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KAUPAPA MAORI AND RESPONSIVENESS:

**New Zealand Children And Young Persons Service
Management Responsiveness
To Maori In The Restructured State Sector**

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the requirements for the degree of Master of Social Work
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ABSTRACT

This thesis is about the responsiveness of the Department of Social Welfare's social work division, the New Zealand Children and Young Persons Service (since 1992), to Kaupapa Maori. It examines the relationship of the Treaty of Waitangi to Maori welfare status and the commitment of this organisation to biculturalism. It takes the position that Maori people have been and continue to be disadvantaged by monocultural attitudes, beliefs and practices within the statutory social work system and that managers are in a position to improve that. An examination of the poor social and economic status of Maori is included with exploration of the historical exclusion of Maori from mainstream society. The thesis focuses on the report *Puao Te Ata Tu* (Ministerial Advisory Committee, 1986a and 1986b) and the pivotal position this has taken within the Department of Social Welfare because *Puao Te Ata Tu* provides a benchmark from which to measure bicultural awareness and progress. This measurement is undertaken by drawing on literature relevant to Kaupapa Maori, management and the social services, and to the responses of eleven managers to questions on Kaupapa Maori and management responsiveness.

This thesis was written at a time of major reform within the state sector and within the Department of Social Welfare. The history of the state sector reforms, the impact on the provision of statutory social work services, and the provision of services to Maori are analysed. The thesis argues that while change was widespread within the state sector the response by the Department of Social Welfare to Maori became less effective. This was especially so after the election of the National Government in 1990 and the subsequent disestablishment of structures that provided links between the Department of Social Welfare and the wider community, including Maori. Structural reform and policy confusion were seen to be pivotal as disadvantaging Maori but it became evident during the research that managerial attitudes were also a significant factor regarding the responsiveness of the New Zealand Children and Young Persons Service to Kaupapa Maori.

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To my family, Dane and Brett who can't remember their father not being preoccupied with "Massey stuff", and especially to Marg who consistently provided encouragement, support, and understanding.

Ka kōhi te toi, ka whai te maramatanga.

If knowledge is gathered, enlightenment will follow.

The Treaty is always speaking. It has relevance to all economic and social policies. Not only must the past be reviewed in the light of its principles, but the Treaty's promise must also be seen as fundamental to those principles, which underlie well being in years to come (Royal Commission on Social Policy 1988: Vol 2.3:151).

PREFACE

I began work for the Department of Social Welfare in October 1989 in what was then called the Social Services Division. I was employed as a Community Services Social Worker with responsibilities for liaison and co-ordination of a number of community service providers within the Tauranga district. By this time I had been out of social work in New Zealand since 1983, when after completing a Bachelor of Social Work degree in 1981 and having two years as a social worker in a health setting I travelled overseas. I worked for a period of time as a supervising social worker in a residential establishment in London and returned to New Zealand in 1985 working in the hospitality industry in the private sector. However my interest in social work remained and the political aspects of the profession and its potential to challenge the current social order continued to attract me.

I returned to Tauranga in 1989 and was employed by the Department of Social Welfare. At that time, and since, I followed developments within the Maori community and what the response from the government and government departments was to Maori and to issues such as the Treaty of Waitangi.

I had a renewed interest for social work when I accepted my appointment in 1989, and naive expectations of positive influences the stated emphasis on biculturalism could be having within the Department. Upon arriving I was informed there would be a "culturally appropriate" welcome for me. No doubt this was because I had put that I was of Maori ancestry on my job application. There had been no prior consultation or discussion with me to see if I expected or wished for any welcome and what I would see as appropriate. I cynically observed that there was probably no need for such consultation because the "culturally appropriate" welcome was probably not for the new arrival, but for the mainly Pakeha staff and management desperate to convince themselves that they belonged to an organisation that was indeed culturally sensitive and bicultural. Requirements for the Department of Social Welfare to be culturally sensitive and bicultural were clearly outlined in the current plans.

Most staff seemed very uncomfortable with the process and my impression on this first day was that this was a tokenistic attempt at being bicultural, and at the expense of who it was supposed to be for and other Maori staff. The process did not seem to fit well in what was obviously a Pakeha bureaucracy, but the managers responsible were perhaps influenced by policies that guided such statements as articulated in the *Social Work Development Plan* of 1989:

The plan is called the new path because of its clear statement that the direction of social work is to do everything from the standpoint of recognising the cultural values of families and groups, especially Maori (Department of Social Welfare, 1989:2).

I have remained at various times intrigued, embarrassed, and angered at the Department of Social Welfare's attempts at biculturalism and responsiveness to Maori since that welcome. I have seen an ebbing and flowing of commitment and many tokenistic responses. At times there has been no response at all perhaps because of over-riding guilt, ignorance, or paralysis caused by both. I have become determined to try and influence the response to Maori and to increase the active and meaningful participation of Maori in the agency I work for. This research project is driven by a belief in the intention of the Treaty of Waitangi and by the personal frustration at actions I have witnessed the Department of Social Welfare take regarding Maori staff, clients and communities.

Don Sorrenson
Ngati Pukenga 1996

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ABBREVIATIONS

CYP and F Act:	The Children, Young Persons, and Their Families Act 1989
CYPS:	The New Zealand Children and Young Persons Service
DEC:	District Executive Committee
DSW:	Department of Social Welfare
EEO:	Equal Employment Opportunities
FGC:	Family Group Conference
HR:	Human Resources
NZCYPS:	The New Zealand Children and Young Persons Service
NZCYPFS:	The New Zealand Children and Young Persons Service was renamed the New Zealand Children, Young Persons and Their Families Service in 1996
WARAG:	Women Against Racism Action Group

INTRODUCTION

In 1986 the Ministerial Advisory Committee on a Maori Perspective for the Department of Social Welfare released its findings as a report known as *Puao Te Ata Tu*¹ (Ministerial Advisory Committee 1986a and 1986b). *Puao Te Ata Tu* was actually made up of two documents, the first consisted of a report and recommendations relating specifically to the Department of Social Welfare, and the second an appendix that outlined the 'roots of Maori dependency' (Ministerial Advisory Committee 1986b:5) from historical, legal and cultural perspectives. The report called strongly for change within the Department of Social Welfare and criticised the Department for being institutionally racist. Numerous problem areas were identified which included: policy formation, service delivery, communication, racial imbalances in staffing, appointment, promotion and training practices. The report concluded that urgent attention to these areas was required if the Department was to achieve what was set out in the terms of reference. That was: 'the goal of an approach which would meet the needs of Maori in policy, planning, and service delivery in the Department of Social Welfare' (Ministerial Advisory Committee 1986a:5).

The report was seen as a turning point for the Department of Social Welfare as it accepted the recommendations unequivocally. It has continued to state the importance of *Puao Te Ata Tu* and, for example, in July 1995, when the research for this thesis was being undertaken, the *State Sector Circular*² carried the following preamble to positions advertised throughout the Department of Social Welfare:

The Department of Social Welfare invites applications for the following positions. The Delivery of our service is guided by four principles : Quality service; *Puao Te Ata Tu* and the principles of partnership; Equal Opportunity; Good and safe work conditions for our staff. (State Services Commission, 1995:19).

¹ The report is widely known as *Puao Te Ata Tu* and will be referred to in this way throughout. Bibliographic details will only be included where the report is quoted from directly.

² The *State Sector Circular* contains advertisements for job vacancies throughout the state sector.

This thesis is about how effective the response by the Department of Social Welfare's³ Social Work division, now known as the New Zealand Children and Young Persons Service has been to Maori as outlined within *Puao Te Ata Tu*. Feedback from outside of the New Zealand Children and Young Persons Service and from within has given some indication that the response by that organisation to Maori has not been what was intended by *Puao Te Ata Tu*. This culminated in 1994 when the Director General of Social Welfare released a policy document named *Te Punga* (Department of Social Welfare, 1994b) in which the department's bicultural strategy and the commitment to *Puao Te Ata Tu* was restated. The document confirmed the Department of Social Welfare's commitment to *Puao Te Ata Tu* and attempted to clarify managerial and staff responsibilities and expectations of them regarding biculturalism. The Director General stated; 'we need to anchor our bicultural direction in such a way that it will not come loose again.' (Department of Social Welfare, 1994b:2).

This thesis explores an awareness I have of the discrepancy between what the New Zealand Children and Young Persons Service was saying and doing, and some of the possible reasons for the poor response to Maori. This awareness led to investigation of the nature of the obstacles to Maori participation in the development and delivery of culturally appropriate and effective social work services. The aspects that began to emerge as having possible significance in relation to the difficulties the organisation had in responding effectively to Maori included the impact of state sector reform and the numerous restructurings within the Department of Social Welfare, confusion surrounding definitions and expectations regarding Kaupapa Maori and the attitudes of Pakeha managers affecting the inclusion of Maori in policy, planning and service delivery.

I interviewed eleven managers in the New Zealand Children and Young Persons Service. They were working in an agency that was in the midst of much change and confusion and were seen to be balancing constantly a range of often conflicting priorities. Of central importance to this thesis is some analysis of the forces impinging on managerial priorities. Specifically these are a struggle between the economic forces,

³ The Department of Social Welfare was restructured in 1992 into four business units. The unit responsible for social work services became the New Zealand Children and Young Persons Service (NZCYPS). In 1996 NZCYPS changed its name to the New Zealand Children Young Persons and Their Families Service (NZCYPFS).

of the 'New Right' in the form of a significantly downsized and output orientated public service and those of Kaupapa Maori, in the form of demands for tino rangatiratanga and of honouring the Treaty of Waitangi. The Labour Government from 1984 until 1990 and the National Government since 1990, have continued with 'New Right' economic reform guided by neo-liberal theories. At the same time Maori have continued to demand justice through recognition of the Treaty of Waitangi and tino rangatiratanga. The impact of these forces, and the impact of confusion around definitions and expectations, on the delivery of social services to Maori through the New Zealand Children and Young Persons Service responsible to government for both economic and cultural agendas is central to this research. What also emerged from the research was that the attitudes of managers, especially in relation to perceived powerlessness and the translation of intentions into actions, also impacted on responsiveness and effective participation of Maori.

The title to the thesis has been taken from the document *Kaupapa Maori and Responsiveness: An Introduction*, that was published by Manatu Maori⁴ (Manatu Maori, 1990). The intention of Manatu Maori as outlined within that document was to assist government agencies meet the Labour Government's Maori Affairs policy statement that required all Government agencies to become fully responsive to Maori needs by 1994.

ORGANISATION OF THE CHAPTERS

Chapter one consists of discussion of the concepts that are central to this thesis. This is seen as important because many of the concepts and terms used are likely to be unfamiliar to the reader. Moreover the concepts I use are also open to various interpretations depending on the reader's historical and cultural understanding and value stance. As such I have outlined explicitly how the terms and concepts have been defined and interpreted for use throughout this thesis, the intention being to lessen the possibility for confusion, misinterpretation, and misunderstanding.

Chapter two gives an historical overview of the relationship between Maori and Pakeha. The exclusion of Maori from the mainstream of New Zealand society is

⁴ Ministry of Maori Development.

analysed and discussed as is some of the history of that exclusion. The Declaration of Independence and Treaty of Waitangi are central and are included in the discussion for in-depth analysis. These documents explain and express Maori status as Tangata Whenua and are central to understanding contemporary Maori expressions of dissatisfaction.

Within this chapter the renewed focus on the Treaty of Waitangi is analysed as are some reasons why that has occurred. The contemporary social and economic position of Maori is included and provides some evidence that the Treaty of Waitangi has been disregarded and dishonoured. Whilst focusing on management responsiveness within this study it was important to background briefly the wider inequalities such as income, employment, and education because access to employment and education by Maori has been significantly worse than for non-Maori. The social and economic position of Maori provides some explanation as to why Maori are over-represented as clients of the New Zealand Children and Young Persons service. There have been service delivery and planning consequences for managers within the New Zealand Children and Young Persons as a result of a high Maori clientele. There is discussion regarding these consequences and the managerial and organisational response throughout the thesis and within the research questions.

Chapter three examines New Zealand society, the reform of the state sector, and the development of Kaupapa Maori from the mid 1980s. At that time New Zealand was experiencing low economic growth, high rates of inflation, rising unemployment, a drop in export demands and a rising balance of payments deficit (Boston et al. 1991; Barretta-Herman, 1990; Kelsey, 1990). In response to these significant economic difficulties the 1984 Labour Government instigated sweeping economic reforms that came to be known as Rogernomics. These reforms and some of the theories influencing them are discussed in this chapter. By 1984 Maori were also reasserting their tino rangatiratanga and the Labour Government pledged to recognise the Treaty of Waitangi. Kelsey argued that these two revolutions, Maori and economic, were set to collide:

On the surface, the Labour government did take unprecedented steps to redress the injustices of the past, and the 'principles of the Treaty of Waitangi' - along with other buzz-words like partnership, empowerment, equity, accountability and community control - littered the rhetoric of officials and politicians. But in reality little

changed. Labour's economic policy and its policy on the treaty were on a collision course (Kelsey, 1990:2).

This 'collision' and the effect this may have had on the New Zealand Children and Young Persons Service response to Kaupapa Maori is central to this thesis. Chapter three also includes discussion on the philosophical shift from what was known as the 'welfare state' to what some theorists have termed the 'welfare society' and how this philosophical change was significant in the provision of and delivery of services to Maori.

Chapter four is specifically about the Department of Social Welfare and examines some of the organisational and structural responses in the form of District Executive Committees, and other Maori Advisory structures and systems. The legislative change in the form of the Children, Young Persons, and Their Families Act 1989 and the change in service delivery that this required is analysed. This chapter examines the effect of the reform of the state sector and associated organisational change in the form of significant and numerous restructurings of the Department of Social Welfare and the New Zealand Children and Young Persons Service. The impact this has had on the organisation's ability to respond to Maori is examined.

Chapter five discusses the research proposal and the methodology used in the fieldwork. It examines why a studying up approach was taken and the reasons for using a qualitative evaluation technique. The actual process is outlined in some detail as are some of the ethical and practical considerations. I argue that the approach taken and the skills, knowledge and characteristics of the researcher have ensured that the study has credibility and validity.

Chapter six outlines the findings under themes and headings that link the theoretical discussion within the literature review to the findings of the field work. Many of the findings are presented in verbatim quotes as these portray clearly the reality of the situation and the positions of the respondents. The study was intended to increase understanding of the responsiveness to Kaupapa Maori by the New Zealand Children and Young Persons Service and as such the 'emphasis is on illumination, understanding, and extrapolation rather than casual determination, prediction and generalisation' (Patton, 1990:424).

Chapter seven brings together the material from the preceding chapters to conclude the discussion about the responsiveness of the New Zealand Children and Young Persons service to Kaupapa Maori. It argues that there are three major themes that emerged from the thesis. Firstly there has been the impact of state sector reform on the responsiveness of the New Zealand Children and Young Persons Service to Maori, and the impact of organisational restructuring on the stated intentions and actual practice. Secondly there has been ongoing confusion surrounding definitions and policies relevant to Kaupapa Maori and regarding the expectations of managers. The third theme to emerge was of the attitudes of Pakeha managers to power and change that hinder an effective response to Maori.

CHAPTER ONE

OUTLINING THE CONCEPTS

Throughout this thesis I have used a number of terms and concepts that require some brief description. The terms Kaupapa Maori, responsiveness, biculturalism, tino rangatiratanga, and institutional racism are all central to providing meaning to the thesis. It is important to discuss these concepts given that different readers have different ways of interpreting the world and individual and differing interpretations of these concepts may cause confusion for the reader.

KAUPAPA MAORI

Because this study is not just about a singular aspect of the Department of Social Welfare's response to Maori, an inclusive term was required. The term Kaupapa Maori was chosen after consultation with Maori colleagues and associates because it is an encompassing term with the potential to include all required aspects of the thesis. This study is about many concepts relevant to Maori including the Treaty of Waitangi, *Puao Te Ata Tu*, and the response of the New Zealand Children and Young Persons Service to Maori in that area called 'biculturalism'. It is also about the relationship that the New Zealand Children and Young Persons Service has with local iwi, and includes some comment about the implementation of section 56 of the State Sector Act⁵, and how the New Zealand Children and Young Persons Service implements the Children, Young Persons, and Their Families Act 1989 regarding the involvement of whanau, hapu and iwi.

⁵ Section 56 of the State Sector Act 1988 requires chief executives to recognise the aims, aspirations and employment requirements of Maori and seek their greater involvement in the public service.

When discussing Maori and the relationship with the New Zealand Children and Young Persons Service concepts such as the Treaty of Waitangi, *Puao Te Ata Tu*, and biculturalism are not separable and need to be studied in a holistic way as each includes and impacts on understanding of the other. I resisted the temptation to target a singular area in a belief that this would compromise understanding and the research. Consequently this study is about concepts particularly relevant to Maori and they are represented within the term 'Kaupapa Maori'.

RESPONSIVENESS

This thesis is grounded by a definition of 'responsiveness' consistent with that used by the now disestablished Manatu Maori, and researches the Department of Social Welfare's responsiveness to Maori. The notion of responsiveness of government agencies toward Maori was used by Manatu Maori as a means of evaluating and reporting on the progress of government agencies in their services provided to Maori.

The document *Kaupapa Maori and Responsiveness* (Manatu Maori, 1990) was developed and published to assist government organisations meet the expectations within the Labour Government's Maori Affairs policy statement, *Te Urupare Rangapu* (Wetere, 1988b). The policy intended all government agencies to become fully responsive to Maori needs by 1994. The responsiveness policy as outlined in *Te Urupare Rangapu* was aimed at making government departments more responsive to Maori needs and traditions and this responsibility was consequently an issue for management to address. The Department of Social Welfare's managerial responsibilities to Kaupapa Maori have been outlined within many of that departments policy and planning documents. Some examples of these include *Puao Te Ata Tu* (Ministerial Advisory Committee, 1986a), *Te Punga* (Department of Social Welfare, 1994b), the New Zealand Children and Young Persons Service Business Plan 1992-1993, and 1993-94. Within this thesis other policy and planning documents that outline these responsibilities are discussed.

O'Reilly and Wood (1991) in their chapter entitled 'Biculturalism and the Public Sector' discussed responsiveness in the public sector. They claimed that the

responsiveness policy in *Te Urupare Rangapu* could be attributed to at least four sources including overseas influence:

The international quest for greater administrative responsiveness on the part of public sector organisations; the drive to eliminate institutional racism; the desire to reduce the socio-economic inequalities of disadvantaged minority groups; and the imperatives of the Treaty of Waitangi (O'Reilly and Wood, 1991:130).

Harper noted that the Organisation for Economic and Co-operative Development has identified four criteria for promoting responsiveness within the public sector:

Firstly, ensuring that clients are fully informed about government services and processes; secondly, ensuring that government services are relevant and meet client needs; thirdly, ensuring that clients "own" government services by actively participating in their design and delivery; and by encouraging client access to services through the removal of any social, physical, and psychological impediments (Harper, 1988:3).

The relevance and importance of organisational responsiveness was discussed by Martin (1995:22) who stated that unresponsive environments can be a source of great stress, whether that be within employment, health, or welfare field. Germain and Gitterman (1980:8) argued that organisations designed to meet adaptive needs, that is schools, welfare organisations, hospitals, and mental health centres, may also impose stress through unresponsive policies and procedures.

Manatu Maori explained responsiveness the following way:

Simply stated, a Government agency will be responsive in meeting the needs of Maori when its day to day business reflects the principles of the Treaty of Waitangi, it has achieved the Government's principal objectives as outlined in *Te Urupare Rangapu* and it has the ability to account clearly for the impact of the organisation on Maori (Manatu Maori, 1990:8).

Manatu Maori (1990:8) also stated that the Organisation for Economic and Co-operative Development identified the following factors which are applicable to service delivery. First, that administrative systems should be such that the lines of decision making, accountability and control are clear, comprehensive and understandable to the clients. Second, service should be relevant, meet client's actual needs and should reflect client's participation in service design and service delivery. Third, active client

participation in policy design and delivery fosters the ownership of outcomes, while also ensuring that service providers are orientated toward client need, and services should be delivered in such a way that clients can readily access and use the service.

The critical issue within the responsiveness context as outlined by Manatu Maori was that of participation and Maori entitlement to participation. Manatu Maori saw effective participation of Maori in the planning, policy formation and service delivery of government agencies as the critical issue and measure of responsiveness (Manatu Maori, 1990:8). Participation of Maori relates to their status as *Tangata Whenua* and as an equal partner in the Treaty of Waitangi. The achievement of effective participation as outlined in *Te Urupare Rangapu* and by Manatu Maori required that the planning, management and operations of government agencies became accessible to Maori so that they could contribute meaningfully to these processes and influence the outcomes.

Active and meaningful participation by Maori on the planning, policy formulation and service delivery with the Department of Social Welfare was required if the responsiveness of that organisation was to meet Manatu Maori's expectations of responsiveness. It follows that all measures of responsiveness should be consistent with the Treaty and it is this understanding that informed my research.

BICULTURALISM

The term biculturalism is another that is central to this thesis but is a term that is understood in different ways by different people. The definitions are important here as they have different cultural and political implications as different priorities are placed on different aspects. Harre Hindmarsh (1993:6) noted that policies and practices in the name of biculturalism have rarely addressed the dynamic of power. Who decides? In whose interests? On what basis? She stated that the answers to these questions have rarely changed when followed to their ultimate conclusion. In the name of partnership, biculturalism has often continued to preserve the ultimate power of Pakeha as 'senior' partner and to oppress the power of Maori, or to treat them as the 'junior' partner. Biculturalism was defined by in *Puao Te Ata Tu* in the following way:

When applied to the functioning of the Department of Social Welfare we interpret biculturalism as the sharing of responsibility and authority for decisions with appropriate Maori people. In

functional terms we are concerned that decisions should be founded on the right information obtained from the right people. We perceive a social and cultural partnership here - not separatism. Biculturalism involves understanding and sharing the values of another culture, as well as understanding and/or preserving another language and allowing people the choice of the language in which they communicate officially. Biculturalism also means that an institution must be accountable to clients of all races for meeting their particular needs according to their cultural background, especially, in the present case, Maori (Ministerial Advisory Committee, 1986a:19-20).

There has been something of a tension between those who support multiculturalism and those who see bicultural issues as of immediate importance. Spoonley (1988) suggested that any advocacy of multicultural policies in New Zealand should be questioned because the central issue is the unequal relationship between the dominant Pakeha group and Maori as Tangata Whenua. Multiculturalism emphasises the plurality and diversity of cultures and often emphasises the need for mutual tolerance. Consequently it can be seen to be a soft option politically. Spoonley's definition of biculturalism has the potential to address the issue of power:

There are different definitions of biculturalism, but central to most is the ambition of establishing Maori and Pakeha groups of equal standing rather than one being subjugated by the dominance of the other (Spoonley, 1988:104).

The Maori Advisory Unit that was established in the Auckland region of the Department of Social Welfare saw the biculturalism that the Department should be aspiring to as recognising the status of Maori as Tangata Whenua, and encompassing Maori in a structural, cultural, and spiritual sense:

Biculturalism is important today for Maori people, it recognises our being Tangata Whenua, belonging to Aotearoa, giving us our own identity, security as a people, our own sense of belonging. A move towards biculturalism in the Department would mean more equal contribution of Maori input in policy and decision making in all levels (Department of Social Welfare, 1985b:5).

The form that biculturalism takes within the New Zealand Children and Young Persons Service and how it is responded to forms a major part of this thesis. Individual managers' interpretations and understandings of biculturalism is another central consideration.

Durie (1994b:104) considered that because there is no single definition it is useful to consider biculturalism as a continuum of goals. The continuum begins with improving cultural skills and knowledge. Joint ventures between Maori and others may be next, or, in the case of structural arrangements, may extend from unmodified mainstream institutions to the inclusion of a Maori perspective. The continuum, according to Durie, involves having active Maori involvement, parallel Maori institutions and finally independent Maori institutions.

Wherever biculturalism fits within Durie's model it does anticipate some form of meaningful participation and implies a partnership between Maori and Pakeha. Participation, as discussed by Durie (1994b:88) refers to Maori involvement in a particular activity or sector. Durie (ibid) discussed past exclusion of Maori within the health sector and commented that, 'with an increased reliance on health professionals, Maori participation has been marginalised'. He (ibid) goes on to comment that in the last decade there has been a 'range of Maori initiated, Government funded health projects that have contributed to the greater participation of Maori in the health sector'. There has also been a growth in the number of Maori initiated projects within the social services sector.

How effective Maori participation occurs within the New Zealand Children and Young Persons Service is a significant part of this study. Cautions about opportunities for genuine participation have been raised by Te Puni Kokiri who alerted Maori to the risks of the tokenistic practice of appointing a Maori to a board or committee expecting that they will represent Maori. Te Puni Kokiri emphasised that:

Effective Maori participation is not satisfied by the appointment of Maori individuals to boards or committees. New government structures should ensure that there are mechanisms in place so that representative Maori views can find full expression (Te Puni Kokiri, 1993:66).

It is also noted that for participation to be effective it needs to be from the outset of policy and practice formation, through exploratory meetings, working parties and strategic planning. For effective Maori participation to occur it should be at the beginning of a process so that Maori can speak for themselves and contribute from their own perspective. Hohepa put it in the following way:

In the past, the requests of Maori orators in a public forum often lose their significance and relevance when toned down in translation and filtered through a white mind (Hohepa, 1978:104).

The term 'partnership' is often used in documents written for government organisations when referring to the relationship with Maori but it is also a term that is imprecisely defined. Durie (1994b:87) wrote that 'partnership is strongest when it refers to an agreement between Iwi or hapu and the Crown', the implication being that there is equality within that relationship. He went on to say however that:

Although partnership implies an association of equals, in fact it more often refers to a reassignment of government authority to a tribal group within deliberately constrained guidelines (ibid).

Biculturalism as defined within *Puao Te Ata Tu* required a sharing of responsibility and authority with Maori within an equal partnership. This definition and an acceptance of equality and participation is how biculturalism was interpreted in the progression of this research.

TINO RANGATIRATANGA

The Treaty of Waitangi acknowledged the authority of the Maori chiefs⁶ and this is referred to in Article Two of the Treaty as tino rangatiratanga. While the use of the actual word may only be as old as Pakeha contact, the concept which it represents in a Maori cultural and political context is not. It is an ancient concept derived from tipuna⁷ that has always existed for Maori.

Within the consensus of Maori views expressed in 1988 to the Royal Commission on Social Policy it was noted that rangatiratanga and mana are inextricably related. The commission rendered 'rangatiratanga' as authority and 'tino rangatiratanga' as full authority. The notion of rangatiratanga has been subject to much discussion and definition by the Crown and as a result its true meaning is often diluted or lost:

In a welter of Pakeha legalese. In the current discussion about the notion of rangatiratanga, many people limit the korero to the Treaty. They then assume that the concept was both created by,

⁶Translated as 'rangatira' (Walker, 1990:294).

⁷Ancestors. (Williams, 1975:458).

and limited to the terms of article two. In fact of course, the authority of rangatira and the power they wielded, had existed for centuries. The Treaty acknowledged that fact: it did not, indeed could not, create or restrict it (Royal Commission on Social Policy, 1988 Vol. 3:22).

Durie (1994b:57) described tino rangatiratanga as Maori control and determination. In its simplest sense it is independence. It is with this definition understood that this thesis is written. Calls for recognition of the Treaty of Waitangi and for the recognition of tino rangatiratanga have been made to government and to the Department of Social Welfare. A clear understanding and statement of what the term means has been made at the outset of this thesis in order for the Department of Social Welfare's response to be evaluated.

