, the hui was attended by a large number of local and visiting dignitaries including Ministers of the Crown, iwi leaders, whānau, hapū, judges, youth justice providers and department officials.

9 It is appropriate to acknowledge and thank the Ministers who attended: the Honourable Andrew Little; the Honourable Aupito William Sio; the Honourable Kelvin Davis, and the Honourable Peeni Henare. The hui was honoured to have in attendance both the current Principal Youth Court Judge John Walker, and the former Principal Youth Court Judge and current Children's Commissioner, Judge Andrew Becroft. The Secretary for Justice, Andrew Bridgman, and

This pānui is published by the Office of the Principal Youth Court Judge. To contact, please email: [courtntiheart@justice.govt.nz](mailto:courtntiheart@justice.govt.nz)

key personnel from the Ministry of Justice were also in attendance.

Unequivocal messages of support for the Rangatahi Court were delivered by the speakers who addressed the hui during the pōwhiri and by the dignitaries who spoke after the pōwhiri. They all acknowledged the value of the Rangatahi Courts and the important role they have in our communities. They also reflected on the increasingly disproportionate rate of Māori appearing in our criminal justice system, and the need for a continued and collaborative effort to improve outcomes for Māori.

**Minister Andrew Little** reiterated the Government's commitment to improving the criminal justice system, particularly for Māori. He acknowledged the commitment from the judiciary, the communities and stakeholders in ensuring the court and the rangatahi who come before it, are well supported. The Minister also offered the Government's full support to the Rangatahi Courts.

**Principal Youth Court Judge John Walker** spoke of the place a Court holds in its community. The Rangatahi Courts are an example of the court being connected to the community it serves. Incorporating the use of te reo Māori me ngā tikanga, and engaging the young person, their whānau, hapū, iwi, kuia and kaumātua in the court process enhances the legitimacy of the Court as an institution. The Rangatahi Courts ability to adapt and reflect the values and kaupapa of the community is one of its greatest strengths.

**Chief District Court Judge Jan-Marie Doogue** was unable to attend the hui, however, her apologies were formally conveyed by Principal Youth Court Judge John Walker. Judge Walker also conveyed Chief Judge Doogue's best wishes and her acknowledgement of the Judges and the mana whenua for making this Court possible given that "the prize from restoring the lives of our rangatahi is so precious".

**District Court Judge Jan-Marie Doogue's** apologies for being unable to attend were passed on to the hui. The Chief Judge's best wishes and thanks were also conveyed to the Judges and the mana whenua for making this Court possible because, "the prize from restoring the lives of our rangatahi is so precious".

**Andrew Bridgman**, Chief Executive of the Ministry of Justice and Secretary for Justice,



Pōwhiri at Terenga Parāoa Marae.

highlighted the success of the Rangatahi Courts in reconnecting rangatahi Māori to their cultural identity and in encouraging the strengthening of whānau bonds. This approach, he said, is consistent with the evidence about what works to reduce reoffending.

**Inspector Riki Whiu**, Police Area Commander for the Far North, acknowledged the Rangatahi Courts as a meaningful step to addressing the disproportionate over-representation of Māori in the criminal justice system, but called for more action.

**Assistant Police Commissioner Allan Boreham**, seconded to Oranga Tamariki in the role of Deputy Chief Executive, referred to the bleak statistics of rangatahi Māori in the youth justice system (more than 80% in Northland) and affirmed Oranga Tamariki's commitment to work collaboratively with iwi and other organisations to ensure that rangatahi Māori have the best chance to achieve their full potential.

*"We know that the principles that underlie this Court aim to connect young people, or keep them connected to their culture and community. We believe this Rangatahi Court can make a difference."*

**Judge Greg Davis** will be one of the presiding judges of Te Kōti Rangatahi Mā Ngā Taitamariki ki Whangarei. Judge Davis pressed the need for alternative options to remand. His Honour laid down the challenge, for an increased collective effort to reduce the numbers of Ngāpuhi rangatahi Māori who are held in custody.

**Judge Denise Clark** will also be one of the presiding judges of Te Kōti Rangatahi Mā Ngā Taitamariki ki Whangarei. Judge Clark spoke about the challenge in realising the full potential

of the Oranga Tamariki 1989 Act and in particular, the statutory mandate afforded to whānau, hapū and iwi. Her Honour emphasised the importance of engaging whānau, hapū and iwi in the Court process, in the decision making, and in the wrap around support of the rangatahi.