INSTITUTIONAL RACISM

Walker (1990:278) described racism as the domination and oppression of one ethnic group by another and argued that if such domination is part of the established ways of the society it is institutional racism. *Puao Te Ata Tu* described institutional racism as the most insidious and destructive form of racism and noted that:

It is the outcome of monocultural institutions which simply ignore and freeze out the cultures of those who do not belong to the majority. National structures are evolved which are rooted in the values, systems and viewpoints of one culture only. Participation by minorities is conditional on their subjugating their own values and systems to those of "the system" of the power culture (Ministerial Advisory Committee, 1986a:19).

A report on institutional racism within the Auckland region of the Department of Social Welfare was produced in 1985. The Women Against Racism Action Group⁸ reported that the Department of Social Welfare (1985a:1) was institutionally racist in many of its practices, including its recruitment procedures, and selection training and promotion of staff. The definition that this group used for institutional racism was 'the perpetuation by organisations of policies and practices which advantage Pakehas and

⁸ The Women Against Racism Action Group was formed by a group of nine women who worked for the Department of Social Welfare. As the result of research within the department they produced a report on institutional racism within DSW. The report is referred to as the WARAG report.

disadvantage other racial groups' (Department of Social Welfare, 1985a:3). The possibility of continuing existence of institutional racism within the New Zealand Children and Young Persons Service and how managers within the Service are responding to that problem makes up part of my research. The definitions described above are central to some evaluation as to whether or not institutional racism remains an issue within the New Zealand Children and Young Persons Service.

CONCLUSION

A clear understanding of the concepts and terms used within this thesis is important in order for there to be a base of understanding between the writer and reader. Chapter one has outlined how a number of those concepts and terms central to this study have been understood and some background to how the writer's working definitions were arrived at.

Chapter two takes a historical perspective and examines the Declaration of Independence and the Treaty of Waitangi. Some historical information on the Declaration of Independence and the Treaty of Waitangi is important to this thesis because it is understandings based on those documents that the contemporary calls for independence and power sharing for Maori are based on. There are also interesting parallels between some early moves towards honouring the Treaty of Waitangi that were removed by the Crown in the nineteenth century, and reaction within the Department of Social Welfare in the late 1980s and early 1990s when structures for Maori participation were dismantled. This was a consequence of social and political reaction to Labour's Treaty of Waitangi policies that created something of a white backlash within mainstream New Zealand society. Kelsey (1990:264) noted that by this time it had also become clear to the Labour Government that its Treaty of Waitangi policy was an economic and political liability.

CHAPTER TWO

The Position of Maori - Historical and Contemporary Features

THE DECLARATION OF INDEPENDENCE

This chapter examines the contemporary position of Maori in New Zealand society within an historical context. An overview of the relationship between Maori and Pakeha focusing on the Declaration of Independence and Treaty of Waitangi is given. These documents have been at the core of the relationship between Maori and Pakeha and some understanding of them is required as differing interpretations have been central to expressions of Maori dissatisfaction. This chapter briefly outlines the effects that colonisation has had on Maori and how since the 1970s Maori have asserted themselves in a 'demand for justice'. The social and economic position of Maori is discussed within this chapter as this gives some explanation to the effects of colonisation and to why Maori are over represented as clients of the New Zealand Children and Young Persons Service. Maori now expect services responsive to their needs and consistent with a recognition of the Treaty of Waitangi. Such expectations and an official recognition of the Treaty of Waitangi by the Department of Social Welfare and New Zealand Children and Young Persons service has had consequences for managers required to ensure services are provided. The confusion and consequences for managers, and for Maori, because of differing interpretations of the Treaty of Waitangi are outlined in this chapter.

Much of the literature on the relationship between Maori and Pakeha begins with the signing of the Treaty of Waitangi in 1840 and that document is often referred to as the basis for the relationship between Maori and Pakeha. Indeed it was referred to as the 'founding document' of New Zealand by the National Party at its 1989 annual

conference (Sharp, 1991a:139). However the basis for the negotiation of the Treaty was arguably laid some five years previously, when in 1835 the Declaration of Independence was signed. This Declaration has been referred to by Maori, although often given scant regard by Pakeha writers and politicians, as the original basis for Maori claims for sovereignty and tino rangatiratanga.

The Declaration of Independence was signed by 34 Maori signatories, known as the United Tribes of New Zealand, and by James Busby the official British Resident in New Zealand. Walker (1990:88) argued that in the first clause of the Declaration the chiefs declared New Zealand to be an independent state under the name of the United Tribes of New Zealand. New Zealand had come under the jurisdiction of the New South Wales Governor although Orange (1989:8) noted that the legality of this was doubtful because the country was 'technically outside of the British dominion'. As a response to growing French and other foreign interests in the South Pacific and New Zealand, and to increased British migration to New Zealand, the Declaration was signed by the chiefs on the instigation of Governor Bourke of New South Wales. He had previously instructed Busby to direct Maori people, according to Orange (1987:19), 'towards a settled form of Government and ... some system of jurisprudence'.

Orange stated that the Declaration of Independence was acknowledged by the then powerful Colonial Office with the assurance that the King would protect the Maori people:

as long as it was consistent with a due regard to the just rights of others and to the interests of His Majesty's subjects ... King William IV to be the parent of their infant state ... its protector from all attempts upon its independence (Orange, 1987:2).

In the years following the signing of the Declaration and leading up to the signing of the Treaty of Waitangi, the Declaration was circulated in written form to many of the northern tribes and in July 1839 the number of signatories stood at fifty two (Orange, 1987:22).

Within the same period that the Declaration of Independence was being circulated, colonisation that was marked by a growth in British settlement, disease and lawlessness increased. Maori capacity to exercise controls over New Zealand affairs was gradually belittled and minimised by powerful colonial interests. The separate

status of iwi and the lack of a Maori identity along with inter-hapu and inter-tribal fighting contributed to the disregard of Maori capacity to exercise control of New Zealand affairs and, Orange (1987:27) further observed that 'it was easy to conclude that an unencumbered Maori Sovereignty was no longer worth supporting'.

Hobson arrived as governor in 1839 and soon recommended to the Colonial Office the establishing of British sovereignty over the whole country. His approach did not provide for the incorporation of Maori within the colony's administrative structure nor allow for the development of Maori government of any sort. These options had come before the government earlier and been formalised in the Declaration of Independence. Orange claimed that it was as if the perception of Maori capacity in this respect had diminished as the government moved towards accepting that New Zealand was destined to be a British settler colony:

No longer were they considering a Maori New Zealand in which a place had to be found for British intruders, but a settler New Zealand in which a place had to be found for the Maori (Orange, 1987:31).

Walker (1990:90) contended that Hobson's instructions were to persuade the Maori population that 'the sacrifice of their national independence would bring the benefits of British protection, law and citizenship'. Once Britain, through the Colonial Office, had decided to intervene in New Zealand, Hobson's primary task was to secure sovereignty for Britain by treaty if possible, but above all in a peaceful manner.

THE TREATY OF WAITANGI

Since 1840 and the time of its drafting there has been debate over the meaning of the Treaty of Waitangi. Rolleston (1989) considered that a reasonable way of beginning to understand what the Treaty means was to consider the two versions known as the English version and the Maori version and what these would have meant to the signatory parties. William Hobson and the other Crown representatives would have understood the English version and the chiefs who signed would have understood the Maori version.

The Treaty is made up of a preamble and three articles. In essence the preamble states that there was a need for law and order in Aotearoa/New Zealand at the time. Increasing contact between Maori and Pakeha had resulted in some advantages to both groups but had also meant conflict, lawlessness, and outbreaks of disease. Orange (1987:32) contended that an important objective of the Treaty was to be consideration for Maori well-being as well as defining the legal status of the country and 'the need to convince the Maori population that further British intrusion should be accepted'. The method by which these objectives could be reached was by way of a legally and morally binding agreement such as a Treaty between the British Crown and Maori. As previously discussed the Crown had previously recognised the Declaration of Independence signed by some Maori chiefs in 1835 so the basis for recognition between the two partners was already established.

In Article One of the English version of the Treaty, the chiefs agreed to cede sovereignty to the British Crown. In Article One of the Maori version the chiefs agreed to cede government, referred to as *kawanatanga*, to the British Crown. Sovereignty is a much more absolute term than government (*kawanatanga*) and implied an element of *mana* which it is generally agreed (Walker, 1990; Orange, 1987; Ross 1972) the chiefs would not have signed had the terms used been clearer. Maori chiefs would have seen in Article One the right to retain a measure of control and authority. Orange stated that confusion has surrounded the Treaty of Waitangi from its signing because:

the text failed to convey the meaning of the English version, and the treaty negotiations did not clarify the difference. Each party was left with expectations about the power they would exercise (Orange, 1987:1).

Walker contended that the word *kawanatanga* did not convey to Maori a precise definition of sovereignty but whether or not this translation was made deliberately or not remains unresolved:

Since the real meaning of the Treaty was concealed by imprecise translation, grave doubts arise as to whether the chiefs signed with their 'free and intelligent consent' (Walker, 1990:96).

It is through Article One that the Crown and Pakeha settlers obtained a legal foothold in New Zealand, although some (Walker, 1990; Kelsey, 1987; Orange, 1987) contended that the foothold was gained on less than honourable grounds.

However by being the only recognised authority in the land at the time the chiefs were in the position to invoke conditions with the sharing of authority and Article Two lists those matters that Maori wished to retain in their chiefly control namely their tino rangatiratanga. Included in the list in the English version were their lands and estates, forests and fisheries and other properties, and in the Maori version their lands, villages and all their treasures. Within the English version any of these aspects that Maori wished to give up willingly they could do so, and in both versions land could be sold to the Crown or its agents, if Maori wished to sell.

Article Three sealed the agreement and basically says that because Maori ceded some of their authority, they would be able to keep control of those things that were important to them. In addition, they would be able to share the same rights and privileges as British citizens. In a speech to the New Zealand Law Society in 1989 Judge Durie of the Waitangi tribunal spoke of the Treaty as:

A compact whereby the Maori gave to the Crown rights to govern and to develop a British settlement, while the Crown guaranteed to Maori full protection of their interests, their status, and full citizenship rights (Durie, 1989:2).

It is not the intention of this thesis to study or comment on the Treaty of Waitangi in great depth. However it is important to have some understanding of the Treaty because what is central to this study is that difficulties of interpretation and implementation have continued from the days of the signing until the present. Questions have been raised such as: What rights did the Treaty confer or confirm on the Crown and on Maori? What responsibilities did it imply for both contracting parties? Did it apply to all Maori or only to those tribes committed to their chiefs agreement? The problems have been not easy to solve and in the years since the signing of the Treaty, it has become clear that disagreements and different interpretations contained the seeds of conflict over land, power and authority. These disagreements and differing interpretations have had consequences for Maori and Pakeha alike. The relevance to this thesis is that within the Department of Social Welfare and the New Zealand

Children and Young Persons Service, inconsistent interpretations of the Treaty and of how Maori should participate within the organisation, are at the centre of ongoing confusion about how effective social work services should be provided to Maori.

CONTEMPORARY PERSPECTIVE

Colonisation and the Treaty of Waitangi

For Maori, the Treaty of Waitangi articulates their status as Tangata Whenua, the indigenous people of this country. However a study of New Zealand history since 1840 shows that the terms of the Treaty have been disregarded and broken in many ways and on many occasions. Walker (1990:98) argued that acquisition, control and ultimately the expropriation of land were the key factors in colonisation and the consolidation of sovereignty by the British. Walker further (1990:98) wrote that it was the loss of land that stripped Maori of their economic and cultural base. The acquisition of land by Pakeha settlers was achieved through the Crown's right of pre-emption to the purchase of land under Article Two, 'which Hobson construed as sole right of purchase'. The 1840 Royal Charter enabled the Crown to survey land that was then divided up for use as counties, towns, or parishes. Much of this land was also eventually sold to settler farmers.

Policies aimed at redefining land ownership (Walker, 1990:212), converting the communal Maori culture into an individualistic one, fostering new forms of leadership and educating Maori children out of their Maoriness (Walker, 1990:146) were the basis of the colonising concept of assimilation. Early Pakeha power-brokers identified the communal nature of Maori society as 'bestly communism' and sought to break it down. Tribalism was identified early on in the colonising process as the primary source of social strength and as noted by the Ministerial Advisory Group:

Since the 1850's (sic) when Maori and Pakeha first began to shape up to each other in cultural terms right down to the present tribalism has been the focus of Pakeha hostility. It was early identified as the primary source of Maori social strength, the thing which stiffened resistance to settler ambition (Ministerial Advisory Committee, 1986b:6).

In the early years of Pakeha contact Maori tribes controlled their own affairs, managed their own affairs and set about the development of their own institutions. However the development of Pakeha institutions especially those of 'responsible government' (Ministerial Advisory Group 1986b:5) transformed that development. At the heart of the development of Pakeha institutions was the alienation of Maori lands and this began the process of destroying the Maori economic base. As Yensen (1989:67) observed, a culture loses its viability and is no longer able to meet its people's needs when its economic base is destroyed.

Various legal and other means were employed to gain access to land that was in Maori ownership and to strip the land of its economic, social and political importance for Maori (Walker, 1990; Orange 1987). As previously mentioned, Walker (1990:98) described the Royal Charter issued for Governor Hobson in 1840 that gave the Governor the power to survey the whole of New Zealand and divide it up into districts, towns and parishes with reserves set aside for amenities such as roads and schools. This Charter also made provision for grants of 'waste land' which could be given to private persons or corporate bodies. Walker (1990:99) contended that because there was no 'waste land' it could only be construed to mean Maori land. The Native Lands Act of 1862 and an amendment to it meant that Maori owners could sell to anyone. This was a breach of the pre-emption clause of Article Two of the Treaty and Walker (1990) argued that this was designed to break down the communal ownership of Maori land.

Under the New Zealand Settlement Act 1863 over three million acres of Maori land was confiscated as punishment of Maori and reparation to Pakeha following the land wars. A variety of legislation has followed that has led to the majority of Maori land being transferred to Pakeha ownership. Such legislation has included the following; Native Reserves Act 1864, West Coast Settlement Act 1880, Native Lands Administration Act 1886, Native Land Act 1887, Advances to Settlers Act 1894, Validation of Invalid Land Sales Act 1894, Maori Affairs Act 1953. The above examples could all be seen to be in breach of the Treaty of Waitangi and this alienation of land has been at the heart of Maori dependency according to writers such as Walker (1990), Orange (1987), and as reported within *Puao Te Ata Tu*:

At the heart of our experience of Pakeha institutions has been the alienation of our lands. It was the primary, driving motive for the

development of “Responsible” Government in Aotearoa, it was the *take* that brought us into armed conflict with the Pakeha and remains a primary source of tension between us today. It is the issue that betrayed that first great transformation. It is the taproot of our modern dependency (Ministerial Advisory Committee, 1986b:5).

Walker (1990:96) argued that for alienation to occur at this level the substance of the Treaty of Waitangi had to be discarded and although some Maori were suspicious, the chiefs were not to know that the nation building in the period of European expansion was predicated on the destruction of the first nations. As the structure of New Zealand’s colonial society emerged rapidly after 1870 the Treaty dropped from settler consciousness and that of successive Pakeha governments (Orange, 1987:3). If they thought about it at all it was assumed that full sovereignty had been acquired by the Crown in 1840, and that it was to be exercised by Parliament without impediment. Maori lacked economic, social, and political power after the land wars but held on to the Treaty as the foundation stone of hope for the redress of wrongs. Oliver (1991:8) considered that Pakeha could forget the Treaty and explain it away when reminded of it, but that Maori could not.

Many have argued (MacKay, 1995; Sharp, 1990; Orange, 1987) that as a result of ongoing colonisation and injustices, social statistics and the place of Maori in many of those statistics reflect that the well-being of Maori is not being honoured in New Zealand society. This could have been expected under Article Three of the Treaty. As stated by the Ministerial Planning Group (1991:2) ‘our description portrays a people in crisis, beset by major disparities in almost every area measured’. Land, property, and other taonga⁹ have passed out of Maori control without their consent or approval and the rights promised in Article Three have proven illusory. The inferior status and disadvantage already referred to are now being related not so much to Maori ineptitude, as to a denial of basic rights and terms that Maori should have received under the Treaty of Waitangi:

The situation has been explained in a variety of ways. The blame has been laid on Maori shoulders: lack of ambition, low aspirations, inability to adapt to changing social circumstances, and reliance on what some have termed, an out-moded cultural value system, have been some of the reasons put forward. However, such explanations have come largely from people with

⁹Translated as ‘Treasure, possession, gift’ (Walker, 1990:298).

little comprehension of Maori society, and such judgmental criticism is being rejected by Maori and Pakeha alike (Rolleston, 1989:43).

Others, such as educationalist Smith (1986:218) have argued that the most ultimate weapon in this colonisation was the way that colonisers sought to colonise the minds of Tangata Whenua and thus further legitimate the retention of a society based on the exclusion of Maori. To illustrate the point she focused on the devastating impact that monocultural schooling has had on Maori and the political reality that the dominant Pakeha ideology has been internalised by many Maori. Jackson, S. has spoken out strongly on what he considers the violence that is perpetuated against Maori through the education system that:

Actively discriminates against us and ensures that we fail in it. It is also geared to annihilate us psychologically and to colonise our minds (Jackson, S., 1989:47).

Kuka (1996) described colonisation as a deliberate process whereby one culture believes itself to be superior to another and whether by warfare, language or political imposition dominates the other. The underpinnings of colonisation have been closely tied to the colonial history of religion, economics, politics and the belief that 'British is Best'. That is, its underpinnings are based in western culture which ignores the values of indigenous people, marginalising and excluding Maori values and preferences. Williams (1989) identified this exclusion and noted that when race is brought in it is often as a discrete issue, as a dimension of inequality as an 'ethnic' or 'minority group' or 'special needs' issue. Blaut (1993:1) described this aspect of marginalisation as 'diffusionism'. Diffusionism is about the belief that European civilisation has some unique historical advantage, some special quality of race or culture or environment, which gives this human community a permanent superiority over all others at all times down to the present. Eurocentricism is based on such beliefs and was at the foundation of the colonisation of New Zealand and the alienation of Maori from their land and the consequent devastation of Maori society.

For such a level of alienation and disadvantage to occur, the substance of the Treaty had to be discarded. There have been the economic consequences of loss of land, forests and fishing rights which have directly affected Maori incomes, socio-economic

status and standards of living. These factors impinge on the welfare and health of those involved. There are welfare considerations too in separating Maori from land, language, family, and a cultural environment which they understood well and relied heavily upon. The principle of partnership has been and remains an important aspect of the Treaty, but Maori input into public policies has consistently not been a high priority. Ongoing disregard for the Treaty has given Maori little opportunity to have an impact on social, political, and economic systems. Maori morale, health, welfare and well-being have consequently suffered.

As Jackson (1991:18) stated, 'the Treaty of Waitangi recognised the status quo in 1840, but it also established a framework in which tauwiwi¹⁰ could come and share this land'. He goes on to state that the Treaty of Waitangi granted the Crown and Pakeha people a place in New Zealand but that the Treaty 'reaffirmed Maori in their rangitiratanga over their lands, their fisheries, their forests' (ibid), and that this had previously been acknowledged in the 1835 Declaration of Independence.

RENEWED FOCUS ON THE TREATY

For Maori it is not too late to return to the principles of partnership and equity that the Treaty stands for. Expectations of assimilation into Pakeha thinking have been rejected and the drive to re-establish mana Maori has been continuing with increasing momentum since the early 1970s. The Maori land march of 1975 was arguably the focal point for this renewed expression of Maori assertiveness. Rolleston (1989:45) stated that a cultural revival has been evident on most marae and Maori institutions and is resulting in renewed vigour and strength within Maoridom and the development of a sound Maori cultural base. Despite some opposition the revival amongst Maori has continued with Maori redefining their path to the future increasingly on their own terms.

The term 'mono-culturalism' (Tauroa, 1982:14) has been used to describe the way that many of the social and political structures of New Zealand reflect the values and aspirations of Pakeha people only. This monoculturalism has been reflected in government institutions, and of importance to this thesis in that for Maori to gain benefit

¹⁰ Translated as 'foreign race' (Williams 1975:398). Translated as 'strange tribe, foreigner' (Walker 1990:298).

from most social services it has been necessary for them to understand the Pakeha structures and service delivery systems. What were described by Orange (1987:245) as Maori protest movements initially, and more latterly a greater Maori polity, lead to a number of developments that affected mana Maori and challenged this monoculturalism.

Since the early 1980s, within an increasing number of government and public operations, there has been support for a more appropriate system that is by Maori for Maori. The rapid growth of Kohanga Reo within the education sector is one example, Te Puna Hauora Kaupapa Maori Services within the Western Bay of Plenty Crown Health Enterprise is another. This expression of biculturalism derives from the Treaty of Waitangi which established the right for both Maori and Pakeha recognition and acceptance within New Zealand. In many government departments' policy statements since the late 1980s there has been consideration of the principles of the Treaty and of biculturalism, however that may be interpreted. An example, as mentioned within the preface to this thesis, is from the Department of Social Welfare when the Department's *Social Work Development Plan* stated:

The plan is called "the new path" because of it's clear statement that the direction of Social Work is to do everything from the standpoint of recognising the cultural values of families and groups, especially Maori. The path starts from Pua Te Ata Tu and is further defined in the objects and principles of the new Act (Department of Social Welfare, 1989:2).

There was some optimism amongst Maori over such developments and hope for the beginnings of a brighter future for Maori people. The basis for the application of this bicultural approach is the principle of equal rights as they apply under Article Three of the Treaty of Waitangi.

WAITANGI TRIBUNAL

Labour had initially signalled the priority it would place on the Treaty of Waitangi when in the Party manifesto of 1972 it promised to examine the practical means of legally acknowledging the principles set out on the Treaty. Following the election of the third Labour Government in 1972 the Treaty of Waitangi Act was passed

into law in 1975. There were suspicions that the Tribunal was 'government window-dressing' (Orange, 1987:246) and there were obvious weaknesses and limitations placed on the Tribunal. 'It had no powers of enforcing its decisions or recommendations, and had no authority to consider matters arising before the 1975 legislation'(ibid). As described by Orange the functions of the Tribunal were:

to make recommendations on claims relating to the practical application of the principles of the Treaty and, for that purpose, to determine its meaning and effect and whether certain matters are inconsistent with those principles (Orange, 1987:246).

The Tribunal was to achieve this by hearing Maori grievances, inquiring into claims under the Treaty and making recommendations to Parliament for their settlement.

The Minister of Maori Affairs at the time, Matiu Rata, who steered the legislation through the House, hoped to make the Tribunal retrospective to 1900 but was unable to do so and the Tribunal was limited to hearing claims after the Act came into force. Furthermore, the Waitangi Tribunal had no power to make awards and the power to settle grievances remained within the Pakeha dominated Parliament. Kelsey (1990:57) noted that the Fourth Labour Government did extent the membership and jurisdiction of the Tribunal when the Treaty of Waitangi Amendment Act 1984 was implemented. Membership was increased from three to seven and claims back until 1840 could be heard. A research facility and the ability to appoint lawyers to help it or to act for claimants was also added.

Sorrenson (in Sharp, 1990:4) wrote of the beginnings of a radical reinterpretation of New Zealand history undertaken by the Tribunal. Sharp contended that:

The new history was no less than a history of injustice; and it was largely the republication of an older Maori history, the point of which was largely to condemn past and continuing injustice, and to lay claim to a different and better future (Sharp, 1990:4).

By the mid 1970s there were also more visible and contentious expressions of Maori discontent. The Maori land march of 1975 was one such occurrence. I turn to this next and discuss other demands for justice for Maori.

MAORI DEVELOPMENT

The Demand for Justice

The 1975 land march was a watershed, a culmination of expression of Maori dissatisfaction with the continuing alienation of Maori land and associated social, cultural and economic problems. It could be seen as the result of, and the expression of political consciousness rising over grievances with the Crown stretching back to the time the Treaty of Waitangi was signed. The driving force behind the march was undoubtedly Whina Cooper but the background to it was increasing land alienation, some of which had received widespread media attention during occupations at Raglan and later Bastion Point. The march set off from Te Hapua in the Far North in September 1975 under the Matakite flag¹¹. As the march approached large towns and cities, the numbers swelled as local people joined to give support. In all, the marchers and support vehicles stayed at 25 marae en route all the way down the centre of the North Island, the discussions in the meeting houses informing people of the aims of Matakite and of the march. As a consequence, according to Walker:

Maori people throughout the land were politicised in a unity of purpose to a level unprecedented in modern times, in the endless struggle against colonisation (Walker, 1990:214).

This politicising has had consequences for Pakeha New Zealand and government institutions. The occupation of Bastion Point occurred in 1977 and like the land march it became somewhat of a sensational media event. After the land march there seemed a strengthened resolve among Maori and this was demonstrated in the prolonged occupation of Bastion Point. The occupation was ended in May 1978 and Walker made the point that eventually the power of the state again prevailed over Maori:

The abiding image from the television news clips of the clearance of the Point, is of an earthmoving machine demolishing the makeshift meeting house of the protesters. It left the impression that the rabble-rousers, who had broken the law, had been crushed like beetles underfoot for daring to challenge the power of the state (Walker, 1990:218).

¹¹ Matakite, which means 'seers or prophetic visionaries' was chosen for its spiritual meaning. (Walker 1990:214)

After Bastion Point, in the late 1970s and into the 1980s, there emerged a new wave of Maori activists under such names as the Waitangi Action Committee, He Taua, Maori Peoples Liberation Movement of Aotearoa, and Black Women. The membership of many of these groups overlapped somewhat but included such names as the Harawira whanau, Syd and Hana Jackson, Donna Awatere and Ripeka Evans. A number of sympathetic Pakeha groups also began to emerge. These included the Auckland Committee on Racism and Discrimination (ACORD), Halt All Racist Tours (HART), and Pakehas Against Racism Campaign. Such groups began attacking the institutional racism within various institutions in New Zealand and effectively 'blazed the trail' for Pakeha in addressing the problem at a time when it was an unpopular cause.

While activists such as those mentioned struggled to arouse New Zealand's social conscience, programmes within more conservative Maori movements and government departments were beginning to have an effect. The Tu Tangata programme within the Department of Maori Affairs lead by Kara Puketapu was instigated. The aim was to identify and act on priorities set by Maori Communities. These included education, employment, vocational training, and language learning. Many major programmes were to be the result of the Tu Tangata programme, one being the Maatua Whangai¹² programme designed to take young Maori out of the care of social welfare institutions and place them back in the care of their own tribal groups. Probably the most successful and far-reaching programme from this era has been the kohanga reo¹³ programme. This programme continues to flourish and has been used as an example to other speech communities, such as the Welsh, whose language survival has been threatened by English.

In 1982 the Human Rights Commission published the Race Relation Conciliator's extensive report *Race Against Time* (Tauroa, 1982), the second of its reports on the state of race relations in New Zealand. There was a sense of urgency in the opening statement of *Race Against Time*, that read:

We are at a turning point in regard to harmonious race relations....The myth of New Zealand as a multicultural utopia is foundering on reality. Since Bastion Point, the Haka Party incident and the recent disturbances at Waitangi, there has been heightened awareness regarding racial conflict.....Pakeha New

¹² Foster Parent programme.

¹³ Language nest programme.

Zealanders cannot understand why, after all these years, ill-feeling is developing and their institutions are under attack (Tauroa, 1982:12).

Within this report, Hiwi Tauroa, made a plea for better understanding between people, and for social change within New Zealand and called for the government to:

actively pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms, with the major emphasis placed on the elimination of institutionalised discrimination in both the private and public sectors of society (Tauroa, 1982:52).

Race Against Time described Maori as an oppressed minority in their own country and made some specific recommendations, including:

That the government acknowledges an official obligation to develop a policy of a multi-cultural society based on the prior development of bi-culturalism and that this policy be actively pursued and recognised in law (ibid).

Within the literature world the Maori view was also beginning to be heard in New Zealand. The collection of works by Maori writers, *Into the World of Light*, edited by Ihimaera and Long, elaborated that it was not until the early 1960s and via written English that Maori literature began to:

espouse the views of the people, until then the participants in the largest underground movement known in New Zealand, into the world of light (Ihimaera and Long, 1982:2).

They referred to the lack of Maori writing published in New Zealand and to the ongoing difficulties in getting Maori writings published in a Pakeha dominated society that was unable and unwilling to value Maori and Maori writing. What has happened since the 1960s according to Ihimaera and Long has been a revolution that has focused on inequality, injustice, under achievement and over-representation in negative health and welfare statistics, and the mono-cultural European methodology that excluded them from the mainstream. Hence the necessity for a bi-cultural bureaucracy and particularly the innate right of Maori to be able to have control over their destiny in Aotearoa. As previously discussed, *Race Against Time*, supported this view in reviewing the 'myth of the egalitarian society' and the reality of institutionalised discrimination through

employment, education, and justice and made some recommendations for change by suggesting that:

We must move from merely speaking about acceptance and cultural understanding and put into practice some worthwhile changes to traditional institutional behaviour (Tauroa, 1982:45).

Jackson argued that the social position of Maori as now reflected in social statistics is a consequence of processes and attitudes which have denigrated the authority bases of their Tangata Whenua status. Further he stated that any initiatives to alleviate such problems must address the fundamental forces responsible for that denigration:

This will involve not a set remedies which merely perpetuate the Pakeha-defined status quo, but wide-ranging perspectives based on a cultural co-existence which recognises the link between past and present Pakeha policies towards the Maori, their underlying monoculturalism, and their specific effects (Jackson, 1988:163).

The next section examines the social position of Maori within New Zealand society. These statistics emphasise how Maori have been marginalised, how the Treaty of Waitangi has been historically disregarded, and provide some indication as to why Maori make up a large proportion of the clientele of the Department of Social Welfare through its social work section, the New Zealand Children and Young Persons Service.

THE SOCIAL AND ECONOMIC POSITION OF MAORI

The Rt. Reverend Bennett wrote in the foreword to the Statistics New Zealand (1994) Publication, *New Zealand Now: Maori*, that:

Less than a generation ago the policy of and intention of those in power was that the Maori people should be assimilated into the majority and dominant group. From the time of settlement until recently, very little specific information about Maori was sought by those responsible for the keeping of the nations statistics (Statistics New Zealand, 1994:Foreword).

He went on to state that:

Partnership based on the Treaty of Waitangi has replaced assimilation as the basis for relationships between the two peoples. It is therefore vitally important that proper and reliable information regarding the status and well - being of both partners be collected so that together Maori and Pakeha can ensure that the nation will benefit from the endeavours of both peoples (ibid).

The Ministerial Advisory Committee (1986a:15) in *Puao Te Ata Tu* made the point that in many areas of social measurement Maori were worse off than Pakeha. Maori comprised 12% of the population. The Maori infant mortality rate was 19.00 per 1000 births compared with the non-Maori rate of 11.00 per 1000. *Puao Te Ata Tu* pointed out other comparable statistics of note ,including that Maori life expectancy was lower than for non-Maori by seven years for men and 8.5 years for women and that Maori unemployment was 14% of the labour force when the non-Maori rate was 3.7%. Perhaps one of the most telling statistics of all was that Maori comprised 50% of prison admissions. Maori remained a disproportionately high percentage of the unemployed, a much higher percentage of Maori than non-Maori students left school without formal qualifications. On average the income of Maori was lower than that for non-Maori and health statistics reflected a similar inferior position for Maori.

Statistics available from Statistics New Zealand, and also expressed in such documents as *Ka Awatea* (Ministerial Planning Group, 1991), and *Puao Te Ata Tu* (Ministerial Advisory Group, 1986) exhibit that the Maori population at the end of the twentieth century is in a state of change. This will have important implications for many areas of social policy, including policies that directly and indirectly affect the Department of Social Welfare and the New Zealand Children and Young Persons Service. For example the Maori population is a relatively young population with nearly half under 20 years of age in 1991, whereas in the non-Maori population half are aged over 33 years.

The definition of Maori also has implications for those within government departments concerned with statistics, as depending on how Maori is defined there can be significant difference in numbers. Statistics New Zealand (1994:3) stated that the census provides for three different definitions of the Maori population. First it includes all who state that they have some Maori ancestry. This group numbered 511,278 in 1991, making up 15% of the total population. Those who said that they belonged to the Maori ethnic group numbered 323,493 in 1991 or 10% of the total population, and those

who said they belonged to the Maori ethnic group either alone or together with any other ethnic group numbered 434,847 or 13% of the total population (Statistics New Zealand, 1994:3).

It is the last definition based on a concept of cultural affiliation and identified in the census as 'New Zealand Maori Ethnic Group' which is used in population projections and in other Statistics New Zealand surveys such as the Household Labour Force Survey. The 1981 census was the first that allowed the identification of a 'New Zealand Maori Descent' population which included all those who specified any degree of Maori origin. All data previously was based on the definition of a Maori population as those of half or more Maori origin, a definition more consistent with the traditional biological concept of ethnicity than the cultural affiliation concept now used for census purposes. The number and proportion of Maori grew steadily through the 1960s and 1970s but the rate of growth slowed in the 1980s.

Statistics New Zealand (1994) has stated that over the next 40 years growth rates of the Maori population are projected to average only 1.1% per year, compared with an average of 3% per year over the last four decades. In 2031 the Maori population is projected to number about 672,000, 52% larger than in 1991. Despite this slowing of the Maori growth rate, the Maori population is expected to grow at a faster pace than the total New Zealand population and as a result, the Maori share of the total population is projected to increase from a current level of 13% to about 15% by 2031. There are three main causes of the higher Maori growth rate. Maori women have had higher fertility rates than non-Maori women, non-Maori women contribute to Maori births when the father is Maori and the Maori population has a relatively larger proportion in the main reproductive ages (Statistics New Zealand, 1994:4).

The income of the family and household has a major effect on the life prospects of family members, particularly children. At the 1991 census, the incomes of Maori households with children were generally lower than those of similar non-Maori households. The median income of non-Maori couples-with-children households was one-third higher than Maori couples-with-children households. In addition, non-Maori sole-parent households had a median income almost one-third higher than Maori sole-parent households (Statistics New Zealand, 1994:44).

Education is critical in determining the social and economic position of individuals and groups within society. There have been significant improvements in Maori educational achievement at all levels, particularly in the last decade. However, there still remains wide gaps in most areas between the performance of Maori and non-Maori in formal education as non-Maori also seek higher educational qualifications (Statistics New Zealand, 1994:25).

Work is an important aspect of adult life and being employed or unemployed can have a direct impact on economic well-being, health, housing, family life and leisure. The Maori labour force is young and is over-represented in industries and occupations that have been affected by recession and economic restructuring, for example forestry and railways. Maori continue to experience high rates of unemployment and this has been a feature of the New Zealand labour market for at least three decades. The 1991 census showed that 24% of Maori men and 25% of Maori women in the labour force were unemployed (Statistics New Zealand, 1994:36)..

These statistics are relevant to this thesis because as the Ministerial Planning Group (1991:12) stated: 'Empirical analysis would indicate that Maori have been marginalised and currently occupy a peripheral place in society'. The 1992 review of the Children, Young Persons, and Their Families Act 1989 reported that approximately half of the Department of Social Welfare's social work clients were Maori (Ministerial Review Team, 1992:137), a statistic that is hardly surprising given the socio economic standing of the Maori population. What was of particular significance to this thesis was the Ministerial Review Team's inability to obtain accurate figures on the numbers of Maori clients from the Department of Social Welfare.

This review has been confronted by statistical uncertainty. However the best information suggests that approximately 50% of those dealt with under the Act are Maori (Ministerial Review Team, 1992:137).

CONCLUSION

This chapter contended that confusion and differing interpretations of the Treaty of Waitangi has surrounded the Treaty and the relationship between Maori and Pakeha

since its signing. Because of the rapid increase in the Pakeha population soon after the 1840 signing of the Treaty, and a disregard for Maori understandings of it, Maori became socially, economically, and culturally marginalised. Jackson (1991:17) argued that this occurred despite the Treaty being a document that 'is absolutely clear and concise in what it says'. He argued that the words in the English text have been redefined to meet the needs of the Pakeha society. From the 1970s the demand that the Treaty be respected, honoured, and perhaps implemented have come to the fore as major disadvantages of Maori in many areas of social measurement became apparent. Young Maori especially were politicised by their own disadvantages, by the example of the American Civil Rights Movement, by decolonisation and nation building in the Pacific and by the interest that the United Nations took in indigenous peoples.

Oliver (1991:4) argued that as far as Maori were affected the values and beliefs in the powerful part of New Zealand society have for the most part not been supportive of fairness and decency. The Bishop of Aotearoa gave meaning to the Maori experience of this in his speech at the commemoration of the signing of the Treaty of Waitangi in 1990, when in the presence of the British monarch he said:

Since the signing of the Treaty 150 years ago, the ideology of individualism, competition and inequality have prevailed. I want to remind our partners that you have marginalised us. You have not honoured the Treaty. Since 1840, the partner that has been marginalised is me...the language of this land is yours, the custom is yours and the media by which we tell the world who we are, are yours (New Zealand Herald, February 7 1990).

Demands from Maori for recognition of and honouring of the Treaty of Waitangi had particular influence and impact within the New Zealand society in the 1980s. As this chapter has outlined there was a strengthened resolve within Maori as they 'demanded justice', the basis of which was the Treaty of Waitangi. On an organisational level, these demands from Maori had implications for the Department of Social Welfare. However, before those implications and the Department's responses are examined in more depth, the reform and restructuring of the state sector is detailed. These reforms also had an impact on social work and on the Department's response to Maori.

CHAPTER THREE

NEW RIGHT AND STATE SECTOR RESTRUCTURING

FROM THE CENTRALISED STATE TO ROGERNOMICS THE MARKET AND INDIVIDUALISM

This chapter discusses the reform of the state sector that was undertaken by the Fourth Labour Government from 1984. The systems and structures in place in 1984 are initially discussed and some of the history of those political and organisational structures. The legislative reforms that provided for the major changes effecting the Department of Social Welfare are included as are some of the theoretical underpinnings of that reform. Of particular relevance is Barretta-Herman's (1990) contribution on the move from the welfare state to the welfare society. This concept gives some understanding as to why neo-liberal theories were acceptable to some of those advocating for the rights of Maori to participate meaningfully in society. It is also of particular relevance to understanding changes within the Department of Social Welfare as Maori claimed as their right the ability to care for their own children. However, legislative and organisational reforms also created dilemmas for Maori as governments found a convenient link between calls for tino rangatiratanga and neo-liberalism and these are discussed at the end of the chapter.

By 1984 New Zealand had a system of central government that McKinlay (1990:12) as historically being all-powerful and pervasive in the social, political and economic sectors of the society. Constitutionally there have been no alternative centres of power as in other western democracies such as federal systems, second chambers, or written constitutions guarded by the legal system. This centralised system developed over time due to the size and demography of New Zealand and the nature of

colonisation and settlement that required services to be established by central government because, as argued by McKinlay (1990:8) 'the resources of the private sector were too scarce and fragmented'.

The role of the state was dominant in the economy through a wide range of government owned and operated trading enterprises that included the Railways, Air New Zealand, banking interests, coal, electricity and telecommunications. There was also widespread government involvement in the private sector in a form that included subsidies and import tariffs, and a marked propensity for government intervention when matters were thought to need attention rather than leave it to others (Scott, Bushnell and Sallee, 1990; Boston, 1987). Successive New Zealand governments since the Second World War, through to the 1960s and 1970s had been committed to and able to achieve policies of full employment, economic growth and a so-called egalitarian society with apparent opportunities for all, and a universal benefit system. McKinlay stated that:

underlying all these policies was a widely shared assumption that not only was it the state's responsibility to meet these goals, but it was also possible to do so (McKinlay, 1990:13).

In the social services sector government involvement was substantial, both in the policy making and in the delivery of services which were both highly centralised and standardised. As far as public provision of welfare was concerned it was totally delivered by central government through the Department of Social Welfare. As Barretta-Herman described:

A centralised government department with widely ranging responsibilities and extensive funding programs promised a higher level of co-ordination, co-operation, comprehensiveness, accessibility and continuity than was evident in the splintered, unco-ordinated pattern of services that characterised the social welfare field prior to the creation of the Department of Social Welfare in 1971 (Barretta-Herman, 1994:163).

McKinlay considered that New Zealand resembled to a greater or lesser extent most other western democracies, although in his opinion the state sector was more highly centralised and active than elsewhere. He considered that New Zealand most closely resembled Great Britain but because of the reliance on the centralised British

constitutional model, New Zealand had no specific means of recognising Maori people, structures or values in the government system.

The period of social and economic stability marked by full employment and a relatively passive and satisfied labour market was interrupted in the 1970s by global oil price rises and by British entry to the European Economic Community that undermined New Zealand's traditional and lucrative export market. The government responses to these changes were the 'logical outcome of the consensus which had developed within New Zealand society' (McKinlay, 1990:11), whereby government intervened through what became known as 'think big' programs to promote self sufficiency in fuel and generate foreign exchange earnings. McKinlay argued that such responses represented the:

logical consequence of more than one hundred years of the assumption that it was the role of the government to intervene whenever market forces and actions were not producing desired outcomes, associated with the related role of the government as effectively guarantor of minimum incomes (McKinlay, 1990:11).

Kelsey (1990:20) contended that the consequences of such policy interventions were a high overseas debt and a turning away from the belief that government intervention was both necessary and sufficient for economic success. Boston et al. (1991:1) argued that another important factor was a general ideological shift to the right and an enthusiasm amongst parties of almost all political persuasions for commercialisation and privatisation. The policies of the Fourth Labour Government elected in 1984 reflected a growing belief that failures of successive New Zealand governments could be minimised if government intervention was avoided or at least minimal in the economy.

After the 1984 election of the Labour Government the New Zealand economy was opened up to the global economy by a process of deregulation. Market theories and monetarist policies epitomised by Roger Douglas and known as 'Rogernomics' were advocated as the direction for economic recovery. Rogernomics was based on neo-liberal theories, known as the 'New Right'. New Right thinking is free market oriented and emphasises the primacy and importance of the individual. One of the major neo-liberal thinkers, Hayek, emphasised what he considered were the dangers of state intervention and the central importance of the market. It is not within the scope of this

thesis to include a full discussion on neo-liberalism and sources that include fuller discussions include, Taylor-Gooby and Dale, (1981); Hayek, (1976,1960); Friedman, (1962). However what is of relevance to this thesis because it impacts on Kaupapa Maori, is that neo-liberals consider that the role of the state is to ensure that as little as possible is done to restrict the exercise of an individual's freedom and that laws are only in place to ensure the smooth running of the market. The free choosing individual will choose from a range of providers what goods and services best meet his or her needs.

There are major implications for the provision of welfare within this theoretical perspective. First, neo-liberals believe that in providing services the state is removing choice from the individual by determining what the individual receives and second, in order for the state to provide such services it is necessary to collect taxes thereby reducing the choices that the individual has in relation to their own resources. Neo-liberal theorists acknowledge that some people will suffer as the result of market transactions but services and supports should only be provided through charity and voluntary action. Any form of welfare should only be to provide a targeted 'safety net' and must not be viewed as a universal right.

Kelsey described the New Zealand adoption of New Right monetarism as part of a larger international phenomenon, as in the United States of America where it was known as Reaganomics, and in Britain where New Right reforms were made under the leadership of Margaret Thatcher:

where interests of finance and productive capital could dictate the terms on which they invest and disinvest, leaving the nation state captive to their demands. This is what was meant by opening New Zealand to the global economy and securing economic recovery (Kelsey, 1990:27).

There was a question however over an apparent contradiction between the individualist philosophies of a market driven economy, as promoted by Treasury and embraced by government, and the apparent need for a more collective and compromising stance that would be necessary if the Treaty was to be honoured and the economic, social, and political rights of Maori addressed. As discussed by Kelsey:

The implications of this for tino rangatiratanga were clear. Rights were individual not collective. They were adaptive and relative,

not historical and absolute. They were to be delivered from a social consensus (Kelsey, 1990:34).

Before Labour embarked on what Kelsey (1990:2) termed 'its monetarist journey' in 1984, it had committed itself to recognising the Treaty of Waitangi and enabling the Waitangi Tribunal to hear claims of breaches back to 1840. Kelsey argued that Labour's Treaty and economic courses were in the end incompatible and on an inevitable collision course.

THE STATE SECTOR REFORMS

As a central part of the overall programme followed by the Fourth Labour Government from 1984, the public sector in New Zealand underwent massive structural, organisational, and management reforms (Boston et al., 1991; Kelsey, 1990; Sharp, 1990; Orange, 1987). At a central government level the reform included the corporatisation and privatisation of state trading activities such as rail, coal, and shipping interests. With the introduction of the Public Finance Act 1989, there has been the introduction of a new financial management regime, and the State Sector Act 1988 introduced major changes to the machinery of government and a new system of appointing and remunerating senior public servants. Numerous government departments and programmes have undergone cuts and restructuring of which the Department of Social Welfare is an example, an example that will be expanded on later. In addition the Employment Contracts Act 1991, introduced significant changes to public sector industrial relations practices (Boston et al., 1991:1). At the same time as these significant reforms were being implemented with the expressed rationale of making the state sector more efficient, there was a growing emphasis on biculturalism within it and on employment equity (Sayers, 1994; Kelsey, 1990). One of the issues to be explored within this thesis is the conflict between bicultural concerns and significant and substantial state sector reform where the emphasis was definitely on economic concerns and economic efficiency.

Boston et al. (1991) contended that there were many forces behind the extensive state sector reform. Fiscal imperatives was one, as was a general ideological shift to the right and the consequent enthusiasm amongst almost all political parties for

commercialisation and privatisation. The ideology underpinning much of the direction undertaken initially by the Fourth Labour Government and carried on into the 1990s by National was set out in various Treasury documents. These included the 1984 *Economic Management* (Treasury, 1984) and the 1987 *Government Management: Brief to the Incoming Government* (Treasury, 1987). Within these documents the remedies to New Zealand's economic problems lay in deregulating the economy and controlling the amount of money in circulation so demand was checked, keeping wages and prices down.

Rogernomics was not just a New Zealand phenomenon but a part of a world wide move that was essentially committed to political and economic non-intervention, based on neo-liberal theory that espoused deregulation of the economy, divestment by the state to the private sector, and decentralisation and preferably dismantling of the central state. The 1987 Treasury publication *Government Management* expounded the philosophy and provided the rationale for what Kelsey (1990:33) described as the 'gutting of the welfare state'.

Government's social policy should thus reflect a rational human ethical position whereby the interests of the most disadvantaged are the first concern of policy. But that is to be achieved in a way that will maximise social well-being and minimise the threat to those individual rights (Treasury, 1987:424).

Kelsey argued that such philosophies were incompatible with Labour's Treaty policies and tino rangatiratanga. Treasury took a pragmatic approach to Maori claims claiming that any attempt to rectify all wrongs would be incredibly complex and effectively impossible (Treasury, 1987:418).

THE STATE SECTOR ACT 1988 AND THE PUBLIC FINANCE ACT 1989

As previously discussed, New Zealand's private and public sectors were highly sheltered and regulated up until 1984 and the election of the Labour Government. Labour put in place a comprehensive programme of economic reform designed to achieve a more market-orientated economy, the aim of which was to increase New Zealand's international competitiveness by increasing the efficiency of all sectors of the

economy. The initial part of the Labour Government's reforms after 1984 was reform of the identified commercial operations of government and the establishment of State Owned Enterprises after 1986 was the beginning of this process (Boston and Dalziel, 1992; Boston, 1991; Kelsey, 1990).

After 1987 and the election of Labour for a second term in government attention turned to the non-commercial part of the state sector. Walsh (1991:52) claimed that the State Sector Act 1988 was 'one of the most important constitutional measures enacted in this country since the State Services Act 1962'. This claim is made because of the far-reaching impact that this legislation had on the relationships between Ministers of the Crown and top public servants and also on how performance was to be measured in the public sector. Specifically, the State Sector Act 1988 clarified the respective roles and powers of Ministers and chief executives, provided for annual performance agreements between them, and replaced permanent tenure of heads of government departments with contractual agreements for up to five years. The aim was to make heads of departments accountable directly to their respective Ministers for the performance of their departments. Also, the State Sector Act 1988 created an industrial relations and employment regime within the state sector that made the chief executive the effective employer of the respective department's staff for the first time.

Of particular significance of the State Sector Act 1988 to this thesis are the provisions of Section 56 of the Act whereby chief executives are required to operate a personnel policy that complies with the principles of being a 'good employer'. Amongst other requirements, a good employer is defined as a chief executive who:

recognises the aims, aspirations and employment requirements of Maori, and seeks their greater involvement in the public service (State Sector Act 1988, Section 56, 2(d)).

The State Sector Act 1988 also has provisions covering employment equity and Section 6 (e) required equal employment opportunities to be promoted, developed and monitored within each department by the State Services Commission. The State Services Commission (1989) considered that these personnel measures were designed to produce greater sensitivity in dealing with and meeting the needs of Maori clients as well as contributing to the development of culturally appropriate policies and practices.

Tremaine contended that for managers the distinctive issues of EEO¹⁴ and of Treaty responsibilities can be confusing and potentially disadvantageous for Maori:

Perhaps the most serious disadvantage of EEO for Maori is that managers who have only a vague idea of what Treaty responsibilities require but are familiar with EEO, may think that their EEO Maori policy is sufficient to deal with the whole area of the organisation's obligations to Maori and ignore Article Two of the Treaty (Tremain, 1994:77).

In a 1990 report on Equal Employment Opportunity, Maori and biculturalism Waaka dealt with this problem by acknowledging that Equal Employment Opportunity and the Treaty are different issues:

Equal employment opportunities has nothing to do with a bicultural imperative, the unique tangata whenua status of Maori people or the endeavours of the government to redress the socio-economic imbalance that exists for Maori. EEO is exactly what it says; equal employment opportunities for all people with a particular emphasis on those people who are currently under - represented in government organisations; that includes Maori people (Waaka, 1990:2).

The potential for confusion was highlighted by reports such as Waaka's as was the potential for the bicultural and Treaty of Waitangi obligations of the State to be diluted within Equal Employment Opportunity requirements.

The State Sector Act 1988 redefined the roles and relationships of those working in the state sector and their employers and provided the initial framework for state sector reform. Ball commented that the Public Finance Act 1989 complemented the State Sector Act:

by expanding and developing the definition of performance. It extends further chief executives' decision-making authority through removal of many input controls, and enables them to manage the balance sheets and day-to-day cash requirements of their departments (Ball, 1992:18).

The Public Finance Act 1989 gave effect to the financial management aspects of the public sector management reform. The two pieces of legislation should be seen in conjunction with each other as the accountability relationship laid out in the State Sector Act 1988 was significantly complemented and strengthened by the Public Finance Act,

¹⁴ Equal Employment Opportunity.

principally from the development of the definition of performance and its specification of information requirements.

Walsh (1991:73) argued that the reform of the public sector was driven by managerialist concerns and sought to 'import private sector management practices into the public sector to improve its efficiency and effectiveness'. The basis was that government considered that what was good for private sector employers, unions and workers should also be good for their counterparts in the state, in the interests of efficiencies and accountability. Martin stated that managerialism is characterised by:

an approach to public management which gives primacy to certain values; and which presumes that principles and practices widely employed in the private sector will be equally applicable in the public sector (Martin, 1991:369).

Managerialism has been described by Boston (1991:9) as containing the following central features. First an emphasis on management rather than policy, in particular a new stress on management skills in preference to technical or professional skills. Second, a shift from the use of input controls and bureaucratic procedures and rules to a reliance on quantifiable output measures and performance targets. Third, the devolution of management control coupled with the development of new reporting, monitoring, and accountability mechanisms. Fourth, the desegregation of large bureaucratic structures into quasi-autonomous agencies, in particular the separation of commercial from non-commercial functions and policy advice from policy implementation. Fifth, a preference for private ownership, contracting out, and contestability in public service provision. Sixth, the introduction of certain private sector management practices such as the use of short-term labour contracts, the development of corporate plans, performance agreements and mission statements, the introduction of performance-linked remuneration systems, the development of new management information systems, and a greater concern for corporate image. Seventh, a general preference for monetary incentives rather than non-monetary incentives such as ethics, ethos, and status. Eighth a stress on cost-cutting, efficiency, and cutback management. Many of these features are now evident within the Department of Social Welfare and within the business unit called the New Zealand Children and Young Persons Service.

One of the consequences of a managerial approach within the State Sector was an emphasis on planning. Walsh remarked that:

The virtue of managerialism lies in the explicit setting and prioritising of objectives, the development of relevant indicators to evaluate the degree to which they have been achieved, and the rational allocation of resources to these tasks (Walsh, 1991:74).

Conversely Walsh contended that:

the managerialist vice is an obsession with form over content. Managers newly liberated from the shackles of the Public Service Manual may become preoccupied with planning to achieve objectives rather than actually achieving them (ibid).

This dilemma is a central issue for this study. To what extent are managers planning for Kaupapa Maori, and to what extent are they achieving objectives planned for?

The Australian experience with managerialism has, according to Nethercote, not been entirely positive:

Managerialism, pure as it maybe in theory, soon became bogged down in it's own procedures, corporate planning and other activities, full of ritual, scarce on substance (Nethercote, 1989:18).

Walsh commented further that:

Public service managers in Australia soon came to realise that the major change was not the dawn of a new age of management, but that their budget had been cut, and that, the evaluation of form and ritual over content is a particular danger in the field of EEO (sic), and in the personnel area generally (Walsh, 1991:75).

The implementation of policy plans in the arena of Kaupapa Maori is central to this thesis. The managerialist regime within a reformed state sector provided the environment within which this implementation was to occur.

RESTRUCTURING OF THE DEPARTMENT OF SOCIAL WELFARE

The term 'restructuring' has been commonly used to describe the process of change in government departments initiated by the Fourth Labour Government. The term has been widely used since to refer to all change processes in government and reflects a particular perspective. Restructuring implies that the way to carry out successful, effective organisational change is to alter the organisation's structure. (McLennan, Inkson, Dakin, Dewe, and Elkin, 1987:298). They argue however that this perspective ignores many of the complex realities of organisational dynamics.

The Department of Social Welfare has undergone a number of organisational reviews since the mid 1980s. This is consistent with what has happened in other government departments as the government, advised by Treasury and driven by neo-liberal theory, has attempted to make those departments, the economy and the country more efficient and competitive as a market economy. It is also consistent with the state attempting to move from a welfare state, with connotations of 'collective responsibility' (Titmuss, 1974), to a welfare society (Barretta-Herman, 1990:17) whereby the emphasis is on the responsibility of primary social institutions such as the family and the community to provide care.

Restructuring of the Department of Social Welfare from a centralised bureaucratic organisation to a regionally based department began in earnest in 1985 with the formation of a regional structure, when six regional offices were established. In 1991 the number of district offices was reduced from 45 to 27 and the structure of the Department was further refined in 1992 when it was split into four semi-autonomous agencies. The New Zealand Income Support Service was established to provide and oversee benefit entitlements, the Community Funding Agency was created to fund and monitor community social service agencies and the Social Policy Agency was created to provide policy advice to government. Within this restructuring the New Zealand Children and Young Persons Service, that would carry the Department of Social Welfare's social work responsibilities was formed. It was established consisting of four regional areas. In 1994 following what was known as the *Weeks Report* (New Zealand Children and Young Persons service 1994a) the New Zealand Children and Young Persons Service was restructured and these regional areas were disestablished. Fifteen areas were created with Area Managers reporting directly to a national office.

Shirley wrote that since 1985 district and regional offices had been established and disestablished as had occupational positions been created and later eliminated. He described this as managerial determinism and commented that the:

reviews go on with monotonous regularity. The latest effort the Weeks report, spear-headed by a new Director General, has led to widespread public confusion as well as a despondency among front-line professionals. Both conditions are easy to understand. The confusion stems from a review which was ill-conceived and a change process which has been badly managed (Shirley, 1994:3).