The establishment and operation of all Rangatahi Courts has been a judicially-led initiative from the outset, and as such, it has only been possible with the full support, guidance and encouragement of the Chief Judge of the District Court and the Principal Youth Court Judge. Therefore, it is vitally important to acknowledge the outstanding leadership and vision that is provided by both the Chief Judge of the District Court, Judge Jan-Marie Doogue, and the Principal Youth Court Judge, Judge John Walker. I also take this opportunity to particularly acknowledge his Honour Judge Greg Davis and her Honour Judge Denise Clark for their substantial contributions and tireless efforts in establishing the Rangatahi Court at Whangarei.

I acknowledge and thank everyone who participated in the establishment of Te Kōti Rangatahi ki Whangarei; to all of you who attended the launch; to all of you who spoke at the launch; to the mana whenua and the kuia and kaumātua who supported the launch and will continue to support the kaupapa; and to the many stakeholders who attended the launch and will continue to play key roles in the successful operation of the court. He mihi nui ki a koutou.

Nō reira, noho ora mai rā i runga i ngā manaakitanga a te Runga Rawa.

Nāku iti noa nā,

**Kaiwhakawā Heemi Taumaunu**  
**National Rangatahi Court Liaison Judge**



Judge Greg Davis and Judge Denise Clark  
at the launch of  
the Rangatahi Court at Whangarei.

## He Tohu: A new logo



This logo was designed by Ana Taumaunu, graduate of the Toihoukura School of Māori Design, and currently a Computer Graphics Design teacher at Lytton High School in Gisborne.

The design is based on the whakataukī, “Ka pū te ruha, ka hao te rangatahi” - “The old worn out net is cast aside, and the new net goes fishing”. The children and young people who appear in the Rangatahi Courts and the Youth Court are encouraged to cast aside their old behaviours and adopt a new pro-social attitude, in other words, they are encouraged to “cast a new net”.

In the logo, the old worn out net is depicted on the left as noticeably deficient. The “new net” depicted on the right is complete and balanced. The Koiri design represents the connection between a mother and child, the importance of whakapapa, and the connections to hapū and iwi. The Niho Taniwha design refers to the mountain, river and tribe of both parents as recited by the child or young person in his or her pepeha.

## He Kōti Māu?

Ngā Kōti Rangatahi o Aotearoa jackets are available for order until 6 April, 2018.

For more details and to place an order, please see the order form on page 15.



Judge Taumaunu  
models the new jacket.

## Judge Ida Malosi

“A beacon for Pasifika men and women”

First female Pasifika Judge of the District Court honoured with Victoria University of Wellington’s 2017 Alumni Award.

Described as a “trailblazer”, “a beacon for Pasifika men and women”, and “a heroine of any Pasifika law student”, this award acknowledges Judge Malosi’s exemplary leadership and outstanding contribution to the legal profession.

Since her appointment to the District Court Bench in 2002, Judge Malosi has been a pioneer in the Family and Youth Court jurisdictions. Judge Malosi worked closely with communities to establish the Māngere and Avondale Pasifika Courts in 2010 and 2011. In 2013, she was seconded to Samoa and served as their first Samoan female Supreme Court Judge where she led the establishment of the Family Court and Family Violence Court.

[Click](#) to hear about Judge Malosi’s upbringing in Bluff, how she accidentally fell into law and opened a successful all Māori and Pasifika female law practice, and what it is like to be a Judge in South Auckland.

The link can be found at: [www.radionz.co.nz/national/programmes/sunday/audio/](http://www.radionz.co.nz/national/programmes/sunday/audio/).



Judge Ida Malosi Photo credit: Victoria University of Wellington.

## Judge Heemi Taumaunu

Judge Heemi Taumaunu, has been appointed Deputy Judge Advocate General of the Armed Forces. This is in addition to his existing work as a District Court Judge and Youth Court Judge.

This additional role is delegated powers by the Judge Advocate General to be responsible for ensuring the proper administration of armed forces law. Responsibilities include investigating complaints by the members of the armed forces, appointing judge advocates to sit in courts-martial, and considering and reporting on the proceedings of courts-martial.

## Judge Phil Recordon

Appointed to the District Court Bench on 28 August 2003, Judge Recordon has routinely sat in the Youth and Pasifika Courts in South Auckland. Judge Recordon will retire on 3 April this year, however he will immediately commence his acting warrant.



L-R: Victoria University Vice-Chancellor Professor Grant Guilford, Judge Ida Malosi, Chancellor Sir Neville Jordan.