Of interest to this thesis has been the effect that restructuring and ongoing change has had on the departmental response to Kaupapa Maori. Restructuring appears to have decreased the Department of Social Welfare's and the New Zealand Children and Young Persons Service's ability to include, consult and respond to Maori because provisions for inclusion of Maori have been dismantled. Soon after the 1991 restructuring the cultural advisors positions in many offices were disestablished and previous to this the Maori advisory team in the Department's head office was also disestablished (Dominion 31 July 1990). There remains no Maori advisory group within the New Zealand Children and Young Persons Service national office. *Puao Te Ata Tu* (Ministerial Advisory Group 1986:19) recommended the 'sharing of responsibility and authority for decisions with appropriate Maori people'. However restructuring of the Department of Social Welfare at a national and local level removed many Maori who were able to provide consultation. As a result advice and information regarding Maori issues is gathered in an ad hoc and sporadic fashion by various Area Managers, Site Managers, National Managers depending on the issue and the interest or commitment of those involved.

As I have noted previously, Barretta-Herman (1990) argued that the restructuring of the Department of Social Welfare reflected a move from what was known as the welfare state to a welfare society. The next section comments on this change in philosophical approach to welfare and social service provision. Linked to this philosophical shift there has been an impact legislatively and organisationally, and on the response to Maori, an argument that was developed by Barretta-Herman (1990).

THE WELFARE STATE TO WELFARE SOCIETY

As previously discussed the State Sector Act 1988 and the Public Finance Act 1989 provided the legislative base within the state sector for economic and structural reform. Barretta-Herman (1990) provided an analysis as to how a philosophical shift from an understanding and belief in the welfare state to the welfare society was also required for this reform to occur.

Writers such as Boston et al. (1991), Kelsey (1990), and Easton (1989), contend it was the intention of policy makers to apply the philosophy of Rogernomics to both economic and social policy areas, and commented that significant debate ensued over which of these two policy areas should be the first consideration. The 1988 Royal Commission on Social Policy argued that there could not be any separation of the two policy areas. Barretta-Herman (1990:23) noted that Roger Douglas was seen to agree. However, Easton (1989:182) stated that Douglas argued that economic policy drives social policy rather than the reverse.

The notion of the welfare society as espoused by Robson (1976) and Hadley and Hatch (1981) emphasised individual and family responsibility rather than the collective responsibility as implied within the welfare state philosophy:

The welfare state is as much concerned with maintaining or improving conditions for those who enjoy a good life style as with raising the standard of living of those who fall below an acceptable national minimum . The term conveys a benevolent state attitude toward the well being of all its citizens (Robson, 1976:175).

The term 'welfare society' as it was used by writers such as Johnson (1987), Hadley and Hatch (1981), and Robson (1976), emphasised the responsibilities of primary social institutions such as the family, including the extended family, and the community in providing care. Consequently the welfare society model was acceptable to both elements of the political left, arguing for decentralised, responsive and localised services, and the political right, who were seeking a justification for and a way of circumventing the growth of welfare state expenditure. The beginnings of a move from a welfare state to a welfare society in New Zealand can be traced from before the election of the Labour administration in 1984 (Barretta-Herman, 1990:24), although it was this government that increased the pace of that change. There was an ongoing and

significant impact on the Department of Social Welfare and its ability to respond to changing expectations from government and the community.

The welfare state provided universal social services to ensure an acceptable standard of living for all. With the state as the main funder and provider of social service, it was assumed that equality, accessibility and continuity of a quality universal service would prevail. Such thinking was supported in theory by the work of Titmuss (1976, 1974) who emphasised the central role of the state in the social services, and who saw the role of the voluntary sector as innovator and a supplement to state provided services. The welfare society is characterised by targeted assistance to specifically “needy” groups, and more decentralised delivery systems. These characteristics have been evident within New Zealand where the welfare state has been systematically dismantled since 1984 (Boston et al., 1992; Boston et al., 1991; McKinlay, 1990) and provision for social services provided within a welfare society model. Barretta-Herman (1990:22) argued that the concept of a welfare society was also associated with the rights of and ability of indigenous people to care for their own. There has been a justification of reduction in welfare spending by central government associated with this call from Maori to care for their people. This has created contradictions and implications for Maori and some of these are outlined within the following section of this thesis.

Policy documents at different times have reflected the theoretical arguments of both the welfare state and welfare society theorists. The 1972 Royal Commission on Social Security reaffirmed the responsibility of the community to give the dependent a standard of living consistent with human dignity relative to that enjoyed by the majority through a comprehensive system of benefits that would allow all to feel a sense of participation in and belonging to the community (Royal Commission on Social Security, 1972:65). The Royal Commission, therefore reconfirmed the central role of the state in social welfare activities, and a social service delivery model based on the key role of the government as funder and provider was established with the creation of the Department of Social Welfare in 1972.

The transition towards a welfare society model is evident nineteen years later in the 1991 document ‘Welfare that Works’ presented by the then Minister of Social Welfare, Jenny Shipley who stated that the:

Government's social and economic objective is to provide an environment where New Zealand families are able to take control of their own lives, freed from the dependence on state welfare that currently traps so many of our people (Shipley, 1991:1).

Argued in terms of the New Zealand economy being unable to continue to afford universal assistance in a time of growing demand on welfare services but a declining economic climate, the stated policy was for the state to provide assistance based on genuine need. People were expected to support themselves when they had the ability to do so:

The state will continue to provide a safety net - a modest standard below which people will not be allowed to fall provided they demonstrate they are prepared to help themselves (Shipley, 1991:13).

Hadley and Hatch (1981) have argued for a pluralist, decentralised and participatory pattern of services that would theoretically be more accessible and responsive to local needs. Critics of this approach have argued that it offers a model that could potentially be utilised by monetarists to further reduce the role of the state in providing social care. Barretta-Herman (1990:35) contended that the Hadley and Hatch model appeared 'to have provided the rationale for the changes proposed in the social service delivery system that were initiated by the Fourth Labour Government'.

Johnson (1987) argued that the model offered an alternative that could be used by monetarists to continue the reduction of the role of the state in providing care for its people. Graycar contended that:

Community oriented models can also be seen as a cheap alternative, a means by which families can provide at little or no cost to the state, services otherwise financed by taxpayers (Graycar, 1983:383).

The welfare society model may also be seen as more acceptable to indigenous people, including Maori, in that they may be offered the opportunity of being more involved in decisions effecting their children and families. This is perhaps more consistent with tino rangatiratanga and more consistent with a policy of devolution that has been pursued by governments since the early 1980s. The welfare society model also appealed to government because of the potential to spend less with the placement of more responsibility on families and community. However dilemmas eventually began

to emerge for Maori and the next section begins to examine some of the contradictions and how they impacted on Maori. The next chapter examines the Department of Social Welfare and its response in more specific terms.

THE NEW RIGHT

CONSULTATION DEVOLUTION AND DILEMMA FOR MAORI

Kelsey's analysis of the Labour Government's Treaty of Waitangi policy followed through three stages described as:

the time of naive initiatives from 1984-6; ad hoc crisis control when its economic and treaty policies collided in 1987; and, from 1988, attempts to develop a conscious Treaty control strategy (Kelsey, 1990:23).

Her analysis is of a parallel evolution of Maori resistance described as:

the ongoing liberation of Maori expectations from the reformist mind-set of the welfare state, and the rediscovery of tino rangatiratanga; desperate attempts to hold the ground during 1987 when the potential to meet these new goals came under threat from government policies on corporatisation and fisheries; and a period of reassessment from 1988 onwards when Maori 'pragmatists' sought to salvage something from promises of the 1980s and Maori 'purists' realised the state would never voluntarily deliver tino rangatiratanga and began to ponder new forms of resistance (ibid).

Fleras (1990:171) agreed and argued that iwi-government relations underwent a period of unprecedented change and stress during the term of the Fourth Labour Government. Fleras contends that the magnitude of these changes was especially evident at policy and administration levels and centred on the devolution of iwi-government relations, a process that had begun in 1977 with the introduction of the Tu Tangata policy in the Department of Maori Affairs and continued through the 1980s as the Labour Government continued with that policy direction.

The Labour Government of 1984 was also committed to consultation and the need for consensus in securing New Zealand's economic recovery (Kelsey, 1990:36).

This commitment to consultation was stressed with the Economic Summit Conference in September 1984, although later admitted by Roger Douglas (1987:74) to be a stage

managed public relations exercise. It was designed to dramatise the problems of the economy to the nation and create the right climate for change. The summit communiqué identified five goals for the economy; sustainable economic growth, full employment, price stability, external balance, and equitable distribution of income, which were to fully respect social and cultural values and avoid undue environmental costs (Kelsey, 1990:37). The conference also stated that policy should aim to minimise the impact of social and economic dislocations on vulnerable groups and communities. The conference communiqué also stated that:

The Conference considers that the position of the Maori is of major concern. The gap between Maori and Pakeha is widening. Racial tension has been growing and many Maori young people have been alienated from the wider community. The Maori people and their resources continue to be under-utilised and under-developed. To reverse this will require positive initiatives for consultation with Maori communities about their future, policies to deal with Maori unemployment, and self help (Kelsey, 1990:39).

This was the launching point for the 1984 Maori Economic Summit Conference, Hui Taumata, held at Parliament in October 1984. The major thrust of this conference was economic but it did look forward to a decade of Maori development within a framework of Maori self sufficiency and Maori control (Kelsey, 1990:4). Reduced reliance on the state, the conversion of essentially negative spending into preventative funding and confidence in tribal delivery systems were targeted to enhance Maori social and economic development. A paper on Maori health, and several reports on Maori unemployment left no doubt that social policies were to be an integral aspect of Maori development and that Maori people themselves were more than ready to be major agents for change. However their economic, social and cultural structures were suffering from generations of enforced poverty and marginalisation and the end result was that there was not a 'level playing field' within which Maori could compete.

In retrospect it seems likely that the Hui Taumata findings and calls for tino rangatiratanga provided a convenient connection to neo-liberal economic policies. Devolution, restructuring of the Department of Maori Affairs, targeted welfare assistance, and a user-pays philosophy quickly became Labour Government priorities. To some extent it could be argued that Maori aspirations for greater independence from

the state and a greater measure of economic and political autonomy supported those objectives.

Kelsey put the dilemma for the state and for Maori at this time in the context of New Zealand facing complex and contradictory crises. One of these was the crisis of capitalism as the:

costs of the welfare state and demands of democratic participation became incompatible with the need for capital to contract state expenditure and lessen intervention in the market-place (Kelsey, 1991b:109).

Kelsey contended that by the 1980s the state also faced a crisis of constitutional legitimacy as increasing numbers of Maori militantly reasserted their political and economic rights under the Treaty of Waitangi. Sharp (1991:133) argued that before this time calls for the Treaty to be recognised could be ignored because there was no pan-Maori unity on the Treaty, and also that Maori activism had not been publicly obvious until at least the 1970s. As a consequence of a renewed focus on the Treaty and pan-Maori unity the politics and morals of the Treaty came to dominate the politics and morals of ethnic and race relations in the 1980s.

Kelsey argued that the Fourth Labour Government sought to resolve both the so-called economic and constitutional crises simultaneously (Kelsey 1991b:109). The first was to be resolved by the policies based on liberal economics and ideology, Rogernomics, and the second by a Treaty policy that sought to diffuse and pacify Maori demands without disrupting the fundamental economic and political structures of the colonial derived state. Kelsey (1991b:109) stated that New Zealand was a settler colony that could be termed a 'dual' or 'diarchic' state, that is, where two different forms of state control are exercised at the same time, and she goes on to state that the constitutional legitimacy of the British sovereignty had been supported until the mid twentieth century by the consensual welfare state enjoyed and supported by almost the entire Pakeha population. By contrast, however, rule over Maori for the same period had been maintained by force, or legal and economic coercion. Whilst Maori had continually challenged the claim to British sovereignty and asserted their *tino rangatiratanga* through a variety of legal and extra-legal means, the attempts to secure hegemony over Maori were, Kelsey claims, always partial and ultimately subject to

withdrawal (Kelsey, 1991b:109). Even under the welfare state, this hegemony was fragile and interceded with reminders of the Crown's failure to honour the Treaty.

A dilemma for Maori began to emerge. Tino rangatiratanga and hope of greater Maori autonomy could be construed as offering implicit support for privatisation or at least for reduced state provision of services. Having made the case for greater Maori control, iwi and other Maori authorities were faced with the prospect of using meagre resources derived in part from the state and in part from their own coffers to provide a range of economic, social and cultural programmes, such as the Maatua Whangai¹⁵ programme with the Department of Social Welfare. The State in turn seemed poised not only to encourage the privatisation of some social services, but also to curb the level of state spending on those provisions. However social indicators, as previously outlined, continued to leave no doubt that the socio-economic position of Maori was disadvantaged and the risk seemed that iwi might unfairly be expected to rectify a situation that had developed over the decades as the result of government policies.

Following policy input and challenges to the Governments responsiveness from sources such as the Hui Taumata and the report *Puao Te Ata Tu*, two developments combined to frustrate progress and to compound the mixed government objectives that were becoming evident. Firstly, having been made aware of the extent and nature of partnership derived from the Treaty of Waitangi, which had been expressed in the Court of Appeal during the New Zealand Maori Council and State Owned Enterprises case of 1987 (Kelsey, 1990:264), the Crown began to step back from its earlier interest in Maori autonomy, including economic self reliance. Contractual relationships based on the delegation of certain state functions but within constrained and narrow frameworks, were favoured over a partnership based on a sense of constitutional equality.

The Crown's interpretation of Treaty principles referred to the rangatiratanga principle as the principle of self-management under which iwi had the right to organise as iwi and control the resources they own. This was articulated in the Department of Justice's (1989) publication *The Crown and the Treaty of Waitangi*. There was little to encourage the autonomy or self-determination of iwi. The state's role for iwi appeared to be a limited one that allowed no significant part in the formulation of economic policy, but encouraged a relatively minor management and delivery role.

¹⁵ Foster parenting programme.

By concentrating on its own interpretation of the principles of the Treaty the problem of the tension between the Maori and the English texts was neatly solved by the Crown, as was the problem of applying international rules of treaty interpretation which would have given precedence to the Maori text, and hence to tino rangatiratanga.

Fundamental differences in Maori and government perspectives of Treaty interpretation and in the concepts of self determination and tino rangatiratanga are reflected in the following extracts from speeches made in 1989 by Maori lawyer and writer Moana Jackson and the then Prime Minister, Geoffrey Palmer:

The government has recently introduced its policy of iwi development. Its aim, according to government, is to encourage the reassertion of tribal rangatiratanga. However this policy illustrates the inherent incompatibility between claiming that indigenous people can have self-determination and control over their own lives, while at the same time subjecting them to an overriding power sourced in the political and social values of another, numerically dominant people. Such 'self-determination' is not rangatiratanga at all, and this is clear from the reality of the devolution policy. Tribes will be granted rangatiratanga by the Crown, a concept difficult in itself, only if they meet criteria defined by the Crown. They will then exercise only those powers which government sees fit to grant them (Jackson, M., 1989:1).

The essence of the Treaty is very simple. The Crown has the right to govern. It must give appropriate weight to Maori interests when it does so. And why is this so strange? Democracy is based on majority respect for the rights of the minority. That is really what it comes down to. Nothing more. It does not mean that Maori have some peculiar status which other New Zealanders do not have....We are one nation. And we are all equal. We must always be equal (Palmer, quoted in Kelsey, 1990:242).

A further obstacle to positive iwi development came as the result of government enthusiasm for off-loading state obligations to iwi authorities as part of the devolution process. Maori development appeared to be determined by state agendas and Maori priorities had to be accommodated within programmes and parameters set by central policy makers. Many iwi became providers for government programmes but were given no real opportunity to shape the programmes or to give attention to their own plans. Missing was Maori control and ownership which Maori believed was implicit in the notion of tino rangatiratanga.

Within this chapter I have outlined the reform of the state sector and some of the theories that have informed and shaped that reform. The influence of neo-liberalism and the move from the welfare state to a welfare society has been central to this chapter. The convenient connection between Maori calls for recognition of the Treaty of Waitangi and tino rangatiratanga and neo-liberalism has also been discussed. The political contradictions and implications for both Maori and Pakeha that became evident during the late 1980s have been included. Within the Department of Social Welfare there had also been by the mid 1980s, reaction to Maori demands for recognition of the Treaty of Waitangi and meaningful partnership with the Crown and its agencies. The following chapter examines these demands, the basis for them and the response from the Department.

CHAPTER FOUR

**THE DEPARTMENT OF SOCIAL WELFARE
AND RESPONSIVENESS IN THE
REFORMED STATE SECTOR**

THE BICULTURAL DEBATE

As previously stated the Ministerial Advisory Committee's report *Puao Te Ata Tu* was a turning point for the Department of Social Welfare. It is the document by which this thesis will make some assessment of current responsiveness of management within the New Zealand Children and Young Persons Service. There were a number of influential sources of pressure on the Department of Social Welfare leading up to the Ministerial Advisory Committee's investigation and report and some of these will now be outlined.

Walker (1990:237) claimed that conservative Maori leaders within the public services were by the late 1970s implementing their own programmes for social change. Of particular significance to the Department of Social Welfare was the Maatua Whangai programme instigated by the Department of Maori Affairs. This programme was designed to take young Maori out of the care of social welfare institutions and place them back in the care of their own tribal groups. Walker (1990:237) claimed that this was the beginning of the Department of Social Welfare's policy of recognising and negotiating with tribal authorities.

The 1982 *Johnson Report* (Johnson, 1982) into the practices and procedures relating to care and control of children and young persons in the Department's Auckland institutions was a response to concern at the high numbers of Maori children in institutional care in Auckland. The report identified several problem areas including a need for greater recognition of different cultural values and was the first time significant

comment had been made regarding the Department's ability to work with Maori. The report stated that:

We recommend that an early discussion with Maori and Polynesian representatives be held in order to determine how best the policies of the Homes (sic) in which Maori young people predominate can reflect the cultural values of their people (Johnson 1982:52).

In 1984 a Maori advisory unit was established in the Department of Social Welfare's Auckland Regional Office to advise on policy and programmes to meet the needs of Maori people. The Department of Social Welfare described the role of the units staff:

The role of the Maori Advisors is to advise the Department of Social Welfare of policies, changes and needs relating to Maori people with the view to making changes and taking action (Department of Social Welfare, 1985b:3).

The unit identified a number of shortcomings in the Department's response to its Maori clients and some of these are now summarised. The report concluded that the Department was institutionally racist in that rules reflected the values of the dominant Pakeha society. The report pointed out that Maori input to policy was negligible and that insistence on professional qualifications for staff frequently disadvantaged Maori applicants. The report also pointed out that Maori staff were used to advise on Maoritanga whenever there was a need for this advice. However, the ability of Maori staff to give this advice went unrecognised and unrewarded, even though such knowledge and experience was a specialist 'qualification'. Maori staff were often expected to provide advice on tikanga¹⁶ and issues of language and protocol even though this was outside their normal work. The fact that this consultancy was additional work that largely went unrecognised by the bureaucracy affirmed the institutionally racist accusations that were being levelled at the Department.

A working party on 'The Organisation of Social Work Services at the District Level' in a report of May 1986 made the observation that 'the principle of bicultural practice has been adopted' (Department of Social Welfare, 1986:17) by the Department's social workers and recommended that the Department's top management

¹⁶ Translated as 'custom, rules' (Walker, 1990:298).

officially adopt the principle of cultural appropriateness of service. This working party also recommended that a Maori Advisory Unit be established in each regional office to enhance the cultural sensitivity of staff and provide a Maori perspective on policy, programmes and procedures (ibid).

Also, as previously discussed, a group known as the Women Against Racism Action Group was formed within the Department of Social Welfare. In 1984 this group produced a report on institutional racism in the Auckland office of the Department of Social Welfare. The report known as the *WARAG* report, found from a survey of 69% of staff in the Auckland region that Pakeha out-numbered Maori by 15 to one. The national ratio at the time was 19 to one. English was the dominant language of 99% of staff and only 2% spoke Maori. The *WARAG* report argued that such an imbalance in ethnic composition of staff meant that those delivering the service did not match the client group. For example, 22% of residents in institutions were Pakeha as compared to 62% Maori, but 71% of staff were Pakeha. This report concluded that the Department of Social Welfare was institutionally racist in staffing and that recruitment, procedures, selection, training, and promotion of staff were found to be culturally biased in favour of Pakeha personnel. Fundamental questions were raised that made it clear that a new approach was required if the Department was not to be perceived as culturally biased in structure, procedure, and policy. Walker (1990:279) contended that John Grant the Director General of The Department of Social Welfare at the time, was shocked by the tenor of the report. He also argued that this report was particularly hard-hitting because it was carried out from inside the bureaucracy that was under scrutiny.

It was against the backdrop of dissatisfaction and agitation from within the Department of Social Welfare and from anti racist groups in the wider society (Walker, 1990:278) that in 1986 the Minister of Social Welfare Ann Hercus appointed the Ministerial Advisory Committee on a Maori Perspective for the Department of Social Welfare.

PUAO TE ATA TU

This report was called for by the Minister of Social Welfare in 1986 but as previously mentioned needs to be considered in an historical context for analysis to be complete. *Puao Te Ata Tu* (translated as 'daybreak') arose out of a growing societal awareness of injustice to Maori and inherent institutional racism in New Zealand's government agencies. It can be seen to be the result of a cumulation of dissatisfaction as described in various reports (such as the report by the Maori Advisory Unit and the *WARAG* report that have been previously discussed), submissions, and complaints, and was a turning point in the Department of Social Welfare's relationship with Maori.

Social Welfare Minister Ann Hercus commissioned the committee to advise her on the:

most appropriate means to achieve the goal of an approach which would meet the needs of Maori in policy, planning and service delivery in the Department of Social Welfare (Ministerial Advisory Committee, 1986a:5).

The terms of reference were stated as:

The Advisory Committee, having regard to the needs of Maori and to the organisation, structure, and functions of the Department was required to; Assess the capability of the Department in relation to declared goals; identify those aspects which militated against attainment of the goal; propose a strategy for overcoming problems and deficiencies that were identified; and report with recommendations to the Minister of Social Welfare within six months from commencement of the task (ibid).

The chairman of the committee was John Rangihau, who had recently retired from a post as advisor to the Secretary of Maori Affairs. He had been a public servant all his working life and his intentions were made clear when he declared that now he was beyond the power of the bureaucrats he would not fudge the issues raised in the *WARAG* report by doing a 'white wash job' (Walker, 1990:280).

No direction was given on how the committee should gather, assess, and present its findings. This gave Rangihau some flexibility in establishing how this should occur and it meant a team approach to the problem could be taken. Most of the members of the Maori Perspective Advisory Committee were Maori, a notable exception being John

Grant, the Director General of Social Welfare. The committee's approach was to travel around the country to meet the department's clients in marae settings, believing that an oral approach to the research was the traditional approach of Maori people and one to which they would respond. The records kept were equally oral, being unedited transcripts of tapes of meetings. To complement this oral method written submissions were also invited. The committee spoke to community workers, to young people and to judges in the Children and Young Persons Court. Also interviewed were senior head office staff of the Department of Social Welfare, district management and senior staff of the State Services Commission and of the Department of Maori Affairs. In all a total of 65 meetings on marae, institutions, and Department of Social Welfare offices were held.

As stated in the introduction of this thesis, the resultant report was actually two booklets. An appendix outlined the history of oppression and marginalisation of Maori by the Pakeha state since 1840. The roots of Maori dependency were described in terms of years of deprivation, cultural imperialism and assimilation that had ensured Pakeha power brokers have remained in control (Ministerial Advisory Committee 1986b:6). The other booklet, *Puao Te Ata Tu*, outlined the recommendations the Committee made. It was explicit about the policy, procedural, and legal changes that needed to occur in order for the Department of Social Welfare to redress the imbalances in its relationship with Maori.

Puao Te Ata Tu was scathing in the criticisms of the Department of Social Welfare and challenged the basis of the Department's corporate culture and the way it was organised to meet clients' needs. From an organisational perspective the Department was described as being insensitive to the needs of Maori, and institutionally racist and inflexible:

The committee finds that the staff in general are dedicated people committed to working for the welfare aims of the Department. However they have lacked the leadership and understanding to relate sensitively to their Maori clients. The Committee regards change within the Department as essential if the kinds of problems identified to us by Maori people are to be overcome and if the Department is to relate to their specific needs (Ministerial Advisory Committee, 1986a:25).

The report went further than just referring to the Department of Social Welfare and was intended to be relevant and applicable to other government departments and policy makers. *Puao Te Ata Tu* recommended to the government as a policy objective:

to attack all forms of cultural racism in New Zealand that resulted in the values and lifestyles of the dominant group being regarded as superior to those of other groups, especially Maori (Ministerial Advisory Committee, 1986a:9).

The substance of this policy would mean:

incorporating the values, culture and beliefs of the Maori people into all policies developed for the future of New Zealand. To this end the committee urged government to attack and eliminate deprivation and alienation (ibid).

The report was endorsed by the Minister of Social Welfare and the recommendations in the report became the basis for guiding the development of government policies for the delivery of services to Maori. The recommendations supported the principles of decentralisation, devolution and greater community participation in policy and provision of social services. Within the Department of Social Welfare the acceptance of the report by the Minister signalled a new direction for that department in the arena of biculturalism. The policy was reflected in departmental documents and policy statements and the stated influence of the report remains strong as the following statement emphasises:

Puao-te-Ata-tu (the report of the Ministerial Advisory Committee for a Maori perspective for the Department of Social Welfare) exerted a strong influence on the policy and practices of the Department of Social Welfare. The guiding principles that underpinned the report's recommendations were accepted by the Department and remain in force as policy (New Zealand Children and Young Persons Service 1996:9).

A previously quoted statement from the Department whereby it was stated that 'the direction for social work is to do everything from the standpoint of recognising the cultural values of families and groups, especially Maori' (Department of Social Welfare 1989:2) reflected how powerful the influence of *Puao Te Ata Tu* was stated to be within the Department and how ready that organisation appeared to be to embrace

biculturalism. It was reinforced by the introduction of the Children, Young Persons, and Their Families Act 1989 that placed a legal responsibility on social workers to involve families in decision making and planning for children.

THE CHILDREN YOUNG PERSONS AND THEIR FAMILIES ACT 1989

The Ministerial Advisory Committee (1986a:29) considered a substantial ideological change was required if The Children and Young Persons Act 1974 was to adequately cater for Maori needs. The Committee did not propose specific amendments but urged that the revision of the legislation be based around principles of family and community involvement, a court process that was relevant to Maori and preventative initiatives. The Children, Young Persons, and Their Families Act 1989¹⁷ legislated for the involvement of families in the decision making process for children and young persons. It signalled that New Zealand considered that as a society it was comprised of collections of families as opposed to children of the state or a collection of individuals.

Section seven of the Act was specific about how the Department of Social Welfare was to work with Maori families and stated that wherever possible, all policies adopted by the Department have particular regard for the values, culture, and beliefs of the Maori people, support the role of families, whanau, hapu, iwi, and family groups and avoid the alienation of children and young persons from their family, whanau, hapu, iwi, and family group. The New Zealand Children and Young Persons Service *Care and Protection Handbook* stated that:

The involvement of the State in the lives of children, young persons and their family/whanau took a new turn in this country with the implementation of the Children, Young, Persons, and Their Families Act, 1989 (CYP&F Act) on 1 November 1989. The child welfare perspective of the previous Children and Young Persons Act 1974 was shifted to an innovative family empowerment model placing the emphasis on the child and young person within the family/whanau, hapu, iwi or family group. It emphasised the role and responsibilities of families/whanau in caring for their children and young persons and protecting them from harm. (New Zealand Children and Young Persons Service 1996, Vol. 1:3).

¹⁷ For the purposes of this Act a child is aged up to 14 years and a young person is over 14 and under 17 years old.

The Children, Young Persons, and Their Families Act 1989 has also provided for jurisdictional separation of children and young persons in need of care and protection from those who had offended against the law. Matters relating either to care, protection, or offending were to be resolved whenever possible by the child or young person's own family and family group. A child or young persons family was to be formally involved in the decision making process through a procedure known as the Family Group Conference (FGC). The Family Group Conference was to be convened and facilitated by a Coordinator, a position created within the 1989 Act. Family Group Conferences can make legally binding decisions for children and young persons and occur before long term decisions are made to do with offending matters or care and protection concerns in the youth or family court. The Ministerial Review Team (1992:4) described the Family Group Conference as the lynchpin of the Act, bringing together the wider family to make decisions about the future of the child or young person in conjunction with relevant professionals such as social workers, health professionals and police. In this way and with its concentration on cultural sensitivity (Cameron and Wilson-Salt, 1995:19) many saw the Children, Young Persons, and Their Families Act 1989 as a way to remedy in law deficiencies in practice that had been reported in *Puao Te Ata Tu*.

THE DEPARTMENT OF SOCIAL WELFARE RESPONSE TO MAORI AND THE INFLUENCE OF STATE SECTOR RESTRUCTURING

If the Children, Young Persons, and Their Families Act 1989 provided a legislative response to Maori, there was also within the Department of Social Welfare an initial organisational response in the form of Maori advisory units. Maori advisory units emerged in many state organisations in the late 1980s in an apparent recognition that such units provided an effective way of satisfying demands placed on Chief Executives in the area of Maori policy and responsiveness. Within the Department of Social Welfare such a response could be seen as a direct response to *Puao Te Ata Tu*, although as previously pointed out, there had been some moves to establish such units prior to that report.

The Maori advisory unit in the Department of Social Welfare's head office provided advice to that department on policy from a Maori perspective including the areas of social work, income support, and training. Mulgan (1989) considered that such a unit may serve the purpose of reminding the organisation of the importance of the Maori dimension. He did however express the concern that such units faced the risk of being marginalised unless the agency as a whole adopted responsive attitudes and practices.

In the late 1980s Pakeha resistance to such special and separate treatment for Maori began to grow. Walker (1990:281) wrote of a white backlash because of Pakeha concern over land claims to the Waitangi Tribunal and as a result of successful Maori injunctions in the High Court over fisheries and the State Owned Enterprises Act. Political capital was made out of the Waitangi Tribunal recommendations by some playing on the fears of Pakeha, notably the then leader of the Opposition, Jim Bolger. When commenting on the Bastion Point decision that saw the land returned to Maori, he was quoted as saying that claims were 'starting to gnaw away at New Zealanders' (New Zealand Herald, November 27, 1987). Walker (1990:283) also commented that there was some call from within the government to replace the Treaty with another pact. There was also some reaction within the Department of Social Welfare and this was illustrated by a public outcry that accompanied leaked information from a draft report discussing the desirability of advertising exclusively for Maori social workers. The reaction promoted a response from the then Director General, John Grant in which he somewhat distanced himself from the proposal and from the desirability of such proposals in future:

The Department's stance in relation to recruitment is that applicants must satisfy the requirement to be culturally sensitive and aware. It must be clear however that selection does not rest on grounds of ethnicity. Merit for the position (which includes cultural sensitivity) must always be the prevailing factor. The Department must deliver its services within the framework of the law and within the rules of the public service. We are required to be responsive to individual client and community needs but there can be no question as to where our accountability lies. Accountability of all staff is to the Chief Executive who is accountable for policy to the minister (See Appendix One, this thesis).

Edlin argued that such an issue demonstrated that:

our Pakeha dominated society is ideologically conditioned to be affronted by the idea of promoting Maori welfare through discriminatory procedures that undermine egalitarianism (Edlin, 1990:7).

This example also demonstrated that the practical application of government policy in the personnel area, and with regard to Kaupapa Maori, seemed to require much clearer direction or modification to reflect the real preference of Ministers. It may also have indicated a lack of knowledge and training for management in the Department who were required to implement the policies. Perusal of departmental documents revealed that the Department of Social Welfare had made some efforts since the report *Puao Te Ata Tu* for training of staff in biculturalism through its training units (See Appendix Two, this thesis). A Cultural Development Unit had also been established to advise the organisation on cultural matters and to focus on training for equal opportunities and improved race relations. This unit was also to advise on the establishment of District Executive Committees to be established in each district office.

THE SOCIAL WELFARE COMMISSION AND DISTRICT EXECUTIVE COMMITTEES

As one of the results of the recommendations of *Puao Te Ata Tu* the Social Welfare Commission and District Executive Committees were established. These organisations were intended to provide for close and direct contact between the Department of Social Welfare and the community. In part of the geographic area in which this research was undertaken the District Executive Committee came to have a significant influence on the organisation in policy and procedural matters, and in the relationship between the Department and the Maori community. The role of the Social Welfare Commission and of District Executive Committees was outlined by the Department of Social Welfare in a press release in 1987 (See Appendix Three, this thesis).

The Social Welfare Commission and the District Executive Committees were established by the Social Security Amendment Bill 1987. The Social Welfare Commission replaced the Social Security Commission and comprised the Director General of Social Welfare as chairperson, five people appointed by the Minister of

Social Welfare including iwi representatives and three principal officers of the Department of Social Welfare. The role of the Commission was to advise the Minister on policy, ensure effective co-ordination of welfare services and provide policy guidelines to the Department.

District Executive Committees reported to the Social Welfare Commission and were established in each district office. The committees were to comprise up to seven people from nominations from Maori people in the geographical area served by that committee and by other people from the client groups. The local Social Welfare Director and local Director of Maori Affairs were also on these committees. District Executive Committees had an advisory and monitoring role within the Department at a local level and provided advice at a national level through the Social Welfare Commission.

Puao Te Ata Tu envisaged a much more responsive and culturally aware Department of Social Welfare than prior to 1986 and the Social Welfare Commission and District Executive Committees were an integral part of the strategy for that to occur. The establishment and role of these organisations was consistent with other policy directions of the time most notably the responsiveness policies and devolution espoused in *Te Urupare Rangapu* (Wetere, 1988b:3). It was also consistent with a move to a welfare society model of welfare provision with a duality of service provision and increased community input (Hadley and Hatch, 1981:101).

It is clear from the information available through District Executive Committees records that for communities and Maori these structures that were set up did begin to fulfil what Rangihau and the other authors of the report envisaged as a result of *Puao Te Ata Tu*. District Executive Committees were seen as an important link between the community and the Department of Social Welfare. A press release by the Minister of Social Welfare at the time emphasised this vision:

The emphasis on community involvement in the Social Welfare Department's operations has been carried through with the establishment of District Executive and Area Welfare Committees. These will be up to seven community members, appointed after consultation with the local directors of Social Welfare and Maori Affairs (See Appendix Four, this thesis).

In 1990 the National Government was elected and the direction that the restructuring of the welfare state would take was outlined in the document '*Social Assistance - Welfare That Works*' (Shipley, 1991). This document outlined in some detail a reassessment of the obligations of the state and responsibilities of the individual from the perspective that the New Zealand economy could not sustain the present social welfare system. However from Shipley (1991:1) the message was couched in terms of freeing New Zealand families from the dependence of state welfare that currently 'traps so many of our people'.

The move from the welfare state to a welfare society model of welfare as discussed previously in this thesis was revealed in this document. For example it discussed how people should 'be able to select from a wide range of organisations providing services-not just public or state funded organisations' (Shipley, 1991:15). Significantly, for this study, within '*Welfare that Works*' there is no mention of the Treaty of Waitangi or of any on-going commitment to Maori or to *Puao Te Ata Tu*. On a national political level the level of commitment was losing ground to the momentum behind the neo-liberals and the ongoing push from Treasury and business interest groups whose philosophies of individualism and the market had little place for notions of cooperation and consultation as represented within the Department of Social Welfare by District Executive Committees and the Social Welfare Commission.

In 1991 District Executive Committees and the Social Welfare Commission were disestablished under the provisions of the Social Welfare Amendment Act 1991. The reasons given were generally those of cost. In February 1991 the Associate Minister of Social Welfare wrote to the Whakatane District Executive Committee:

it is now appropriate to consider less costly approaches to upholding the spirit of *Puao te Ata tu* (sic) by building on the solid links with Maori and other groups thereby established to promote our Government's welfare objectives (See Appendix Five, this thesis).

It was also argued that the implementation of the Children, Young Persons, and Their Families Act 1989, would provide for the involvement of whanau, hapu, and iwi. Within the same letter there was a reassurance from the Associate Minister that districts would be required to ensure mechanisms were in place to maintain both consultation with client and ethnic groups and feedback.

When the groups were abolished there was disappointment expressed in sectors of the community. An editorial in the *Dominion* of February 22, 1991 wrote:

In a review of the Department last year, the State Services Commission noted the important role some district committees were playing in introducing a Maori perspective into departmental offices. It saw scope for further input into overall corporate planning. Their sudden dismantling is bound to lead to the conclusion that the department has lost interest in community partnership and is retreating from *Puao Te Ata Tu* (*Dominion*, 1991).

The writer went on to make some frank points about consultation:

Obviously there is no point in having an impressive consultative structure whose advice is to be ignored. The remedy is to develop it until it does work, replace it with something better - or to stop pretending that community consultation is important in the first place. The Government and Department will now go through the motions of replacing the commission and the committees with a system of informal contacts who can be expected to carry even less weight than their predecessors. Promising moves toward devolution and biculturalism have been dealt a blow. The Government will save money, but the long-term social effects are likely to cost it much more (*ibid*).

Following the restructuring of the Department of Social Welfare in 1991 into separate agencies the Maori advisory unit was also replaced in 1991 by one Maori in the position of 'Manager: Iwi Liaison and Chief Advisor to the Minister and Director General'. In a directory of 1992 the Department of Social Welfare described the position as being to ensure that *Puao Te Ata Tu* is addressed through the new structures of the Department (Department of Social Welfare, 1992:48). In comparison to a Maori Advisory Unit the replacement with a one person resource could be seen to be minimising the Maori dimension.

As previously discussed, lack of recognition of the special status that Maori have as *Tangata Whenua* and of the Treaty of Waitangi has been at the centre of much Maori dissatisfaction in historical and contemporary New Zealand. The Treaty of Waitangi is the basis for the relationship between Maori and Pakeha and as Sharp (1991b:229) stated, ensured Maori people a special place in New Zealand, at least equal with that of the Pakeha and more firmly rooted in the past. Some discussion of the Department of Social Welfare's interpretation of the Treaty follows.

THE DEPARTMENT OF SOCIAL WELFARE AND THE TREATY OF WAITANGI

The Ministerial Advisory Committee expressed the importance of the Treaty as follows:

The importance of the Treaty as a driving force in contemporary Maori protest cannot be overemphasised. As our people have, in this generation, sought to find a philosophical base for relating to Pakeha society, the Treaty has become a symbol and a charter (Ministerial Advisory Committee, 1986b:13).

The Committee (1986b:14) went on to emphasise that the Treaty gave the Maori all the rights and privileges of British citizens, presumably total equality in social, cultural, economic and political spheres of the community and thus the Department should 'interpret biculturalism as the sharing of responsibility and authority for decisions with appropriate Maori people'.

The discussion in chapter two has highlighted how interpretation and recognition of the Treaty of Waitangi has remained an unresolved issue in historical and contemporary New Zealand. The discussion of departmental planning and policy documents within this thesis has indicated that interpretation, recognition and understanding of the Treaty of Waitangi has been problematic for the Department of Social Welfare as well. The Department of Social Welfare, and since its establishment in 1992, the New Zealand Children and Young Persons Service, has seemed unclear on the place of the Treaty of Waitangi and has avoided formal and clear recognition of it. Until the major restructuring of the Department of Social Welfare in 1992, there was no specific reference to the Treaty in the Department's strategic or management plans. Biculturalism, *Puao Te Ata Tu*, and Equal Employment Opportunity principles were often mentioned, but specific reference to the Treaty was absent.

The 1992/93 New Zealand Children and Young Persons Service business plan (New Zealand Children and Young Persons Service 1992:4) included reference to the Treaty of Waitangi and stated that the 'services provided to Maori in relation to Children and Young Persons and their Families must be consistent with the Treaty of Waitangi'. Policy statements since this plan confirm that the Department remained confused regarding the Treaty of Waitangi. As an example, a discussion paper was released in 1993 by the New Zealand Children and Young Persons' Service entitled:

'The Treaty of Waitangi- Our Bicultural Commitment' (See Appendix Six, this thesis). This document discussed the potential for conflict between kawanatanga (see chapter two) and tino rangatiratanga and stated that the New Zealand Children and Young Persons Service exercised kawanatanga. However the document went on to state that the New Zealand Children and Young Persons Service 'supports the principle of Tino Rangatiratanga, and seeks to limit the occasions when it exercises Kawanatanga in conflict with it (sic)'.

What remained clear was that the Crown through this agency would maintain control by deciding when kawanatanga would be used. It was also clear that the New Zealand Children and Young Persons service had a different understanding of the Treaty of Waitangi than Maori as articulated by Jackson (1988:205) when he wrote that 'the spirit and intent of the Treaty involves notions of an equal partnership... reflected in an equality of power, resources and responsibility'.

This discussion document also showed a misunderstanding, at best, or disrespect for the notion of tino rangatiratanga in that the New Zealand Children and Young Persons service would decide when tino rangatiratanga would be usurped. Jackson (1988:49) stated that Maori believed tino rangatiratanga ensured them assertion of authority and control, not something that could only be applied when Pakeha thought it appropriate. The document provided no evidence that the New Zealand Children and Young Persons service consulted with Maori on the issue.

CONCLUSION

Chapter four has discussed the more specific responses by the Department of Social Welfare to Maori and detailed *Puao Te Ata Tu* and the pressures that led to that influential report. Some of the responses to Maori after *Puao Te Ata Tu* have been discussed. Legislatively this included the Children, Young Persons, and their Families Act 1989 and organisationally the establishment of the Social Welfare Commission and District Executive Committees. However the Department of Social Welfare response to Maori since *Puao Te Ata Tu* appears to have been erratic, somewhat confused, and influenced by the agenda of the political party in power. For example, Maori advisory units were established but were removed when it became apparent there was a

mainstream backlash against such units that were seen to be threatening New Zealand's egalitarian society (Edlin 1990:7). Organisationally there has been an increase in numbers of Maori staff, especially in the social work area. However, management remains mostly Pakeha. As an indication of this, in the Western Region of the New Zealand Children and Young Persons Service, prior to restructuring in 1994, there were 12 branch managers or managers. One of them was Maori. As the result of restructuring in 1994 the New Zealand Children and Young Persons Service was formed into 15 areas, each with an area manager. In addition four national managers were established. An informal survey undertaken at the time of my research indicated that within this management group of 19, two were Maori.

It could be argued that *Puao Te Ata Tu* and the Children, Young Persons, and their Families Act 1989 should have encouraged a style of social work organisation and practice that would be responsive to Maori. The research for this thesis is based on evaluating that response from the perspectives of managers required to manage the organisation, and implement the legislation.

CHAPTER FIVE

RESEARCH PROPOSAL

The literature revealed that in the 1980s moves were made within the Department of Social Welfare in an attempt to address the issue of institutional racism within that department. The most powerful force behind those moves was *Puao Te Ata Tu* the report by a Ministerial Advisory Committee (1986). As previously pointed out, *Puao Te Ata Tu* was scathing regarding the Department of Social Welfare's ability to work with Maori and to be responsive to Maori requirements and rights. The Department of Social Welfare and the New Zealand Children and Young Persons Service has responded with plans to improve its services to Maori and continues to quote *Puao Te Ata Tu* as policy foundation in the area of Kaupapa Maori (New Zealand Children and Young Persons Service 1996:9). Consequently, *Puao Te Ata Tu* can be used as a yardstick from which to measure the progress of the Department in the area of Kaupapa Maori.

The Children, Young Persons, and Their Families Act 1989, was strongly influenced by the report and recommendations of *Puao Te Ata Tu*. Since *Puao Te Ata Tu* and the implementation of the Children, Young Persons, and Their Families Act 1989 comment has been made in a report on that legislation (Ministerial Review Team, 1992) that Maori were impressed with the bicultural flavour of the Children, Young Persons, and Their Families Act 1989, and in particular the general objects, principles and duties that place an expectation on the involvement of whanau, hapu and iwi. However, Maori were less impressed with the implementation of the Act by the Department of Social Welfare. This report, that is known as *The Mason Report*, stated that 'Social Workers believe we basically have a Pakeha system which we endeavour to slot other cultures into' (Ministerial Review Team, 1992:138). Durie described this as the mainstreaming approach whereby:

policies for Maori are, in the end, shaped by the state and approved by the Executive without needing to incorporate Maori priorities. Usually the emphasis is on developing sectoral policies (health policies, education policies, welfare policies, employment policies etcetera) then adding a Maori view (Durie, M., 1995:51).

The *Mason Report* commented that although there was statistical uncertainty, approximately 50% of children and families dealt with under the Children, Young Persons, and Their Families Act 1989 were Maori. The comment was made that such a statistic demonstrated the need both to hear the Maori voice and to try and meet Maori concerns in a spirit of partnership.

In response to such challenges there has been official commitment made to ensuring that the Department does improve the service to Maori. This desire and commitment has been expressed in a number of official departmental plans and publications. The New Zealand Children and Young Persons Service 1992-93 Business Plan stated as a goal in the area of biculturalism:

To advance the quality of life for Maori by developing an active and positive relationship with iwi and iwi organisations to ensure that Maori aspirations and perspectives are reflected in our approach to service delivery (New Zealand Children and Young Persons Service, 1992:18).

The Department of Social Welfare, and, since its establishment, the New Zealand Children and Young Persons Service, have included a departmental guideline within job vacancy advertisements:

The delivery of our Service is guided by four principles: Quality Service, Pua Te Ata Tu and the principle of partnership; Equal Opportunity, good and safe work conditions for our staff. (State Services Commission, 1995:19).

Such statements form the basis of my research in that they state a position supportive of Kaupapa Maori (outlined in chapter four) that can then be tested for effectiveness of response. This research focuses on the perspectives of some managers who have the responsibility to implement such plans, within the New Zealand Children and Young Persons Service. Some comparisons with the stated policy guidelines and aims expressed from a government level and agency level will be made. There will also

be some specific assessment made of the current responsiveness to the recommendations of *Puao Te Ata Tu* as that report remains the benchmark for the New Zealand Childrens and Young Persons Service's responsiveness to Maori.

WHY A MANAGEMENT PERSPECTIVE?

The literature review outlined that Kaupapa Maori in contemporary New Zealand is an issue for management within private and public sector organisations. Encompassed within a wide range of legislation and policy that has relevance for many organisations reference is often made to the Treaty of Waitangi, biculturalism and commitment to Maori through Equal Employment Opportunity Programmes and affirmative action programmes. Various legislation refers to the Treaty and as previously discussed the Children, Young Persons, and Their Families Act 1989 places an expectation that a child or young person's whanau, hapu and iwi will be involved in decision making regarding that child or young person. The State Sector Act 1988 places an expectation on state sector employers to act as a 'good' employer and to increase the numbers of Maori staff working in the state sector.

The literature review indicated that there was an abundance of government directive, professional opinion and agency aims regarding the desirability of bicultural services, but confusion on what form these bicultural services should take. The 1988 Labour Government policy document *Te Urupare Rangapu* declared that:

the Government believes that all its agencies must accept full and proper responsibilities for Maori people and communities, and for Maori values and issues [and goes on to state], the Government acknowledges that its agencies must rouse themselves and respond in a definite and positive way to the needs, concerns and aspirations of Maori. It accepts that if there is no genuine and obvious change, Maori people and communities will continue to be disadvantaged by the system (Wetere, 1988:19).

There has remained direction from government for bicultural services to be provided by its agencies. Specifically for the Department of Social Welfare this vision was outlined in *Puao Te Ata Tu* (Ministerial Advisory Committee, 1986a:9) 'incorporating the values, cultures and beliefs of the Maori people into all policies developed for the future

of New Zealand'. The New Zealand Children and Young Persons Service business plans have stated that:

the services provided to Maori in relation to children and young persons and their families must be consistent with the Treaty of Waitangi and the aspirations of Pua Te Ata Tu (New Zealand Children and Young Persons Service, 1994b:4).

It was reaffirmed in 1992 by Robin Wilson, then General Manager of the New Zealand Children and Young Persons Service, in a keynote address to the manager's conference when he stated:

Our operational policy and practices will be based on the recommendations of Pua Te Ata Tu and consistent with the principles of the Treaty of Waitangi.... We will honour the Treaty and consult with our Treaty partners about how services are to be delivered, we will respect and encourage the right of iwi to provide their own services if they wish (Wilson, 1992:4).

In 1994 this message was re-emphasised by a new Director General, Margaret Bazley:

Accepting our obligations to the Treaty involves a shift in attitudes and a revision of the cultural assumptions which underpin social policy and planning of service delivery. It is not simply a matter of adding a tangata whenua flavour to existing assumptions (Department of Social Welfare, 1994b:16).

The guiding principles behind such documents reflect a vision of bicultural services and a commitment to the Treaty that may be exemplified either by parallel structures and services, separate structures and services, or culturally appropriate social work structures and services. Any of these options could be seen as viable if mainstream organisations such as the Children and Young Persons Service enact what is written into legislation, their policies and management plans.

The problem posed for me as the researcher was how to measure the extent to which such policies and legislative directives were being or were being able to be put into place. Were the stated good intentions having good outcomes for Maori? Argris (1982) described this as a difference between espoused theories, as opposed to theories in use, and argued persuasively that it is important to differentiate between what people say and what they do.

The responsiveness of this government agency to Maori was considered as a management issue and for the purposes of this research I focused on a sample of those management stakeholders in this research. This project could have focused on the other stakeholders within or outside of the Department. However I have decided to embark on this project purely from a management perspective.

To attempt to include multiple stakeholders in designing this project would be at the cost of getting detailed information and knowledge from one of the groups. All stakeholders in this subject would have important information and valid claims for research on the topic. Patton described this as purposeful sampling and stated that:

nothing better captures the difference between quantitative and qualitative methods than the different logics that undergrid sampling approaches (Patton, 1990:169).

Such an approach to sampling attempts to make up for a lack of information potentially gained across stakeholding groups by selecting information rich cases for study in depth. Patton argued that information rich cases are those from which one can learn a great deal about issues of central importance to the purpose of the research and argued further that the:

validity, meaningfulness, and insights generated from qualitative inquiry have more to do with the information-richness of the cases selected and the observational/analytical capabilities of the researcher than sample size (Patton, 1990:184).

I also chose to concentrate on management for this project for several other reasons: First I was not aware that this approach had been taken before within the Department of Social Welfare. Thus it was a challenge and explored some relatively new territory. Second, management in the New Zealand Children and Young Persons Service and the Department of Social Welfare has continued to espouse the relevance and importance of the report *Puao Te Ata Tu*, but there has been no research into the effectiveness of the stated commitment. However it appears accepted by many at a management level within the New Zealand Children and Young Persons service that the emphasis has waned. The policy document *Te Punga* was the result, in which the Department of Social Welfare commitment was restated. Third it may be considered that public sector managers have been put in an extremely difficult position because of

changing governmental commitment to Maori. Government commitment to Maori and the Treaty of Waitangi has arguably been lost or at least diluted since it became clear what honouring the Treaty in Maori terms would mean for Pakeha New Zealand. Kelsey (1990) outlined the incompatibility, arguing that the Labour government stepped back from its commitment to Maori when it became clear what the cost in both money and power would be. Durie commented on this:

However, enthusiasm for the Treaty changed after 1987 when the Courts found in favour of the New Zealand Maori Council (in relation to the State Owned enterprises Act 1986), several tribes (in connection with the fisheries quota management system in 1987), and the Tainui Maori Trust Board (Durie, 1994b:94).

The literature review revealed that the National Government did not renew the enthusiasm of the early to mid 1980s to honouring the Treaty. How this has affected the management response within the New Zealand Children and Young Persons Service forms part of the research.

STUDYING UP

My research of management responsiveness within the New Zealand Children and Young Persons Service organisation was essentially what Nader termed as a studying up approach. This refers to an approach that studies the powerful instead of the powerless within society and poses the following:

What if in reinventing anthropology anthropologists were, to study the coloniser rather than the colonised, the culture of power rather than the culture of powerless, the culture of affluence rather than the culture of poverty (Nader, 1974:289).

Some researchers argue that research data has traditionally been collected from relatively powerless sources and this has led to the practice of locating a problem in a target group or blaming the victims rather than examining society or its structures. Bryson (1979:96) contended that most sociological research involving data collection from people does study down and that powerful people can protect themselves from social scientists.

Bryson went on to argue that such an approach to research has tended to support the system, not by being directly exploitative, but by ignoring the study of processes of exploitation and ultimately is a reflection of the haves and have-nots in society. This is likely to be reflected in researcher's choice of topic or in the way in which much research studies down to the poor, the deviant, the sick and minority ethnic groups. Consequently when empirical data is collected it tends to be from relatively powerless sources. Bryson (1979:96) stated that when we 'discuss questions related to social and political power we tend to seek a different sort of information, relying on documents statistics etcetera, since direct access to the powerful is difficult to obtain'.

Patton (1990) and Bryson (1979) both suggested it is more difficult to claim that research was scientific using a study up and qualitative approach but they asserted that such an approach may be of more use and contain more usable data. Patton (1990:20) discussed the results of what became known as the 'Kalamazoo study', an evaluation of a teacher accountability system in Kalamazoo, Michigan, that was critical of the system in place. He pointed out that when education officials were faced with the results of the evaluation, on what teachers thought of the system, they initially dismissed the results as 'biased, inaccurate and the result of teacher union leaders telling teachers how to respond in order to discredit the school authorities' (ibid). However when later faced with the data that consisted of verbatim transcripts of teacher responses to open-ended questions on the system, school authorities found they were unable to dismiss the data. because the validity and credibility of the qualitative data could not be challenged or discredited as being rigged or biased.

The scientific ideology has supported the studying down approach argued Bell (1977:28) and unless a quantitative approach was used and figures and hard data were gathered it was more difficult to claim that a study had in fact been scientific. If powerful people can protect themselves from social scientists it follows that much of that data will be collected from less powerful groups. Bell (ibid) suggested that were researchers to study up sociology would be more relevant and less harmless than it is today but that its scientific legitimacy would be threatened, such is the power of the ideology of science.

Within the New Zealand scene there has been, for example, a lot of research carried out on Maori. It is widely known and understood that Maori are worse off in

almost all of the statistics related to socio-economic status. (Statistics on Maori are set out earlier in this thesis). Murchie (1984:5) stated that Maori people, along with other relatively powerless groups, have been observed, dissected and frozen in sometimes unflattering and unpalatable figures. Spoonley et al. (1990:149) argued that there was ample evidence of the unequal status of Maori and went on to say that; 'if working in a lower status job, being poorer and less educated already significantly increases the risk of death, the social consequences of being Maori adds further to that risk'.

Robbins et al. (1988:28) pointed out that there was an element of risk to the researcher when attempting a research up project 'because the dominant [medical] system has the power to sanction strongly or eliminate competing systems'. Robbins (ibid) went on to contend that choosing topics which have the expressed aims of helping the less well off in society maybe considered contentious, radical, impossible or a career risk for the researcher. This is because dominant systems may include powerful people who have the ability to strongly sanction or eliminate competing systems. Such potential risks within my project were acknowledged but not considered significant in that the research was based on publicly stated policies and statements and some evaluation of organisational and management responses to these. The aim of the research was to increase understanding of those involved, including those managers who took part in the research. Sound planning, a methodology that ensured confidentiality as far as possible, and sensitive interviewing, recording, and reporting that did not identify individual respondents were intended to ameliorate potential risks to the interviewer and participants.