## Kaiwhakawā Judge Sharyn Otene

District, Youth & Family Court Judge



**Ko Mangataniwha te maunga**

**Ko Taapapa te awa**

**Ko Kōhatutaka te hapū**

**Ko Mangamuka te marae**

Now based in Hamilton, Judge Otene spent 20 years in legal practice with a significant focus on care and protection, primarily in South Auckland. Before her appointment in 2015, Judge Otene was on the lawyer for child panel and served as a member of the Executive Committee of the New Zealand Law Society Family Law Section.

**“Youth Justice is a clear extension of that focus and concern given the care and protection experience of so many rangatahi in the Youth Court.”**

As a member of the District Court Bench, Judge Otene continues to make an invaluable contribution serving as the Tangata Whenua representative on the District Court Education Committee and as a member of the District Court’s Health and Safety Committee.

**Favourite summer past time?** Afternoon siestas.

**Last book you read?** Joan Didion - The Year of Magical Thinking.

**What is playing on your iPod right now?** Teeks - Wash over me.

**When I dance, I look like...?** Beyonce (in my head).

**Swim in pool or ocean?** Ocean.

**Watch sports or play sports?** Play.

**If you had a super power what would it be?** To sing like Mavis Staples (she is a super power).

## Kaiwhakawā Judge Haamiora Raumati

District, Family & Youth Court Judge



**Ko Taranaki te maunga**

**Ko Ngāti Mutunga te iwi**

**Ko Mohakatino te awa**

**Ko Ruapekapeka te marae**

**Ko Tokomaru te waka**

Appointed to the District Court Bench last April, Judge Raumati is one of two resident Judges at Gisborne District Court and looks forward to improving his surfing on East Coast beaches.

Judge Raumati practised law for 22 years in New Plymouth and was an experienced Youth Advocate, family lawyer and lawyer for the child. He was also a past honorary solicitor for the Taranaki Rugby Football Union.

**Favourite summer past time?** Surfing and riding motorbikes.

**Last book you read?** Dirtrider magazine.

**What is playing on your iPod right now?** The Clash.

**When I dance, I look like...?** Really good. In my head at least.

**Swim in pool or ocean?** Ocean.

**Watch sports or play sports?**

Still surf, snowboard and ride motorbikes, but can only watch rugby now, (which I can be quite passionate about!)

**If you had a super power what would it be?**

“Shapeshifting” - then I could be whatever I wanted, whenever I wanted!



## Taking lessons from the Rangatahi Courts

Principal Youth Court Judge John Walker examines the special contribution of Rangatahi Courts to youth justice and their further potential.

*This column first appeared in the ADLS newsletter, Law News - Issue 3.*

New Zealand's Youth Court has long been recognised for its pioneering approach to restoring the prospects of young offenders and diverting them from starting down a life-long path of crime.

We do not rest on our laurels at the Youth Court. This culture of innovation requires constant nurture, in large part through a quest for knowledge about the underlying drivers of offending. It also requires close attention to what communities are telling us and how they can contribute to restoring young lives.

It is not altogether surprising that Rangatahi and Pasifika Courts emerged in this inclusive, inquisitive environment. These Courts bring together the purpose and values that come from cultural awareness, the strength of community insight and wisdom, and the enveloping support of state agencies, specialist services and court professionals working collaboratively.

It has been ten years since Judge Heemi Taumaunu set up the first Rangatahi Court in Gisborne. Next week (on Saturday 24 February 2018), the 15th Rangatahi Court will open on Terenga Parāoa Marae in Whangārei.

Whangārei Judge Greg Davis and Hamilton-based Judge Denise Clark have led development of the Whangārei Court. For the first few months, Judge Clark (Ngāpuhi), who has developed Rangatahi Courts in Hamilton and Huntly, will be the presiding judge. Judge Greg Davis (Ngāpuhi) will take over later in the year.

Although Rangatahi and Pasifika Courts are a judge-led initiative, they are not imposed on communities. When considering whether to open a Court, as Youth Court judges, we take our lead from how much local iwi or Pasifika communities wish to be actively involved in what remains essentially a criminal court process.



Judge Heemi Taumaunu and Judge John Walker at the Whangarei Rangatahi Court Launch.

Rangatahi Courts offer young people who have admitted to their offending (or have had charges they face proved) the choice of having their Family Group Conference plans monitored in a culturally-adapted setting.

They are designed to re-engage young people with their culture, in order to provide a better platform for the delivery of effective interventions.