EVALUATION RESEARCH

This project also comes within what Weiss (1987:47) described as evaluation research, that is 'a rational exercise that examines the effects of politics and programs on their targets in terms of the goals they are meant to achieve'. Weiss described such a research exercise as taking place within a political context and the evaluator who failed to take the political nature of the exercise into consideration would be likely to encounter difficulties and frustrations. According to Weiss (ibid) three major political considerations should to be taken into account when undertaking evaluation. These are

that the policies and programmes are the creations of political decisions, evaluation reports enter the political arena, and, evaluation itself has a political stance. This project was influenced by these considerations in the following ways.

The stated policies to do with Kaupapa Maori are the outcome of political decisions and of political pressure by various groups. The report *Puao Te Ata Tu* was described by one of the respondents as the cumulation of pressure, reports, and complaints regarding institutional racism within the Department of Social Welfare. Secondly, my research could potentially enter the political arena because it will make some comment on the implementation of decisions and recommendations that were made at a political level. Thirdly the evaluation itself is a political stance. I have made a number of decisions as to why the project is important that have been outlined before embarking on the project.

Guba and Lincoln (1986 73) described how evaluation has now entered its fourth generation, or what they describe as a responsive mode.

First generation evaluation developed following World War One and was characterised as technical in nature resulting in little more than measurement of characteristics of participants with respect to measurable norms. This was the time of scientific management as espoused by Taylor (1911) and evaluation was a means of determining whether participants (eg. pupils in school) measured up to pre-set specifications. The second generation of evaluation was an approach that was characterised by description of patterns of strengths and weaknesses with respect to certain stated objectives. This was essentially descriptive in nature and neglected judgement that marked the third generation of evaluation. The third generation of evaluation retained the earlier technical and descriptive functions that had previously emerged included judgement against previously set standards as an integral part of the evaluation. The fourth generation that Guba and Lincoln (1986) contend is now emerging is that of the 'responsiveness models'. Guba and Lincoln (1986:74) contend that these take as their point of focus not objectives, decisions, effects or similar organisers but the claims, concerns, and issues put forth by members of a variety of stakeholding audiences. These are audiences which are in some sense involved with the evaluand, the entity being evaluated and hence are put at risk by the evaluation. Some of the authors who have written on the principles under-pinning these responsive

models include Guba and Lincoln, (1981); Wolf, (1979); Patton, (1978); Stake, (1975); Parlett and Hamilton (1972).

Fourth generation models according to Guba and Lincoln (1981) share one highly consequential belief; that of value-pluralism, in that judgements made are made in terms of standards that derive from particular value postures. Such judgements inevitably affect various stakeholders who may be at some degree of risk by the evaluation. As a result of such judgements being based on value judgements there is likely to be conflict arising out of the findings and the evaluator may be required to act as a mediator in a negotiation process. Weiss (1987:51) discussed value pluralism and stated that even within a programme there may be little agreement on which goals are real and 'actors at different levels in the system perceive and interpret goals in different ways'.

Such concepts are the foundation of the qualitative method that underlay my project. I have previously discussed why this project took a management perspective and included only one group of stakeholders. However it was evident that although there was only one group of stakeholders, there would be different values and different understandings of the concepts and subjects discussed by those who participated (Weiss, 1987:51). For example what biculturalism and the Treaty of Waitangi meant to one participant were likely to be different from another and may or may not have been consistent with what the organisation expected. Some potential participants (stakeholders) could possibly feel some risk from the project because their skills, performance and responsiveness would be the subject for some in depth analysis. With these understandings the methodology used is described in the following section.

METHODOLOGY:

A QUALITATIVE EVALUATION USING THE GENERAL INTERVIEW GUIDE APPROACH

Patton (1990:10) argued that data for qualitative research typically came from fieldwork. The gathering of information consisted of detailing descriptions of situations, events, people, interactions and observed behaviours; of direct quotations from people about their experiences, attitudes, beliefs and thoughts; and excerpts or

entire passages from documents, correspondence, records and case histories. Supporters of this methodology argue that it is able to convey the complexities of human situations from the perspective of the subjects and, if used effectively, in some considerable detail. Patton argued that:

The data are collected as open ended narrative without attempting to fit activities or peoples experience into pre - determined standardised categories such as the response choices that comprise typical questionnaires or tests (Patton, 1980:22).

Described by other writers such as Maxwell et al. (1987) and Spoonley (1987) as ethnographic research the presuppositions of such an approach are summarised by the following characteristics. It is based on relatively intensive and long term involvement of the investigator in the setting studied. It also requires a holistic contextual approach to the setting and to the problems chosen for investigation rather than analytically separating out some aspect of the setting for study without considering its connection to the rest of the socio-cultural context, and it describes and analyses the setting from the participants point of view rather than from that of an outside observer. Such an approach therefore requires an initially exploratory and open ended approach. Ethnography can go beyond the participants' perspective, but it must begin with and be grounded in it (Maxwell et al., 1987:571).

This contrasts with conforming to the rules of what Bell and Newby (1976) described as normative methodology, in which a scientific approach is taken, and where researchers strive for and may claim to take a value free approach. Bell and Newby (1977:10) contended that this is somewhat of a nonsense and argued that 'normative methodology often appears to be context free i.e. carried out by non-people in non-places' and as such ignores the subjects' reality. In contrast to this Bell and Newby argued that researchers must first decide for themselves what the problem is, develop an interview schedule or experimental programme and implement it. All of this requires a certain value stance to be taken and to consider the context in which the research occurs.

Puao Te Ata Tu took what Pakeha researchers would call a qualitative approach that took the subjects' reality into account. That report consisted of detailed accounts of situations, events and people's interactions with the Department of Social Welfare. As previously discussed that report was extremely influential in subsequent policy forming.

It was not discounted as unscientific because it did not conform to the rules of quantitative research or to normative methodology, but exposed the problems in a way that could not be ignored. This research is intended to build on that approach.

A quantitative approach would not allow for in depth analysis of the subject's world or reality or for these to be taken into account in a meaningful way. In a subject area where each participant would have a very different reality this would be disadvantageous. As discussed, the Treaty of Waitangi, notions of biculturalism, and *Puao Te Ata Tu* mean different things to different people and a quantitative methodology would make it more difficult for participants to express what these notions meant to them, or to discuss in depth how such subjects should be responded to by management within the New Zealand Children and Young Persons Service. Such an approach would also make it more difficult for respondents, unused to such a focus, to describe in depth the quality of relationships and of any interactions that may have taken place.

Within a feminist approach to research there is significant support for a qualitative approach. Jayaratne and Stewart (1991) argued that 'social scientists methods must permit respondents to describe the world as they experience it'. Oakley (1981:44) commented that such an approach is inclusive and the researcher should appreciate that interactive research that engages the interviewer and respondent in a joint enterprise is a requirement for quality data. This approach relies very much on the formulation of a relationship between interviewer and participant as an important element in achieving the quality of information required. In my research there was, in a high percentage of cases, a relationship between the researcher and the participant. My research was intended to be a reciprocal exercise between the participants and myself through which I hoped some in depth quality data would eventuate. Oakley stated that such an approach required that the:

mythology of hygienic research with its accompanying mystification of the researcher and the researched as the objective instruments of data production be replaced by the recognition that personal involvement is more than dangerous bias - it is the condition under which people come to know each other and to admit others into their lives (Oakley, 1981:58).

Patton (1990:461) argued that the credibility of qualitative inquiry is especially dependent on the credibility of the researcher because the researcher is the instrument of data collection and the centre of the analytic process. The qualitative approach that I believed would give this evaluation the best chance of success is that which Patton (1990) described as the general interview guide approach that involved outlining a set of issues that are to be explored with each respondent during the interviewing process. The issues in the outline need not to be taken in any order and the actual wording of questions to elicit responses is not determined in advance. Patton stated that:

the outline increases the comprehensiveness of the data and makes data collection somewhat systematic for each respondent. Logical gaps in data can be anticipated and closed. Interviews remain fairly conversational and situational (Patton, 1990:288).

The interview guide (See Appendix Seven, this thesis) served as a basic checklist during the interview and ensured that all relevant topics were covered. In all, the interview guide consisted of twelve topics or subject areas that were to be covered within the general area of Kaupapa Maori. It presumed there was common information that should be obtained from each person interviewed, but no set of standardised questions was written in advance. The interviewer was required to adapt both the wording and the sequence of questions to specific respondents in the context of the actual interview.

I favoured this approach because of the nature of the topic and also because of the attributes of the interviewer and proposed size of the project. The topic, Kaupapa Maori and Responsiveness, would, I anticipated, be responded to in a wide range of ways depending on the participants' knowledge and interest in the subject.

I considered that some participants would have an in-depth knowledge and some interest on these topics and as such would require very little prompting. However, what was likely to be required was to focus them on the particular areas and questions I wanted answers from them on. Other participants were not likely to be so forthcoming as their 'reality' regarding the subject matter would be significantly different from others in the participant group. A general interview guide approach enabled me to adapt the interview to incorporate the respondents' knowledge and reality and allowed the interview to flow in a relaxed and informative manner.

The general interview guide approach also fitted comfortably with my background and training in social work and interviewing. That background has given me an in-depth understanding of the interview process that I considered enabled me to competently undertake this part of the research. My proposed project and methodology also anticipated one interviewer. This contributed to the integrity of the project whereby there was ability for the questionnaire to be handled in a consistent way and with consistency of questioning and validity of content.

THE PROCESS

The reasons for choosing this topic have been outlined previously and the process is outlined here. Firstly, permission was gained from the General Manager of the New Zealand Children and Young Persons service to undertake the research. (See Appendix Eight, this thesis).

Fourteen potential participants were identified in that they were in management positions in the New Zealand Children and Young Persons Service and they were within reasonable travelling distance to meet and to interview. They were all sent letters outlining the proposal and inviting them to take part in the research process with a response form to return in a stamped return envelope. Eleven of the 14 potential participants responded positively to the request to take part. One responded negatively, two did not respond at all. I did not follow-up the two who did not respond so as not to place pressure on them to participate. Follow-up was considered, mainly to ensure that they had received the invitation. However, after consultation with my supervisors considerations around the respondents right to chose and their right to ignore my request if they so desired were considered more important.

The proposal and process was discussed with and approved by the Massey University Human Ethics committee. A concern regarding this study was that of confidentiality and anonymity in that the sample was small and the respondents held managerial positions in a high profile organisation. Confidentiality has been maintained in that I am the only one who knows who took part, unless participants have shared that knowledge. The interviews were only listened to by myself, and for those that were typed out by a third party, all identifying information was deleted.

All participants were interviewed over a three month time period in mid 1995. Each interview was taped. Participants were given the opportunity not to have the interview taped. However, none took this offer up. Interviews ranged in length from 35 minutes to one hour and 40 minutes. Participants were all interviewed in their own offices except one (on leave) who was interviewed at home and all were interviewed in their normal working hours. This was because of some practicalities in that as the interviewer I travelled to meet all respondents, except two who were in the same office as myself. Interviews in their offices also ensured that the interview was carried out at a time and place where participants were as much at ease as possible to facilitate discussion and information giving. This was considered more likely if they were in familiar surroundings and at a time during the working day most convenient to them. Questions were generally asked in the order that they were outlined in the interview guide, consistent with the interview guide approach. This did not occur in all interviews however. I let the respondent take the interview where they wanted to but carefully ensured that the required questions were all answered. Such an approach aimed to ensure the interview flowed in a relaxed narrative fashion and to enable good information to be forthcoming in a reasonably natural setting. As Patton described:

The interview guide provides topics or subject areas within which the interviewer is free to explore, probe, and ask questions that will elucidate and illuminate that particular subject area, to word questions spontaneously, and to establish a conversational style - but with the focus on a particular subject that has been predetermined (Patton, 1990:283).

After the interviews, all the tapes were transcribed verbatim. All the respondents were given the opportunity of reading the transcripts and the opportunity to make any changes that they considered were required. Two respondents requested the transcripts and one made some changes that clarified some of the answers.

VALIDITY

Patton (1990:461) argued that the 'credibility of qualitative inquiry is especially dependent on the credibility of the researcher because the researcher is the instrument of data collection and the centre of the analytic process'. This is particularly relevant to

this thesis because of the method employed. I (the researcher) have the potential credibility that comes with qualifications and the credibility of the agency verified by my continued employment within the agency. I am known within the management staff within the region that the interviews were carried out. I have 15 years experience in the social work field and I believe credibility in the field and within the agency. This has been acknowledged in both performance reports and certificates in competency, internal and external. This background may have influenced the response rate as well because I knew on some professional and/or personal level ten of the eleven respondents. Because of my training, background in the agency, and acknowledged competence the validity of this qualitative study was enhanced.

Berk and Rossi (1990:16) described validity as representing a 'set of scientific criteria by which the credibility of research may be judged'. Martin (1995:51) defined validity as 'the degree of conformity between the reports of the event and the event itself', and went on to say that 'the test of validity is that the report be measured against another body of evidence'. Patton (1990) described triangulation as another important way of strengthening study design and validity. He described triangulation, as the 'combination of methodologies to the study of the same phenomena or programs' (Patton 1990:187). Although based firmly on data gathered through the interview process, data for this study has also been gathered from a wide variety of documentary sources. Much of this has been included in the review of literature. These have included plans, reports, letters, advertisements, and archival files. It must be acknowledged that access to such sources has been facilitated greatly by working for the agency within which the study was undertaken and that permission was given for ready access to that information.

To enhance validity qualitative studies identify patterns and trends and Patton (1990:463) stated that 'understanding of those patterns and trends is increased by considering the instances and cases that do not fit the pattern'. These may be the exceptions that prove the rule and it is vital they are included and discussed and as stated by Patton (*ibid*); 'readers of qualitative study will make their own decisions about the plausibility of alternate explanations and the reasons why deviant cases do not fit the dominant patterns'.

Because the study was of a fairly small sample, following the principles of purposeful sampling (Patton, 1990:169), and within a reasonably small area consisting of a specific subgroup within the organisation, the findings are limited to that situation. Findings are also limited to validity within the time period discussed, and within the context that the research was undertaken. The results however would be intensive and defined and the question could be the extent to which they could be generalised to other geographic regions and sections of the organisation. Generalising the findings beyond the setting within which this research was carried out was not the intention of this research. Patton (1990:156) argued that the purpose of evaluation based on qualitative method 'is to improve intervention within a specific set of activities at a specific time for a specific group of people'. Concerns over how relevant the findings will be to other geographic areas in which the New Zealand Children and Young Persons Service operates, and how broadly the findings could be generalised may be raised under the rubric of external validity. As discussed by Berk and Rossi (1990:22), 'among the standard external validity concerns that can be raised about most evaluations is whether the findings are applicable to settings differing from the ones in which the evaluation was undertaken'. The intention of this thesis was not to develop a piece of work that was generalisable in quantitative understandings of the term. The aim was to increase and enhance understanding, a core strength of the qualitative method, as stated by Patton (1990:7): 'Qualitative inquiry cultivates the most useful of all human capacities - the capacity to learn from others'.

This chapter has outlined the research proposal and the methodology and processes used in the fieldwork. I have discussed why a studying up approach was taken and the reasons for using a qualitative methodology that included using a general interview guide technique. The purpose of the study was to describe the responses of the defined group in some depth and for reasons outlined earlier I targeted a management group within a certain geographic area of New Zealand. Patton's (1990:181) requirements that 'the sampling strategy selected must fit the purpose of the study, the resources available, the questions being asked and the constraints being faced' were well met. The next chapter describes in some detail the findings of the research but does not attempt to interpret those findings within themes that emerged. Interpretation of the findings within emergent themes are included in the final chapter.

CHAPTER SIX

DESCRIPTION OF FINDINGS

As described within the last chapter, 11 managers in the New Zealand Children and Young Persons Service were interviewed. As also described within the research proposal those respondents were asked questions relating to subject areas, each of which was significant to the research topic; Kaupapa Maori and Responsiveness. The literature review highlighted themes that that would be used as the basis for research.

The Treaty of Waitangi and *Puao Te Ata Tu* have been dominant topics and these have formed an important focus within the research. *Puao Te Ata Tu* (Ministerial Advisory Committee, 1986a:22) commented on the low proportion of Maori staff within the Department of Social Welfare. Recent statistics (New Zealand Children and Young Persons Service, 1994c:22) confirmed that the management group was predominantly Pakeha. Conversely the client group of the Department of Social Welfare has been disproportionately over-represented by Maori (Ministerial Advisory Committee, 1986a:24). The characteristics of the New Zealand Children and Young Persons Service clientele and managerial knowledge of that client group was included in the research.

The Department of Social Welfare, and the New Zealand Children and Young Persons Service has continued to place emphasis on biculturalism and the importance of this to its service delivery. There has been a statement that the organisation is 'committed to bicultural processes' (State Services Commission, 1995:19). However, the form that biculturalism takes and how it is defined by management has been variously and inconsistently applied. The 1994 release of the document *Te Punga* (Department of Social Welfare, 1994b) confirmed that assertion. The literature review revealed that the Treaty of Waitangi forms the basis of biculturalism and that *Puao Te Ata Tu* built on this base for implementation of biculturalism within the Department of

Social Welfare. The respondents' understandings of biculturalism and their implementation of it formed part of the research.

Consistent with a functioning bicultural organisation would be a working relationship with Tangata Whenua whereby Maori are able to participate in a meaningful and effective way (Manatu Maori, 1990:24). This research explored the knowledge that managers had of their local Maori community and how their management philosophy was conducive, or not, to working with Maori. Since *Puao Te Ata Tu* the Department of Social Welfare has undergone much organisational change. How ongoing change, in the form of restructuring of the organisation, has affected the response to Maori is covered in the research.

The Children, Young Persons, and Their Families Act 1989 placed a legislative responsibility and expectation on the Department of Social Welfare to work inclusively with Maori. How the management and the offices they represented in this research, responded to that legislation is inextricably linked with the concepts already discussed. Effective understanding of these concepts within an organisation that had the ability and potential to respond could enable the New Zealand Children and Young Persons Service to work with Maori in way envisaged in *Puao Te Ata Tu*.

In all, the research was broken down into ten subject areas that formed the basis of the research. The questions that were asked were in the following subject areas: Biographical statistics, client throughput, *Puao Te Ata Tu*, the Treaty of Waitangi, biculturalism, relationship with Maori, the Children, Young Persons, and Their Families Act 1989, management philosophy, training, restructuring. These were the core issues that emerged from the literature.

The findings have initially been presented to include much verbatim material. This is consistent with the chosen qualitative methodology whereby the first task in qualitative analysis is description (Patton, 1990:374). Patton argued that to some extent this enabled the reader to understand and draw their own conclusions and interpretations (Patton, 1990:375). After this description of the findings, analysis of the data under themes most relevant to this research is included in chapter seven. These themes are; first, public sector reform and the continuing exclusion of Maori, second, confused definitions, policies and expectations, third, attitudes of managers to power and change.

BIOGRAPHICAL INFORMATION

This information was gathered so as to provide an overall picture of the characteristics of the respondent group. Of the 11 respondents interviewed, seven were men and four were women. When asked to describe their ethnicity all respondents described themselves in terms of being non-Maori. That is they described themselves as Pakeha or as European. Maori are under-represented in this group of respondents despite Maori being targeted within *Te Punga* and identified in Equal Employment Opportunity plans (Department of Social Welfare, 1994c:6) as a target group for 'further development opportunities'.

Although women made up less than half of the managers within this sample Equal Employment Opportunity statistics (Department of Social Welfare, 1994c) revealed that approximately 40% of managers within the New Zealand Children and Young Persons Service were women at the time of interview (New Zealand Children and Young Persons Service, 1994c:13). My sample reflected that statistical make up reasonably accurately. Responses to questions as to how the respondents described their ethnicity included:

"I'd describe it as Pakeha. Pakeha with Irish ancestry".

"Pakeha New Zealander".

"European".

The length of time that the respondents had been in the Department of Social Welfare or the New Zealand Children and Young Persons Service ranged from one and a half years to 26 years. The average length of time was 14.5 years and nine of the 11 had worked in a variety of roles within the Department of Social Welfare as well as the management role that they were currently in. Eight of the 11 had some background in social work in the Department of Social Welfare. Respondents commented:

"I have been in the service for 13 years. I spent 18 months working as a social worker, 18 months to two years as the Assistant Director: Social Work, in a small rural office, about four years as a supervisor of risk assessment in a large office and the remainder of time either as an Executive Senior Social Worker or a Manager".

“I joined DSW¹⁸ in 1982 as a clerk. Since joining CYPS¹⁹ I’ve been a manager dealing with finance and HR²⁰ stuff and now I’m Site Manager”.

“I joined the Service in 1980 and stayed for two years and came back again in 1990. So I’ve had the role of Social Worker, Supervisor and Manager”.

Nine of the 11 respondents had a tertiary qualification in the social work field or a management qualification. Respondents were also asked how long they had been in a management position within the Department of Social Welfare or the New Zealand Children and Young Persons Service. The range was from three months to 11 years, the average time as a manager being five years. In summary the sample group was predominantly male, all were non-Maori, mainly tertiary qualified and experienced in Department of Social Welfare social work operations and as a manager within the Department.

CLIENT THROUGHPUT AND CHARACTERISTICS

Statistics New Zealand (1994:3) commented that 13% of the New Zealand population said that they were Maori in 1991 and of that group 74% said that they were Maori only. The same publication also states that:

The Maori population at the end of the twentieth century is in a state of change that has important implications for many areas of social policy. Planning and policies will need to be flexible to cope with the fluctuating numbers in the various age groups (Statistics New Zealand, 1994:3).

Given that it is important to have accurate statistical data on which to base policies and plans, questions were asked within this section to gather some description of the client group of the New Zealand Children and Young Persons Service from the managers’ perspectives, and of their knowledge of the proportion of Maori that were clients. Nine of the respondents considered that Maori were over-represented as clients of the New Zealand Children and Young Persons Service. The other two considered

¹⁸ Abbreviation for Department of Social Welfare.

¹⁹ Abbreviation for the New Zealand Children and Young Persons Service.

²⁰ Abbreviation for ‘human resources’.

that they did not have enough data available on which to comment. One kept accurate data on the numbers of Maori clientele, the remainder commented on what was a perception of the situation because they did not have accurate data available:

“I don’t have any figures, it is only a perception, and my perception would be that that statement is true” (i.e. that Maori are over-represented as users of New Zealand Children and Young Persons Service).

“One of the issues is that we don’t have any accurate figures”.

“At the last count we did we found that around about 65% of our clients in the Youth Justice area were Maori and Care and Protection around about 30 to 35%”.

“I think it would be definitely proportionately higher. But in terms of accuracy of figures, it would have to be through manual counts and some difficulty before we could do that analysis”.

Accurate figures were not readily available on the numbers of Maori clientele. It was not discussed about how a Maori is defined within the New Zealand Children and Young Persons Service but this issue in itself raises questions about statistical accuracy. Unless there is an agreed Maori definition, which it appears there is not, the numbers of Maori clientele is open to inaccuracies of interpretation and the biases of those doing the counting.

A question was asked on how the office they managed responded to the perceived patterns of use by Maori clientele. Six commented that there was no strategy or gave no comment on this aspect. The question was asked: How do you see this office responding to these patterns? The replies included:

“It doesn’t”.

“I don’t think this office responds to those patterns”.

“We don’t make a conscious decision to allocate on race or gender or any other way although in a few situations where there is specifically a client of a particular ethnic group asks for a social worker (of their ethnic group) we would generally respond to that”.

Three of the respondents commented that their office’s response was to have Maori staff work with Maori clients. One of these responses included a cultural advisor who was available for social work staff:

“We have done our best to ensure that we’ve had sufficient Maori staff to respond to Maori needs; that has become more difficult since the level ‘B’ qualification requirement came in.... On numerous occasions we’ve used our cultural advisor to assist social workers, particularly when they are Pakeha”.

“We’ve endeavoured wherever feasible to bring into the organisation appropriate suitable Maori applicants”.

“As far as possible we have Maori staff work with Maori clients”.

One respondent commented that having appropriate Maori staff to work with Maori clients was a difficulty because of lack of resources to, for example, fund a cultural advisor. One reply was that they attempted to have a stable staff that had a knowledge of local Maori networks:

“Knowledge within the office as to who to contact to identify whanau, I think there is a degree of confidence because we have quite a stable staff here and there are a number who have been here for at least 15 years. Their local network with iwi means that their is a fair bit of hapu, and iwi involvement”.

Despite there being no accurate figures on which to base their claims, all respondents commented that there had been no change in the proportion of Maori clients since the New Zealand Children and Young Persons Service had been created in 1992. However one commented that there were now better figures on which to base data, and one commented that there had probably been an increase in the number of overall notifications since the creation of the New Zealand Children and Young Persons Service.

PUAO TE ATA TU

As stated elsewhere within this thesis, the document *Puao Te Ata Tu* continues to be quoted by the Department of Social Welfare, including the New Zealand Children and Young Person’s service, as:

a base and reference point for all future bicultural developments within the Department of Social Welfare (Social Policy Agency, 1994: Section 5:2).

The commitment to biculturalism involves many dimensions, such as service delivery, community relations, staff selection, training and personal behaviour. The way the Service provides for Maori procedures and practices is seen as one other dimension in this commitment. In particular the Service is guided by *Puao Te Ata Tu* (Wilson, 1993:1).

Questions in this section were on the current significance of *Puao Te Ata Tu* and if and how the significance of that document had changed over time. Nine of the 11 respondents considered that *Puao Te Ata Tu* was now less significant than it had been. The perception was that there had been a lessening of the organisation's commitment over time.

"It is given a higher profile in some offices more than in others".

"In some offices I believe that there is no longer the profile that biculturalism had ... there certainly seems to have been a weakening of the commitment ... almost since the time that the first review occurred".

"I think that its significance in this office today is non-existent and I doubt that a lot of the staff would either have heard of it or read it".

"I'm not sure whether the newer social workers, the people employed in the last two years, could actually tell you what *Puao Te Ata Tu* is really about in any detail".

"Nowadays, basically I'd have to say none" (i.e. no significance).

I think it would be fair to say for a number of reasons and I'm not sure if I know all the reasons, that there was a downgrading or minimising of the impetus a year or two after it was introduced".

"A booklet that every new staff member is given and that is probably as far as it goes".

When asked to expand on how they saw that the significance of *Puao Te Ata Tu* had changed, the nine who responded commented that the commitment had weakened, and that generally the organisational structures and resources for responsiveness to Maori had waned. The managers' comments are consistent with the Director General's comment in *Te Punga* in which it is stated that:

Many in the Department, and not just the Maori staff have made it clear that they have been very disappointed in the apparent waning of commitment to *Puao-Te-Ata-Tu* over the past few years. There is an urgency for those who want to see the spark rekindled (Department of Social Welfare, 1994b:16).

Respondents comments included:

“I think the process of trying to empower Maori to address issues in a culturally appropriate way has diminished”.

“So when they cut DECs²¹ it was like the cutting off at the knees the reality of *Puao te Ata tu*”.

“You can almost pinpoint a time when it started to lose it’s profile. When they did away with DECs”.

“The service is dictated to by money rather than by client need and what is supposed to work culturally”.

One respondent commented:

“I think that within this office now there is more talk about *Puao Te Ata Tu* than there probably has ever been before”.

When discussing how and why this had changed:

“We’ve got our own internal development plus the fact that we’ve got two Maori workers has made a real difference, like we’re getting pushed and poked”. (Two Maori workers in the context of this respondents work place was a high proportion of staff).

One respondent commented that *Puao Te Ata Tu* was a process of development through the 1980s and 1990s and that this development was continuing, evolving now into the development of Iwi Social Services:

“John Grant got Rangihau and the *Puao Te Ata Tu* group together in response to the *WARAG* report on racism in residences. It was a cumulative thing ... so if you bring the two together (the first of which is basically the Treaty partnership) you basically end up with iwi social services for those tribes that wish to”.