*“When considering whether to open a Court, as Youth Court judges, we take our lead from how much local iwi or Pasifika communities wish to be actively involved in what remains essentially a criminal court*

We have found that a young person who has become disconnected from his or her culture, and has no sense of place or belonging, can be resistant to interventions that deal with underlying causes of offending – be they drug or alcohol addictions, family abuse and breakdown, traumatic brain injuries or learning disabilities and other neuro-disabilities.

The emphasis on tikanga in a Rangatahi Court creates a feeling of inclusiveness and belonging for marginalised young Māori. This culture is evident from the outset. Marae protocol sees court professionals, the offender, his or her whanau and the judge all greeted and brought on to the marae together. At the end of the formal pōwhiri, everyone shares food before the Court sitting starts.

Although the Courts sit on a marae or in another community setting, they are not separate courts. They are always preceded by an appearance at a conventional Youth Court, and are effectively a parallel monitoring and sentencing process held at a different venue.



Judge Louis Bidois and Principal Youth Court Judge John Walker (centre back) alongside kuia and kaumātua at Mātaatua Rangatahi Court, where a whāriki (woven mat) represents the victim at the front of the Court.

It is no soft option. As lawyers involved in youth justice will know, Youth Advocates, Police prosecutors and Oranga Tamariki, and others who form the courts' multi-disciplinary teams, remain very much part of the process, and the normal principles of natural justice apply.

A great deal is expected of the young people, especially from their elders. Kaumatua and kuia, lay advocates and mentors play a key role in guiding them toward gaining the cultural knowledge which they are expected to demonstrate to the Court. Together, in collaboration with court professionals and under the leadership of the judge, the elders hold their rangatahi to account.

The Courts also strive to be victim-focused. At Whakatāne's Mātaatua Rangatahi Court, the local iwi have woven a whāriki (mat) to represent the victim, and it is draped over a table in front of the judge. One of the most moving hearings I have presided at was when a young offender held on to the cloth as he gave an emotional karakia and apology.

The opening of Whangārei's Rangatahi Court raises questions about what is next for Rangatahi Courts. While some people will try to measure the Courts' success in terms of recidivism rates, these are notoriously difficult to determine, given

the Courts' short history and relatively small number of offenders involved.

Nevertheless, you would reasonably expect that if you deal with the underlying causes of offending effectively – and Rangatahi Courts are a good setting in which to do this – you will reduce a person's level of offending.

For me, the paramount measure of success is the contribution that culturally-adapted courts make to improving access to justice.

Māori feature disproportionately in all our social indicators, particularly in the criminal justice system. In Northland alone, 80% of the young people who appear in Youth Court are Māori. Developing a culturally-adaptable system in settings to which individuals can relate and connect, and feel comfortable in, is the right thing to do.

However, it is not feasible for every centre to have a Rangatahi Court. There are not always enough offenders, and interest from the community may not have emerged. The Courts can place big demands on marae resources, and some iwi and hapu may be uneasy about having a Court sitting on their marae.

These Courts certainly stretch our constrained judicial resource, particularly among our tangata

whenua and Pasifika judges, and they require detailed consultation and planning and enormous community goodwill. Ultimately, I believe their real power lies in their potential to influence and improve how all courts work and interact with the communities they serve.

We are not serving the public if people think the Courts are not in tune with their daily lives and struggles. It is important that the Youth Court learns lessons from its Rangatahi Courts. The normal court environment can be intimidating for anyone who appears, and creating an environment where everyone feels able to participate is essential for the fair delivery of justice.

Youth Court judges want to see how we can mainstream the features and attributes of the Rangatahi Court into the Youth Court. Where appropriate, and where the iwi want it and there are the numbers to justify it, Youth Court judges will always consider using Rangatahi Court practices, without limiting them to a marae setting.

In all this, Youth Advocates remain integral to the Youth Court and the ethos enshrined in its 1989 founding legislation. I see them continuing to advocate for young people to ensure their rights are not overlooked, in whatever venue the Youth Court is sitting.

While always cognisant of that role, their value is strengthened by being part of a wider team which aims to achieve the best outcome for their young people, which is to divert and rehabilitate them from the destructive path they were on.



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## He Pānui Lay Advocates

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One of the visionary features of the 1989 Oranga Tamariki Act (formerly Children, Young Persons and Their Families) is the statutory role of Lay Advocates. It was only in 2008 when this role was brought to life with the launch of the first Rangatahi Court in Gisborne. Now, lay advocates are an integral part of the Youth Court process and youth justice teams nationally.

The role has two principle functions - to provide cultural information to the Court and to allow the voice and interests of whānau, hapū and iwi of the young person to be represented. Key activities include meeting with the child or young person and their whānau, attendance at court, report writing, participation in Family Group Conferences, and relationship management.

For further information on this role, you may contact:

[RSDOperationSupport@justice.govt.nz](mailto:RSDOperationSupport@justice.govt.nz)

### Interested in becoming a Lay Advocate?

We now have approximately 105 lay advocates nationwide with an increasing need for more, particularly in the central and lower North Island.

If you, or someone you know, is interested in becoming a Lay Advocate, please express an interest to your local Court Registry.

### Already a Lay Advocate?

A second edition of the *Lay Advocate and Court Registry Handbook* has just been finalised and will be emailed to all lay advocates and court registries in the coming weeks.

Key updates to the Handbook include:

- \* New health and safety requirements including access to EAP, and revised templates.
- \* Three yearly review of Lay Advocate lists.
- \* Protection of information and access to reports.
- \* Detailed list of key activities.
- \* Introduction of ID cards.



# HUI WHAKANUI - NGĀ KŌTI RANGATAHI

## Celebrating 10 Years of Rangatahi Courts

*Te Poho o Rāwiri Marae, Tūranga nui a Kiwa*  
*21 September 2018 – 23 September 2018*

### Programme

#### Friday 21 September

4.00 pm	<u>Pōwhiri (for guests staying at marae)</u>
6.00 pm	Kai o te pō (Dinner)
7.30 pm	Karakia, Whakawhanaungatanga

#### Saturday 22 September

7.30 am	Kai o te ata (Breakfast)
	Prepare Wharenuī for Pōwhiri
10.00 am	<u>Pōwhiri (for guests attending formal celebration)</u>
11.45 am	Paramanawa (Morning Tea)
12.00 pm	Kaikōrero (Guest Speakers)
1.00 pm	Kai Hākari (Lunch)
2.00 pm	Presentations from each Rangatahi and Pasifika Court
3.30 pm	Paramanawa (Afternoon Tea)
4.00 pm	Presentations from each Rangatahi and Pasifika Court (continue)
5.30 pm	Kōrero Whakakapi (concluding remarks)
6.00 pm	Kai o te pō (Dinner)
8.00 pm	Karakia and Kaupapa Kōrero

#### Sunday 23 September

7.00 am	Kai o te ata (Breakfast)
8.00 am	Poroporoaki (Farewell)

## What do the statistics tell us?

- 24% of the 10-16 year old population is Māori.
- Māori made up 100% of all appearances in four Youth Courts in 2017. In a further 20 Youth Courts, young Māori constitute over 70% of all appearances
- The disproportion of Māori representation in the Youth Court has increased from 44% in 2005 to 66% in 2017.



**Te wero** - A challenge is laid before the visitors entered Rauhoto Marae, Taupō, for the official launch of Te Kōti Rangatahi ki Tūwharetoa - 5 December 2015

Māori are disproportionately represented at every stage of the youth justice process. The following data groups individual Youth Courts by overall % of Māori appearances. The 'Total no. of young people' reflects all young people appearing in that Youth Court in 2017.

In the following Courts, Māori = over 90% appearances		
Location	% Māori	Total no. of young people
<b>National</b>	<b>66%</b>	<b>1764</b>
Gisborne	97%	63
Whakatāne	96%	23
Wairoa	94%	16

In the following Courts, Māori = 70% appearances		
Location	% Māori	Total no. of young people
<b>National</b>	<b>66%</b>	<b>1764</b>
Porirua	70%	43
Waitakere	72%	118
Huntly	72%	18

In the following Courts, Māori = over 80% appearances		
Location	% Māori	Total no. of young people
<b>National</b>	<b>66%</b>	<b>1764</b>
Pukekohe	89%	18
Kaikohe	88%	33
Kaitaia	88%	32
Rotorua	85%	126
Dargaville	83%	6
Taupō	83%	18
Napier	82%	11
Hamilton	81%	182
Hastings	80%	68
Whangarei	80%	60
Palmerston North	80%	59
Papakura	80%	25



# TE HĀPORI | Launch of the Rangatahi Court at Whangārei



# TE HĀPORI | Launch of the Rangatahi Court at Whangārei



# TE HĀPORI | Launch of the Rangatahi Court at Whangārei



Send in whakaahua (photos) of your event, hui, wānanga or noho marae to:  
[courtintheact@justice.govt.nz](mailto:courtintheact@justice.govt.nz)

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1/2 chest (cm):	48.5	51	55	57.5	60	62.5	65	67.5	72.5	77.5