THE TREATY OF WAITANGI

All respondents were questioned on the Treaty of Waitangi and on how they interpreted the statement made in the New Zealand Children and Young Persons Service Business Plan (1994b:4): ‘Services provided to Maori must be consistent with the Treaty of Waitangi’. The respondents were also questioned on whether it had been

²¹ Abbreviation for District Executive Committees.

made clear to them what the New Zealand Children and Young Persons Service expectations were as a result of this stance.

All 11 respondents were unclear on what this statement meant and on what expectations were on them as managers regarding the Treaty of Waitangi. This response is somewhat surprising because the policy document *Te Punga* (Department of Social Welfare 1994b) outlined in quite specific terms what the Treaty of Waitangi now means to the Department of Social Welfare. *Te Punga* was released in early 1995 and the interviews for this research were undertaken in mid 1995. Consequently the document had only been recently released and the expectation could have been that it would have been read recently by management. Such unclear responses from the managers I interviewed must raise questions on the emphasis that had been accorded to that document within the New Zealand Children and Young Persons Service:

“No, at my level there’s been absolutely no discussion on what it means, but again as an office we’ve tried to address that”.

“I’m not too sure whether the Service knows what it means by that”.

“I really struggle with that”.

Respondents did however have their own views on what the Treaty should mean and some ideas on how it should be responded to by the New Zealand Children and Young Persons Service:

“My feeling is that service should reflect a commitment or that when we are making policies that we should seek a contribution from Maori”.

“I think that the local business plan probably does include the Treaty but not in a way that is in any way practical. I think there has been some commitment to try and support iwi social services, whatever that may mean, but to some extent at a local level that is hampered by the lack of a national kind of focus that would enable people to understand what that may actually be”.

“My view is for those iwi who want to service their own, are able to have dialogue with the Crown as to how that’s best achieved both in terms of resourcing, statutory change if necessary”.

“I guess its to do with awareness of issues pertaining to Maori spirituality, their views of their tribal networks, their view of

family, their belief in the need to make their own decisions, their wish to make their own decisions”.

Respondents were also asked how they, as a manager, plan for the stated commitment to the Treaty of Waitangi. Three of the 11 considered that they planned for the Treaty in some way:

“There has been a statement of principle between this office and them (some of the local iwi) that this service will do what it can to reasonably assist them in terms of training, selection of carers ... and they appear to be interested to do ... what in fact the Act is talking about”.

“We’ve had some compulsory training for all staff on the Treaty, as an absolute minimum they attended a one day course that was run by a Maori and Pakeha trainer. We’ve also made an ongoing commitment to have a cultural trainer/advisor that Income Support and CYPS share the costs of”.

“What we talk about is initiatives for Maori in terms of clients and staff in terms of partnership”.

Consistently, respondents fed back that the way they were able to interpret the Treaty of Waitangi as a manager within the New Zealand Children and Young Persons Service was not integrated with their personal interpretation of how the Treaty should be interpreted.

“It would mean that you could recognise that there is a difference between the cultures and to be able to service those cultures in a different way. I don’t think that the Service necessarily recognises the differences or all the differences, again the differences they recognise are rather shallow”.

“... to me that’s a clear breach of what we are talking about and our obligations under the Treaty. We are taking that power base away and we are putting in our own safety net”.

“I’d be thinking in terms of the Treaty saying that power was meant to reside with Maori people. If the Treaty was honoured from day one it would be a matter of just maintenance of that power”.

BICULTURALISM

Respondents were all questioned on whether or not they were aware of the official expectation of them as managers in the area of biculturalism. This has been outlined in *Puao Te Ata Tu* and *Te Punga*. Eight respondents were unclear or didn't know what the expectations of them were.

"I haven't seen really clear statements about that from the Service, although to some extent *Te Punga* makes that clear".

"I suppose I have guessed what they mean".

"Biculturalism is a word used by a lot of people in a lot of different situations, I'm not always convinced that they are talking about the same thing".

"I think there has been some attempt to try and define it ... but I don't know if there is currently an accepted working definition of biculturalism".

"I think that the official policy, and certainly mine, is that the emphasis is that as tangata whenua and pursuant to the Treaty, there are special rights and obligations that form a relationship to those people".

"I'd say that personally I don't believe I've got an idea of that, I haven't seen really clear statements about that from the Service".

Three respondents considered that they did know what the official expectation of biculturalism was.

"That we provide a service that is sensitive and shows awareness of other cultures, but predominantly Maori".

"They have an official expectation that we treat Maori culturally sensitively, but that can not always be followed through because of other restraints".

"I guess it's around the expectation that our services acknowledge the rights of the Maori people under the Treaty, the rights of their family, whanau, hapu, and iwi, their rights as an equal partner".

The participants were questioned on how biculturalism was interpreted by them and how it was interpreted in their office. There was a variety of responses, perhaps

predictably as it is an area where there seems to be no clear direction and where there is potential for a variety of interpretations.

“To me personally, it means trying to uphold the principles of the Treaty of Waitangi as best that I can given that my understanding probably is different to that of a Maori person”.

“I don’t know how biculturalism is interpreted in this office. The fact that our primary relationship is with tangata whenua and that has fallen off the rails, somehow or another we have to re-establish that relationship in the sense that it should have been established from day one”.

“I have a base level expectation placed on me by the service, let alone by Maori people, that I can go and conduct myself appropriately and it is not an affront. Which means a basic knowledge of tikanga, kawa, and language. So in a sense, biculturalism is a measure of that”.

“There is a Maori group within the office that meet and talk about their issues”.

“I don’t have any difficulty with what we are being asked to do under Te Punga ... certain actions will be done by given dates”.

“As far as is practical we have appropriate social workers for the different cultures. I don’t know if staff know or think that is what biculturalism is”.

“Biculturalism means to me being able to move within two cultures. So if we were to have a bicultural service we would probably have two different services. ...I don’t know how our service can be bicultural because of all the structural issues”.

RELATIONSHIP WITH IWI

The managers were all questioned on the relationship that their office has with local iwi and local iwi mandated social service groups. Eight of the 11 considered that the relationship was not a close working one and feedback was of there being a haphazard or a working relationship that was in its preliminary stages.

“I don’t have a working relationship with iwi. If I do it’s sort of haphazard or by accident”.

"I had some personal relationships with iwi that I accessed when I think it is appropriate, nothing really to do with this office ... that is not being developed in any way, shape or form here".

"Very fledgling. I've established some relationship with them I should say, I've begun that process".

"In terms of my relationship with the iwi base on a more formal level I don't have any".

"I haven't really established any [relationship] at the moment".

"That is at a beginning stage and I really struggle with that because we service a lot of Iwi".

Three of those interviewed considered that they had a good working relationship with the iwi or iwi mandated social service groups in their area:

"The relationship generally is pretty good, like one of my coordinators is involved in the setting up of the local iwi social service ... and we meet with them on a regular basis, we've had about five meetings this year".

"We have a meeting about every three months. We have the seven hapu represented there, we've made an effort over the years to ensure that they are well briefed on matters relating to the Department".

IMPLEMENTATION OF THE CHILDREN YOUNG PERSONS AND THEIR FAMILIES ACT 1989

This legislation is significant because it places particular emphasis on the values and beliefs of Maori people and duties within the Act include giving whanau, hapu, and iwi the right to be involved in decision making involving their children. Respondents were asked to comment on how services from their office reflected the requirements of the Children, Young Persons, and Their Families Act 1989. Nine of the respondents spoke in terms of working with families or by employing Maori staff and said that this fulfilled the duties of the Act.

"I think that in the main social workers try very hard to uphold that aspect of the Act. I think social workers will attempt to work alongside families and provide services within the limitations of budgets and management directives".

“I see and hear genuine desire to work from within the family based system and wherever possible to place the children, especially say Maori children, with family or within iwi or hapu”.

“Also under the Children, Young Persons, and Their Families Act, whanau hapu and iwi have a right to attend Family Group Conferences and I’m not convinced that is being actioned as well as it could be”.

“One of the things we hold a lot of what we call whanau hui, initiated by Maori social workers”.

“Even before the Act , in 1984 we had 120 children in care and we reviewed very carefully why those children were in care and by about 1988 we had reduced the number of children in care to about 12”.

“I suppose we respond by attempting to have the appropriate workers”.

One respondent considered that the office was not meeting the duties of the Children, Young Persons, and Their Families Act 1989 as well as could be expected:

“I don’t think iwi social services could do a hell of a lot worse. I think we have succeeded in certain areas but overall I think you’d have to say it’s not a terribly good result”.

One participant considered that the ability of the office to respond effectively in this area was compromised by national office influences and conflicting legislation, especially the Public Finance Act 1989. This respondent commented that the ability to resource the Act was not sufficient and that fiscal restraints and financial responsibilities over-rode any requirements to work in a way that was consistent with the Children, Young Persons, and Their Families Act 1989:

“I believe our office tries their hardest to reflect those things, particularly the Maori staff who feel quite strongly about it, what is interesting though is that there is other policy written by national office that doesn’t reflect what is in the Act, because it doesn’t fit with what is required under the Public Finance Act”.

MANAGEMENT

Questions in this section were asked to assess the respondents management style and to gauge how this affected or allowed for input from a Maori perspective. Participants were also questioned on their knowledge of the requirements of the State Sector Act 1988 in regard to Maori.

Eight respondents talked about the approach to management that they use as being inclusive or participative and that they tried to use what could broadly be termed a consultative approach:

“I suppose it’s a team approach really, I would adopt a team approach and encourage members of my staff to look seriously at what is working as a team rather than as individuals”.

“I believe in collaborative management, that is I believe in trying to be part of a team, that they all have their own individual strengths and contribute to a great whole”.

“Part of my management beliefs is that no-one in an organisation such as this is any more important than any-one else”.

“I tend to like to operate by consulting and informing people and getting some kind of staff consensus”.

“We are here about servicing a client and so that’s the starting point. So my role is to manage a process that ensures that client gets an appropriate service”.

“I’d like to think I’m more of a facilitative leader than a bureaucratic one. I think the main thing is to try and work on the basis as being as inclusive and participative as possible”.

“Wherever possible I like to consult”.

“My style is one of participative management if I had to give it a label”.

So the majority of participants had what could be considered a participative philosophy toward management. However when asked if there were formal avenues for Maori input into management structures the results were not so consistent with that initial participative response. Four of the 11 managers considered that they had some sort of formal structure that enabled a Maori viewpoint to be heard on a regular basis.

“The Maori staff have regular team days for developing a sense of togetherness and to look at issues about practice with implications from a Maori perspective, and have input into management from that”.

“We have a Maori liaison group, and when there are issues that come up we have meetings from time to time, normally I meet them as a manager, or the managers meet that group”.

Two of the respondents had no answer to this particular question while the remaining five managers did not have any formal structure for input from a Maori perspective.

“I’m not aware that they actually meet as a group [Maori], but that is able to happen”.

“You don’t forget it when you are working at the level that I am working at, even if you don’t do anything about it, you don’t forget it”.

“There are none of the managers that come to management meetings are Maori. So at that level not directly”.

“Occasionally managers meet with Maori staff”.

When questioned on the State Sector Act 1988 and the requirements that the Service has to Maori, especially under section 56 of that Act, all respondents did have some knowledge of those requirements. Responses included issues around recruitment expectations of this piece of legislation:

“It’s difficult when we’ve been encouraged to recruit people who are qualified. We’ve set ourselves a target for this. I think the core attributes selection process provides for the EEO issues only to come into it if you’ve got more than one person equal on merit”.

“I was prepared to go with local Maori staff as appointees and swim against the tide of only appointing qualified staff”.

“The large majority of people sponsored by the Service on full-time study awards for social work training are Maori”.

“We hold the philosophy of EEO very dearly, but this doesn’t necessarily fit with the [push for] qualifications”.

“Of the last five bursaries that our area had, four of them have gone to Maori staff, and that has been part of my wish to improve the chances of the Maori staff”.

“We have pushed that programme [bursary] for Maori women, with agreement with the Maori Women’s Welfare League”.

“We have been out on a limb to employ Maori staff who are non-qualified rather than employ qualified staff who are non-Maori because we recognise the needs of our staff reflecting what our clientele is”.

There were also comments on the difficulties of implementing Equal Employment Opportunities policies, the lack of a strategy, and the lessening of commitment towards Equal Employment Opportunity programmes:

“In the past I feel there were special training opportunities made available to Maori staff, management development. That’s just one example of what the Service was doing, I’m not sure whether it’s been resurrected recently or not”.

“There hasn’t been a clear strategy”.

“The State Sector Act might say those things and the Business Plan then says some things but when it comes down to the coal face and actually putting them into place I don’t think we are that proactive about setting them up”.

One respondent discussed a strategy they had attempted:

“I had an idea to try and give Maori staff the option of being supervised by a Maori supervisor and that was compromised a bit by not having enough supervisors who were Maori”.

The conclusion must be that the response has been haphazard, lacking planning, and lacking a clear strategic direction.

TRAINING

Participants in the study were questioned on the training that they have received on Kaupapa Maori. Seven of the respondents had training provided by the Department of Social Welfare or the New Zealand Children and Young Persons Service although this may not have been available for some time:

“Certainly in the old days in the late 1980s there were many more opportunities to attend departmental training courses or seminars

around Maori culture. I got involved in a two year course that was run by the old cultural training unit. It was a regional training unit that had people who were dedicated trainers on cultural issues”.

“I did a two year course on biculturalism and the whole cultural study. I did about six separate weeks over two years and that was excellent”.

“I had some coming into the Department when *Puao Te Ata Tu* was fresh and energising, and there was funding, but since then nothing”.

“I think back to the days of the introduction of the Children, Young Persons, and Their Families Act, there was the Treaty aspect training in that and that was very good too”.

“I’ve recently been on a course along with a lot of other managers which involved exploring the Treaty and the relationship of the Treaty to the Maori peoples expectations and goals”.

“I’ve attended a number of courses, we’ve had workshops on the Treaty. Over a period of time I’ve had a reasonable amount of training. I must say though not in recent years and I think that’s mirrored the emphasis of the Department”.

Two of the respondents have had no training on Kaupapa Maori provided for them by the New Zealand Children and Young Persons Service. Both had attended training on the issues that was arranged outside of the Service:

“I have never been provided with any by the organisation. But I have probably done about maybe four weekend workshops in different things. I’ve done two anti-racism workshops.

I have had extensive training but they have been things that I initiated”.

In all, including the above two, four of the respondents had pursued training in Kaupapa Maori outside of the New Zealand Children and Young Persons Service.

“I did my Certificate in Maori Studies”.

“My training is extensive in that it’s been an accumulation of things. I was interested in these things as a student. Its been an accumulation of things like university based training, anti-racism training, marae visits”.

RESTRUCTURING

As discussed previously in this study, the Department of Social Welfare has been through significant restructuring since 1986 when *Puao Te Ata Tu* was released. This is commented on in the literature review. One question to participants was on the impact that these restructuring have had on the organisation. Nine responses were that restructuring had been more negative than positive on the organisation:

“I think they [restructurings] have almost destroyed it”.

“Generally, major zapping of morale for all staff. Major loss of incredibly good staff, anyone that could go has gone”.

“The key thing is that it has totally destroyed any loyalty that the people had for the organisation. The work value that used to be prevalent when we worked for an organisation that we believed in, I think has well gone”.

“I don’t know that we’ve achieved a helluva lot as a result of the restructuring, we’ve just disillusioned staff and lost some good people. I think it’s been an absolute killer”.

“They [restructurings] have affected the organisation badly, particularly in the morale of staff and for staff feeling they have some security”.

“I think it has made us a group of people who are not certain what we are here to do anymore”.

Two of the 11 respondents considered that the effect of restructuring was to suspend the organisation’s ability to respond:

“Basically all the change and reviews have suspended things”.

“Basically the organisation has been stuck in neutral and a lot of things held in abeyance”.

But in relation to the implementation of the Children, Young Persons, and Their Families Act 1989, one respondent also put it in terms of restructuring being required to implement the Act effectively:

“The various aspects of the Act are so dependent on each other that if one or two aspects are missing it compromises all the rest, eg. the non-existence of iwi social services”.

One commented that there was now a clear definition of the work that was required:

“I think on the positive side the development of the outputs with the last restructuring has given a clear breakdown of the work and what has to be done with the boundaries, and I think they are excellent really. I think it comes at a cost in terms of a fairly widespread unsettling of staff”.

A question was asked on the impact restructuring has had on the organisation’s ability to respond to Kaupapa Maori. Ten of the 11 respondents considered that restructuring has had a negative effect on the organisational ability to respond to Kaupapa Maori. Competing priorities have meant that Maori issues have in many cases have not been accorded the importance they may once have had. These coupled with a lack of resources to support a response to Maori, were recurring themes:

“I think that for the bulk of the time of the restructuring, say the last four years, Maori issues have taken a back seat”.

“Basically a lot of the developmental things have been put on the back-burner”.

“We’ve almost flipped back to where we were prior to the introduction of *Puao Te Ata Tu*”.

“The best of intentions are not matched with resources and that’s where I go back to the issue of *Puao Te Ata Tu*. You can talk nicely about these things, but you can’t get 20 gallons out of a ten gallon hat”.

“I think they [restructurings] have seriously disadvantaged staff and clients fullstop. That’s been financially in terms of career development, energy that’s been put into working through the restructurings could have been more effective in meeting the CYPs responsibilities and goals rather than going into endless restructuring and it seems as though some of the restructurings have only been because of the incompetence of the senior managers”.

“Other things take priority. It is like that initiative gets put on the shelf for a while while we look at something else, like our finances and how we report to government”.

One of those respondents also considered that ongoing restructuring had also increased the burden on Maori staff:

“You see it is another ethical thing ... the Government says we are going to recognise Maori and be bicultural and that sort of thing, however policy does not allow for that to happen. I find that a huge ethical dilemma and it must be a huge one for Maori staff. I mean their credibility to Maori is more important than my credibility to Maori. I think it is a huge burden on them in particular”.

One respondent of the 11 interviewed considered that the restructuring had had a beneficial effect on the organisation’s ability to respond to Maori because there were now more Maori staff:

“My theory is that Maori staff we have are more comfortable than they were under the old system but that may have more to do with the fact that we have more Maori staff whereas previously they may have been more isolated individuals”.

I also asked the participants what they thought was required to improve the organisation’s response to Kaupapa Maori. There were three themes that emerged regarding improving the response from the interviews. One theme regarded involvement with iwi whether this be through a move toward iwi social services or improving communication and networks:

“I think it’s time to press ahead with iwi social services development”.

“Work hard and keep those networks and confidence”.

“To me it’s pretty obvious, we need to be much more in touch with that client group’s needs”.

A second theme was about being honest about what the New Zealand Children and Young Persons Service was there to do and to communicate that vision and the reality honestly to Maori and to staff:

“I think the one thing we should do as a service is to be totally honest with Maori. I just think you have to be honest and let them know exactly what it is what we are planning to do and none of this wishy washy we’re bicultural and all of that”.

“Less lip service and more practice”.

“Put your money where your mouth is”.

“I think the time has come to actually do it rather than talk about it”.

The third theme was to be clear about what the Children and Young Persons Service was there for, plan and prioritise for that within a stable organisation with adequate resources, including training:

“I would like the opportunity for my staff to get appropriate training, particularly language training”.

“I don’t know whether any further training would be beneficial, I think what would be beneficial would be a strategic plan to put these things into place”.

“Firstly we need a degree of stability within the organisation”.

“We’ve got to either chop off some of the work that is currently expected of CYPS, or we’ve got to get an injection of additional funding”.

“Unless the pressure is taken off our staff, then biculturalism along with a number of other similar parts of employment, like EEO, are not going to be adequately addressed, people are just too busy”.

“There are so many competing imperatives; Competency, Risk Management, Remuneration rounds, pilot programmes ... so we are unable to focus really on two or three things”.

This chapter has outlined the findings of the research under a series of subjects and headings that were the core issues to emerge from the literature previously discussed. The findings were presented in verbatim quotes consistent with the qualitative methodology used and previously outlined. No interpretation of the findings has been undertaken within this chapter, it is purely descriptive. The following chapter analyses the findings within the predominant themes that emerged.

CHAPTER SEVEN

INTERPRETATION OF FINDINGS

This chapter moves on from the description of the findings outlined previously and analyses the findings within three themes that emerged. The themes to be analysed in this final chapter are firstly, state sector reform and the continuing exclusion of Maori. Secondly, an analysis of the confusion surrounding definitions, policies, and expectations regarding Kaupapa Maori, and thirdly, an analysis of the attitudes of managers to power and change that that were seen to contribute to the poor response of the New Zealand Children and Young Persons Service to Maori.

STATE SECTOR REFORM AND CONTINUING EXCLUSION OF MAORI

One of the findings of the research was that the reform and restructuring that has occurred with the Department of Social Welfare and the New Zealand Children and Young Persons Service has disadvantaged Maori. One such reform lead to the disestablishment of the Social Welfare Commission and District Executive Committees, structures that had given Maori an avenue for effective participation and input into policy and practice. Te Puni Kokiri (1993:64) noted, two years after the disestablishment of these structures, that change was unlikely to advantage Maori people for when Maori views stood in the way of progress they were ignored or legislated out of contention. One of the consequences of the disestablishment of the Social Welfare Commission and District Executive Committees was that partnerships between Maori and the Department of Social Welfare had to be renegotiated. The research indicated that this had not occurred to an extent that would lead to meaningful

participation by Maori in input into policy and practice. This was despite reassurances from the Associate Minister of Social Welfare in 1991 that appropriate mechanisms would be put in place to 'maintain both consultation with client and ethnic groups and feedback' (See Appendix Five, this thesis). Consistent with other policy statements of that time (see Shipley, 1991) the reasons for the removal of the Social Welfare Commission and District Executive Committees were put in the context of the government being unable to afford them:

Given the difficult economic situation in which we find ourselves, the Government has to be convinced beyond doubt that there is compelling reason to continue with programmes, activities, advisory bodies and the like which are funded through public expenditure (See Appendix Five, this thesis).

This confirmed Kelsey's (1990:267) analysis that by 1990 the Labour Government had all but withdrawn from its Treaty policy and that National had signalled its opposition to any sharing of power with Maori. By 1991 National was putting those signals into action with a reform programme that took little account of Maori aspirations and expectations. Repeated exclusion of Maori from participation in the mainstream New Zealand society was identified by Spoonley (1988: ix) as a major cause of disharmony, and with the removal of these consultative structures Maori were again forced by the dominant order to renegotiate their position as *Tangata Whenua*.

The government's stated ongoing commitment to *Puao Te Ata Tu* and biculturalism was redefined by the Associate Minister as a starting point in what would be ongoing consultation and networking:

I am firmly of the view that the Maori Perspective Report was right in recommending these structures to add an external perspective to decision making. I am persuaded that these structures were a necessary and valuable means of launching the bicultural approach in Social Welfare and that they have made a substantial contribution to welfare policy, practice and service delivery. I am also sure that it is now appropriate to consider alternative and less costly approaches to upholding the spirit of *Puao te Ata tu* by building on the solid links with Maori and other groups thereby established to promote our Government's welfare objectives. I believe we can achieve this (ibid).

The information gathered within this study is that the structures put in place were not built on and that consultation with Maori at a meaningful level has not consistently occurred. Feedback from respondents gave a consistent message that ongoing restructuring has had a detrimental effect on the relationship with Maori and the ability to respond. For example:

“The hindrance to meeting those goals include fundamental ones such as the organisation being turned on its ear a couple of times in the last year, and the concept of strategising has taken a back seat. We run hot and cold on matters relating to *Puao Te Ata Tu* and *Te Punga*. We don't really have a strategy, we just stumble along and throw some petrol on the fire every now and again”.

One of the major contradictions evident within this study was that the consistent philosophy espoused by managers was one of inclusion and participation but that there was a lack of effective structures to ensure effective participation with Maori. As highlighted within chapter seven, eight of the 11 respondents considered that they had an inclusive, or participatory management philosophy. However, when examined closely, this approach did not relate to Maori staff participating actively in policy or practice decision making and did not translate to Maori individuals or organisations outside of the New Zealand Children and Young Persons Service having an effective working relationship with the Service. Only three of the 11 managers interviewed considered that they had a good relationship with iwi groups within their area. They considered this was so because they had regular meetings with those groups.

As outlined at the beginning of this study the crucial issue within the responsiveness context was that of participation. The crucial issue for the Ministerial Advisory Group (1986a) when discussing biculturalism was also participation in the form of the sharing of responsibility and authority with appropriate Maori people. Within the context of participation eight of the 11 respondents in this study considered that they do not have a close working relationship with Maori. Meaningful participation could therefore not even begin to occur.

CONFUSED DEFINITIONS POLICY AND EXPECTATIONS

Some of the reasons for a less than satisfactory response to Kaupapa Maori may lie in contradictory messages from a government level that has led to a confusion regarding what the policy regarding Kaupapa Maori is. Bryson (1995:189) claimed that 'political environments may shift, leading peoples attention elsewhere.' An apparent shift in the New Zealand Children and Young Persons Service has been to fiscal imperatives and there has been significant restructuring to address apparent financial and organisational difficulties. There has also been a lack of clarity regarding the expectations of the organisation and of those within it, including managers. Some of the confusion is around the definition of terms, but there is also confusion around how Kaupapa Maori policies are to be implemented.

According to Tropman (1984), and Denis et al. (1993) planning for policy implementation will be confused and become complicated if there is confusion around what the policy is. Because policy is usually the result of a series of decisions, reports, documents, the possibility for confusion is heightened. The New Zealand Children and Young Persons Service policy in regard to Kaupapa Maori was originally encapsulated in *Puao Te Ata Tu* and latterly *Te Punga*. Policies regarding Kaupapa Maori are also the result of many other avenues of input and are also articulated in many other policy documents. As such the policy does not focus on a specific decision, but on a cluster of decisions that characterise the particular posture. This may be confusing for managers expected to implement such policies because as Tropman stated:

The larger the system the more complex the system and the different references and points of view that surround it [policy], makes it very difficult to develop a policy management focus (Tropman, 1984:33).

Denis et al. commented that strategic planning in the public sector is confronted by several paradoxes because of the particular environment and the differences between the public sector and the private sector. The ability to plan in the public sector organisation is characterised by goals being:

ambiguous, multiple interests influence decisions, organisational strategies are constrained by specific government mandates, and collaboration is favoured over competition (Denis et al., 1993:31).

They further commented that:

Political and symbolic motives behind strategic planning, as well as the political nature of participative planning processes, are likely to be reflected in the types of plans generated (ibid).

This is because plans are not likely to be very precise but are likely to attempt to provide something for everyone, rather than a realistic blueprint for the future. The plans cited as part of this study reflected a vague and imprecise understanding of requirements in the area of Kaupapa Maori, in that plans were expressed in terms of general objectives rather than specific actions, and were largely unquantified. For example the New Zealand Children and Young Persons Service Business Plan 1994/95 stated within a 'Statement of Values' that:

The services provided to Maori in relation to children, young persons and their families must be consistent with the Treaty of Waitangi and Pua Te Ata Tu (New Zealand Children and Young Persons Service, 1994b:4).

Within that planning document there was no attempt to define how working in a way that was consistent with the Treaty would be measured. There was also no attempt to define how the Treaty of Waitangi was interpreted and no precise explanation of what the term 'biculturalism' meant within the organisation.

At the beginning of this study it was acknowledged that there were different understandings of biculturalism. It was also acknowledged that there are different understandings of the Treaty of Waitangi and that the differing interpretations have historically favoured mainstream, Pakeha society. O'Reilly and Wood (1991:321) noted that there was no widely accepted definition of biculturalism, and further considered that there was little likelihood of one emerging. According to Mulgan (1989:10) biculturalism is a 'public policy giving official recognition to two peoples, Maori and Pakeha, and their cultures within public institutions of a multicultural society'. On the other hand, Jackson (1988:209) argued that biculturalism is a practical partnership requiring the sharing of power, resources, and responsibility between two cultures. O'Reilly and Wood (1990:321) defined biculturalism as the:

co-existence of two distinct cultures, Maori and Pakeha, within New Zealand society with the values and traditions of both cultures reflected in society's customs, laws, practices, and institutional arrangements, and with both cultures sharing control over resources and decision making (O'Reilly and Wood, 1990:321).

As stated earlier in this thesis, the Ministerial Advisory Committee (1986a:19) considered that biculturalism was about 'sharing of responsibility and authority for decisions with appropriate Maori people.' It was this meaning that the Department of Social Welfare initially accepted through its embracing of *Puao Te Ata Tu*, and it was this meaning that has been used as the understanding of the concept of biculturalism within this thesis.

Although biculturalism became a goal for government organisations as a result of the higher profile given to the Treaty of Waitangi by the Labour Government, the understanding of the theory and practice of biculturalism has remained incomplete and there has been little uniformity, coordinated effort or agreement on what it really meant in practical terms. This apparent knowledge gap has limited the capacity for development of strategies for change within government organisations. One of the consequences of this has been superficial change and Kelsey argued that:

Many public sector officials have taken on board the rhetoric and occasionally the practice, of a more culturally sensitive form of assimilation called biculturalism (Kelsey, 1990:267).

One respondent's reply to questions on biculturalism quoted in the last chapter, reinforced Kelsey's contention when that respondent talked about an expectation on them from both the New Zealand Children and Young Persons Service and Maori to have a basic knowledge of tikanga, kawa, and language. However there was no indication from this respondent that biculturalism was to include meaningful participation with Maori, or sharing of responsibility with Maori.

This study revealed differing understandings of biculturalism. Only one respondent mentioned the Treaty of Waitangi when questioned on interpretation of biculturalism. Other respondents' understandings of the concept gave little indication that their interpretation included the notions of responsibility and power sharing implicit in understandings of biculturalism that include the Treaty of Waitangi and the concept of tino rangatiratanga. There was also no indication from respondents in the study that

they understood biculturalism in terms of a continuum of Maori development that Durie (1994b:103) discussed, a continuum discussed earlier in this thesis. The actions required to work on the continuum are at one end requiring mainstream organisations to become more responsive to Maori so that service delivery is more culturally safe for Maori and at the other end, modifying structural arrangements to proceed to move towards independent Maori structures. Such developments are consistent with a recognition of the Treaty of Waitangi that Durie, (1994b:101) contended, can provide the unifying framework which can accommodate partnership and power sharing. His approach included the appreciation of tino rangatiratanga and Maori understandings of the guarantees contained in the Treaty of Waitangi. Pakeha understanding of the notion of tino rangatiratanga, is often limited to the Treaty of Waitangi and it may then be mistaken that the concept was both created by and limited to the terms in Article Two. It is seen then only as a property right which can be limited to the Crown. However, another perspective on tino rangatiratanga was offered by Jackson:

The Treaty of Waitangi acknowledged the fact: it did not, indeed it could not create it or restrict it, for the concept which rangatiratanga represents in a Maori cultural and political context is not new, it is ancient and derived from tipuna (Jackson, 1993:73).

The study revealed a lack of understanding about the meaning of biculturalism and consequently how managers were meant to interpret it. This was despite the Ministerial Advisory Committee (1986:20) stating clearly what it expected within its definition of biculturalism, namely 'a social and cultural partnership'. None of the respondents included notions of power sharing, meaningful participation, and decision making in the discussions of biculturalism. Writers such as Walker (1990) see such continuing exclusion of Maori as the most devastating mechanism in the maintenance of monoculturalism and in preventing the development of true biculturalism in New Zealand. Walker argued that this ensured that the monocultural bureaucracy would stay relatively intact and continue to substantially represent the dominant value system for the foreseeable future. He noted:

The indigenous culture of the Maori has fought a running battle for a century and a half with the capitalist ethos of metropolitan culture. If all Pakehas realise that their human interests coincide with those of the tangata whenua then that is what biculturalism is

all about. Only when that connection is made can enough pressure be mounted to force politicians to make decisions congenial to human interests instead of succumbing meekly to the aggressive thrust of capitalism (Walker, 1987:230).

The interpretation of biculturalism that was evident from this study has raised questions about the pathway to the future of a successful partnership between Maori and the New Zealand Children and Young Persons Service. Some authors such as Harre Hindmarsh (1993) and Kelsey (1990) have raised this issue in terms of ongoing colonisation through the promotion of a tokenist and diluted form of biculturalism. This interpretation of biculturalism bears little relationship to biculturalism in the ideal sense, which assumes full participation of Maori in society, with both cultures sharing control over resources and decision making. Instead biculturalism has assumed another meaning and Harre Hindmarsh wrote:

Biculturalism and partnerships have come to represent a contemporary form of the proverbial sheep's clothing - dressing the wolves of racisms. They have become mechanisms for the continued maintenance of our own colonial power and the oppression of Maori (Harre Hindmarsh, 1993:6).

The feedback from respondents in this study confirmed that notion and it was clear that the unspoken policy was that Maori staff and cultural behaviours are accommodated within the framework of mainstream institutions, while Maori remain dependent and subservient to Pakeha managers, and Pakeha power brokers. Policies and practices have not addressed the dynamics of power and attempts at change in the name of partnership or biculturalism have preserved the ultimate power of Pakeha. Harre Hindmarsh (1993) considered that on international terms New Zealand may have gained significant ground in addressing issues of culture and ethnicity but that many of our day-to-day practices remain seriously constrained by the perception of our constitutional, institutional, personal and cultural or collective racisms. She stated that:

Because of Pakeha reluctance to share or entrust significant control over resources and decision making with our Maori colleagues and 'clients', any gains made are, with very few exceptions, still within a framework of Pakeha control (Harre Hindmarsh, 1993:7).

When respondents in this study were questioned specifically on the Treaty of Waitangi, there were a number of varying interpretations of the place of the Treaty and how it should be interpreted and implemented. All respondents recognised that the Treaty of Waitangi held an important place within the public sector and within the New Zealand Children and Young Persons Service but there was a general confusion about the current interpretation of the Treaty and the relevance of it in the policies and practices of that organisation. As noted above in the discussion regarding biculturalism, none of the managers interviewed responded to questions of interpretation of the Treaty in terms of meaningful partnership or sharing of power or responsibility. The Department of Social Welfare (1994b:5-11), outlined in relatively clear terms how the Treaty of Waitangi was to be interpreted within the organisation, including the New Zealand Children and Young Persons Service. This interpretation was based on the 1987 Court of Appeal principles for Crown action and is consistent with the *Puao Te Ata Tu* recommendations. Despite that recent reconfirmation of the important place of the Treaty of Waitangi within the New Zealand Children and Young Persons Service, most respondents were unclear on how the Treaty was to be interpreted by them as managers.

This confusion may be related to consistent comment from the respondents that the way they were able to interpret the Treaty within their work was not integrated with their personal interpretation of the Treaty. The responses indicated that there was some frustration amongst respondents that the implementation of the Treaty of Waitangi that they perceived as occurring within the Service was shallow and did not allow for a shift in power from Pakeha to Maori, even though they were in a position to influence that change. Respondents also considered that the recommendations of *Puao Te Ata Tu* had been undermined over time, despite the New Zealand Children and Young Persons Service continuing to espouse the relevance and importance of the document.

ATTITUDES TO POWER AND CHANGE

The apparent frustration among some respondents at the implementation of the Treaty of Waitangi indicated a sense of powerlessness within the respondent group. Throughout the interviews many of the managers revealed that they considered they had

little or no influence to change things, including how the Treaty should be responded to, and they indicated that such decision making occurred more at the national office level. This raised the issue of the elusive nature of power as well as manager ambivalence towards it. Schermerhorn (1984) considered power as an essential leadership resource that managers use to achieve interpersonal influence through which leadership is ultimately exercised and argued that:

Power is a force or a capability that, when successfully activated, makes things happen. For many people, though, the word power carries a negative connotation that includes undertones of manipulation or political action (Schermerhorn, 1984:299).

Quinn et al. (1990:274) highlighted this ambivalence about power and noted that our perceptions about power are very revealing. They tell us as much about ourselves as they do about others especially where misconceptions about power are concerned. Some of the misconceptions about power are identified by Quinn et al. (1990:274) and Rees (1991:54) and include the belief that those in management may be in a powerless position. However Quinn et al. disputed this belief:

Supervisors and managers are never powerless unless they chose to be. Claims of powerlessness are often forms of flight from responsibility (Quinn et al. 1990:274).

Schermerhorn (1984:299) and Quinn et al. (1990:276) both noted that there are several sources of power that are potentially available to managers. These include position power, personal power, reward power, and expert power. Opportunity power and information power were also seen as critical because the difference between an effective leader and change agent and a merely competent administrator depends upon access to information and the ability to seize an opportunity or the timeliness of an intervention (Quinn et al., 1990:277). Arrien in describing power in indigenous models of management and practice suggested an additional dimension acknowledging that:

The archetype of the Warrior (leader) requires us to use power in an enlightened way that incorporates integrity, alignment of speech and action, honour and respect, and serves humanity fairly and justly The right use of power allows us to empower ourselves and others (Arrien, 1993:22).

The empowerment of others is also an important concept in management theory and practice as is the distinction between power over people, and power to achieve goals which are liberating for others. Rees commented that there were:

Three concepts as a means of enabling people to participate in discussing ways in which they were affected by contemporary social, political and economic events. These three concepts or ideas were - struggle in context, continuity of experience and factors inhibiting spontaneity (Rees, 1991:22).

The relevance of this literature on management power to this thesis is that comments made by respondents in this study indicated that they considered themselves powerless in the face of ongoing change. An emergent theme was that they felt they had no power to resist or challenge. For example one manager when discussing the significance of the document *Te Punga* in planning indicated that influences out of their control dictated how the policy would be implemented:

“Again it is like the other oneit’s another token...It’s fairly shallow policy really, with no real desire by the department to follow through on it ... no ... the desire might be there but the ability to do so isn’t because of funding and other resources needed”.

Quinn et al. (1990:274) argued that managers who find themselves in that position, actually choose that stance and it could be interpreted as a reluctance to accept responsibility. Another respondent commenting on the same document, considered that confusion around policy and competing priorities may have lead to racism within the organisation and indicated a sense of powerlessness to change that:

“Other things take priority, and it is like that initiative gets put on the shelf for a while to gather dust while we look at our finances and how we report to government etcetera. So we have staff who get confused by that and certainly over the last period of time I think I am hearing racism in this organisation. I think we have taken away consistency and now have confusion, I don’t hear people being clear about *Te Punga* and what it means”.

Feedback such as this gives some indication of the difficulty the New Zealand Children and Young Persons Service has had in translating intentions into actions. There was, for example, significant difference between what was written into major

organisational documents such as planning papers or mission statements and what actually occurred in day to day practice.

The day to day practice of the New Zealand Children and Young Persons Service involves acting within the Children, Young Persons, and Their Families Act 1989. The 1992 Ministerial Review Team in the *Mason Report* expressed concern from Maori in how the Children, Young Persons, and Their Families Act 1989 was being implemented by the Department of Social Welfare and at the training that was available for staff. For example Manatu Maori expressed concern within the report that:

Another concern expressed by Maori is the lack of understanding by non-Maori of Maori concepts and in particular whanau, hapu and iwi decision making processes. It is evident that some form of training be given in the area of structural analysis and Tikanga Maori is required by those who work within the parameters of the Act (Ministerial Review Team, 1992:137).

The research identified gaps in training for many of the respondent managers and this lack of training was seen to impact on an effective response to Maori. Seven of the 11 respondents had attended training provided by the organisation but significantly most of this had occurred in the late 1980s when Kaupapa Maori had been given a greater priority. Since the importance of training has apparently waned there has been little training provided on the renewed expectations of managers. One respondent spoke of the frustration around this issue:

“... you’re expected to be bicultural but there are no real guidelines on what that is ... and for instance iwi social services, we don’t even have the basic information, it is all very well saying we’re going to have iwi social services, but what does that mean? They are going to ask what sort of assistance they are going to get from the Department, and I don’t know that”.

Lack of training regarding Kaupapa Maori and managerial and staff expectations could be seen to be a contributing factor to the apparent confusion and poor response as outlined. The document *Te Punga*, in which the Department’s stance was again outlined could be seen as confirmation of that assertion.

Within the *Mason Report* the Department of Social Welfare commented that that it had not made good progress in achieving its stated aspirations (Ministerial Review Team, 1992:137). The interviews for this research also revealed that managers

considered that the Act was still not being implemented as well as it should be and again there were recurring themes of management powerlessness and an apparent lack of training in effecting this implementation. As one respondent stated:

“The Department says we are going to recognise Maori and implement the Act effectively, and be totally bicultural and that sort of thing. However policy does not allow for that to happen”.

The literature review within this study revealed that effective participation of Maori was one of the main requirements for organisational responsiveness. It also revealed that the structures that facilitated this participation, such as District Executive Committees, had been dismantled. Managers considered that they were not in a position to change this policy decision but they also had generally not ensured that other structures were in place. However, it is within their powerbase to ensure local structures and arrangements for Maori participation and powersharing, consistent with a responsive organisation and the Treaty of Waitangi. Effective relationships with iwi had not been established consistently and most respondents did not have the knowledge or networks to effect this. The result, confusion for Maori and confusion and feelings of powerlessness from the managers interviewed, but retention of Pakeha managerial power.

Baird and James (1990:27) wrote that ‘managers have mostly seen biculturalism as someone else’s business; they have enough trouble dealing with Rogernomics’. The idea that managers within the New Zealand Children and Young Persons have been unable to cope with change in a variety of areas and unable to prioritise those changes has, as previously discussed, left many of them feeling in a powerless position. As previously discussed, Quinn et al. (1990:274) argued that managers in this position choose it for themselves. Ironically, Baird and James (ibid) also wrote that ‘as a pressure group managers hold tremendous power in any society’. They went on to point out that New Zealand managers had a tried and true system of management available to them within the Maori approach to decision making. ‘The Maori way may be lengthy but ironically, it’s the method Western management consultants currently favour-preferring open-door policies and flat management structures’ (ibid). In Pakeha terms this is about teamwork, trust, efficiency, effectiveness, motivation and enjoyment.

However, most Pakeha managers do not know, or seek to know, how to discover the appropriate Maori knowledge and may not even recognise its existence and, if they do, fail to treat it with respect. Instead they have historically sought to amalgamate it in the dominant paradigm and own it for themselves.

Quinn et al. (1990:v) wrote that modern organisations, as never before, were in need of competent managerial leaders both in the areas of technical competence and interpersonal excellence. In New Zealand this means the competence and the courage to change, firstly to share power and then to learn to work alongside their equal partner, Maori, as well as the ability to manage and provide cultural safety for a bicultural workforce and bicultural community.

CONCLUSION

This thesis has explored the responsiveness of the New Zealand Children and Young Persons Service to Kaupapa Maori taking the report *Puao Te Ata Tu* as a benchmark from which to gauge the effectiveness of the response. The Manatu Maori (1990) structure gave some framework from which to base measurement of that responsiveness, and contended that the most important aspect of a government agency's responsiveness was the ability of Maori to participate effectively (Manatu Maori, 1990:24). Meaningful participation was required in order to facilitate change for if 'there is no genuine and obvious change, then Maori will continue to be disadvantaged by the system' (Manatu Maori, 1990:5).

This research has revealed that meaningful participation of Maori with the government agency, the New Zealand Children and Young Persons Service, has declined and that there have been many reasons for that. Reasons for this were based around three main themes. First, structural and organisational reform, second, policy confusion, and third, attitudes of those in management positions.

There have been structural and organisational reforms that have meant great upheaval within the Department of Social Welfare and the New Zealand Children and Young Persons service. The structural reorganisation that most obviously weakened meaningful Maori participation was the removal of the Social Welfare Commission and District Executive Committee structures. These had given Maori input into matters

concerning both policy and practice. As outlined within this study this upheaval has been the result of neo-liberal economic theories pursued since 1984 by the Labour Government and since 1991 by the National Government. The relationship between neo-liberalism and a move from the welfare state to a welfare society model of welfare provision was outlined and the impact that this has had on Kaupapa Maori and the response of the New Zealand Children and Young Persons Service, to Maori. In essence, the call from Maori for recognition of the Treaty of Waitangi and tino rangatiratanga provided consecutive governments with a convenient link to neo-liberal economic theories, targeted welfare assistance and the rights of indigenous peoples to care for their own.

Confusion around definitions of terms and of how policy was to be implemented was another recurring theme that has been outlined as disadvantaging Maori. The historical and ongoing confusion regarding what the Treaty of Waitangi means has historically disadvantaged Maori and this was outlined in some detail throughout this thesis. Apparent ongoing confusion within the Department of Social Welfare and the New Zealand Children and Young Persons Service around what the Treaty means, and also regarding the meaning of biculturalism and other interpretations relevant to Kaupapa Maori, has in the long run, continued to disadvantage Maori.

After the literature review relevant to this study was carried out it was perhaps predictable that issues around reform, restructuring and definitions of terms would be found to have a negative effect on the ability of the New Zealand Children and Young Persons Service to respond to Maori. What was less predictable was that the attitudes of managers, especially around notions of powerlessness, would be seen to be a hindrance to that response. Upon analysis of the interviews this issue became significant. Although this study did not highlight that overt racism was a factor in the organisations' response to Kaupapa Maori, the issues of structural change, definition and policy confusion and managerial powerlessness have ensured an ongoing poor response to Kaupapa Maori and ensured that power has remained with Pakeha managers. In terms of commenting on what *Puao Te Ata Tu* envisaged some ten years ago, the organisation can be seen as having made an initial response that began to 'share responsibility and authority for decisions with appropriate Maori people' (Ministerial Advisory

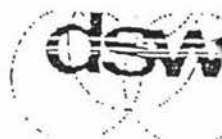
Committee, 1986a:19). This thesis has provided some understanding as to why that initial momentum was unable to continue.



Office
of the
Chief Executive

APPENDIX ONE

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1 August 1990

To ALL STAFF

I am writing to you about the Department's policy and practices with respect to Maori. Obviously confusion about our policy is widespread. It is timely for me to make a statement which will spell out where the Department stands.

The Department is concerned to ensure that the needs of all clients are addressed properly regardless of ethnic or cultural background. Staff are required to exercise due cultural sensitivity while, at the same time, delivering service which is fair to all and which meets the expectations of the wide community with regard to quality.

Our service prior to Puao-te-Ata-tu was not satisfactory and there is no doubt in my mind that it has improved. Puao-te-Ata-tu showed us the way and has greatly enriched our service. The principles of Puao-te-Ata-tu still apply. We now need to take a further step towards a service which takes fuller account of the wide range of ethnic and cultural backgrounds of our client public.


In order to meet the goals of providing quality service to all people, the Department must ensure that the recruitment and selection of staff is geared towards this end and that training and practice support the goal.

The Department's stance in relation to recruitment is that applicants must satisfy the requirement to be culturally sensitive and aware. It must be clear however that selection does not rest on grounds of ethnicity. Nor should job descriptions be written in such a way as to make it impossible for all but members of one ethnic group to succeed. Affirmative action does not mean that. Merit for the position (which includes cultural sensitivity) must always be the prevailing factor. Neither is this incompatible with the principles of EEO. With respect to training, cultural awareness training is essential and must take account of the wide range of ethnic groups represented in New Zealand society.


2.

Insofar as practice is concerned, in the social services area the Children, Young Persons and Their Families Act 1989 lays down clear guidelines. While Social Security legislation is less specific the policy is that entitlement is the same for all clients regardless of ethnic origin. In the case of discretionary payments regard must be had to what is seen to be reasonable - not simply by the standards of one group but by the community as a whole.

The Department must deliver its services within the framework of the law and within the rules of the public service. We are required to be responsive to individual client and community needs but there can be no question as to where our accountability lies. Accountability of all staff is to the Chief Executive who is accountable for policy to the Minister.



J W Grant
Chief Executive



BASE PAPER: TRAINING

1. CONSIDERATIONS

In addressing the question of training as outlined in Recommendation 10 of Puao-Te-Ata-Tu, it is recognised that a pre-requisite to the success of any package is the willingness of individual staff members within D.S.W.

Accordingly, the decision has been made to avoid the use of provocative terminology such as "anti-racist", and in fact, to avoid the use of any language which connotes racism or anti-racist training. In so doing it is hoped to avoid the erection of mental barriers by people who feel threatened or who have former negative experiences in this area.

It is also recognised that there will be people within the bureaucratic structure who consider that their status and promotional prospects are threatened by the direction of the Department. These are powerful reasons for wanting to maintain the status quo.

Within this context and coupled with our belief that the success of training will depend on a delicate balancing act, we have had to think very carefully about our aims; we have been required to translate those into a set of realistic objectives and; we have had to evolve a syllabus and methodology which is designed to enlist the support of the 60 - 70% of DSW staff who may or may not be open and/or willing to change.

2. THE TRAINING FOCUS

For the Cultural Development Unit, the training focus is on training for equal opportunities and improved race relations. However, it is proposed to present the package to DSW staff as COMMUNICATION TRAINING, the focus of which will be on the existing ability of employees to communicate with the tangata whenua and other ethnic groups.

The premise therefore, is that approaching the subject of race relations through language and culture as if effects COMMUNICATION is a useful strategy, in that it is less threatening to staff.

In summary, the priority of the Cultural Development Unit is to establish and maintain a good working relationship with DSW staff whilst at the same time, setting up a situation where they begin a critical examination of their own behaviour.

3. TARGETED CONSUMERS

As discussed in the former section, a key feature of the Cultural Development Unit's training proposal is that the focus be on communication. The second feature proposed is that we target specific groups of DSW personnel to be the initial consumers of the package.

BACKGROUND ARTICLE ON DISTRICT EXECUTIVE COMMITTEES.

DEPARTMENT BECOMING MORE FLEXIBLE AND SENSITIVE.

The establishment of a Social Welfare Executive Committee in each Social Welfare district means the Department is now firmly on the path to becoming more flexible in its operations and more sensitive to the needs of its clients and local communities.

This need for greater sensitivity was a major finding of the 1988 Ministerial Advisory Committee on a Maori Perspective for the Department. In its report Puao-te-Ata-tu, the Committee found that despite a highly dedicated and committed staff, the Department was perceived as a highly centralised bureaucracy which was insensitive to the needs of many of its clients, particularly Maori people.

One of the first steps to making the Department more sensitive to client needs was the decentralisation of decision-making from Head Office to district offices with the objective of bringing the decision maker closer to the client.

This initiative was followed by the establishment of the Social Welfare Commission, comprising five community representatives and four Departmental officials, to advise the Minister of Social Welfare on the development of Social Welfare policy.

The establishment of District Executive Committees in all districts is the latest move. Each committee, which will have a direct line of communication to the Social Welfare Commission, will be responsible for:

- * recommending to the Director-General and the Commission on how best to provide Departmental services in its geographical district.
- * monitoring and reviewing the Department's services to the community.
- * analysing particular family and community welfare projects in consultation with iwi and other community representatives.
- * administering a small community welfare initiatives fund to enable them to fund small scale self-help initiatives.

The question of the funding role being extended to cover departmental existing subsidy programmes is still under consideration in consultation with the Social Welfare Commission and major voluntary welfare agencies.

Each committee will comprise seven community representatives plus the local Directors of Social Welfare and Maori Affairs. The seven community members comprise four Maori representatives and three other people from client groups in the area.

9 May 1988

MINISTER ANNOUNCES FULL MEMBERSHIP OF SOCIAL WELFARE DISTRICT
COMMITTEES

The membership of Social Welfare District Executive Committees, Area Welfare Management Committees, and Institution Management Committees were announced today by Social Welfare Minister Michael Cullen.

"The setting up of the District Executive Committees is a vital part of Social Welfare's moves towards greater community involvement," the Minister said.

"Each Social Welfare office and residential institution throughout New Zealand will now have the benefit of community members' views and experience in guiding the management of the Department."

There will be 49 District Executive, Area Welfare and Institution Management Committees throughout New Zealand. Each committee will have up to seven community members nominated by the public, a local Social Welfare Department member and a Maori Affairs representative.

These committees are being established under the 1987 Social Security Act, to provide greater community involvement in the work of the Social Welfare Department.

"District Executive Committees will have responsibility for overseeing the work of each District Office of the Department and advising on policy," Michael Cullen said.

"They will report to the Social Welfare Commission, which was also established under the 1987 Social Security Act. The Commission's role is to oversee the administration of the Department, and to advise me, as Minister of Social Welfare, on policy matters."

Following the passing of the new Social Security Act in July 1987, the Social Welfare Department held a series of public meetings in different regions of the country to explain the department's new structure and workings and call for nominations.

"Determining the final membership of all 49 committees has been a major undertaking. There was a tremendous response from the community in putting forward nominations."

"A total of 1037 nominations were received from around New Zealand."

"Selecting 318 committee members from this list was often a difficult choice between equally competent and motivated individuals."

"Seven community members have been appointed to each local District Executive Committee from the nominations received. In making these appointments I have attempted to see that as broad a range of community interests as possible are represented."

"I wish all committees every success in the coming year."

NEWS RELEASE

Minister of Social Welfare

29 February 1988

COMMUNITY INVOLVEMENT THE BASIS OF SOCIAL WELFARE

REORGANISATION

The establishment of District Executive Committees, responsible for overseeing the work of Social Welfare offices, is part of a major reorganisation of the work of the Social Welfare Department, Social Welfare Minister Michael Cullen said today.

In the inaugural address to students of the Canterbury University Department of Social Work, the Minister was commenting on the policies of devolution and decentralisation which the Labour Government is implementing.

"The emphasis on community involvement in the Social Welfare Department's operations has been carried through with the establishment of District Executive and Area Welfare Committees. These will have up to seven community members, appointed after consultation with the local Directors of Social Welfare and Maori Affairs "

"In total, there will be 50 institution management, area welfare and district executive committees operating in all regions of the country."

"To determine the membership of all 50 committees has been a major undertaking."

"A total of 1037 nominations have been assembled from around New Zealand. The final membership of each committee is now being drawn up from this list."

"I hope to be able to announce the complete membership of all 50 local committees shortly."

As part of the devolutionary process, many of the funding decisions previously controlled by Head Office of the Department will be progressively transferred to the local District Executive Committees, who will be required to work within nationally set guidelines.

Public meetings were held throughout the country in the latter months of 1987 to explain the new departmental structure and to provide a forum for individuals to be nominated.

In an accompanying process of decentralisation, many of the administrative tasks previously controlled by Head Office have been delegated to regional and local offices of the Social Welfare Department.

"In particular, most casework decisions have been delegated to district offices."

"This has been the most important reorganisation the Department has undergone since it was first established in 1972. It is to the great credit of the staff members of Social Welfare, many of whom have felt the effects of these changes in their work, that this has been carried out as smoothly as it has."

18 February 1991

Chairperson
District Executive Committee

Dear

As you know, the Government has been reviewing the Social Welfare Commission, District and Area Welfare Executive Committees and Residence Management Committees. The well presented submission of the Social Welfare Commission was fully considered in this review and I have thought long and hard about the arguments put before me.

Given the difficult economic situation in which we find ourselves, the Government has to be convinced beyond doubt that there is compelling reason to continue with programmes, activities, advisory bodies and the like which are funded through public expenditure. Because of my commitment to the principles of Puao-te-Ata-tu I did not want to come to any hasty conclusion. The basic question for me was whether the goals of Puao-te-Ata-tu required the existence of the Commission and Committees structure. I am firmly of the view that the Maori Perspective Report was right in recommending these structures to add an external perspective to decision making. I am persuaded that these structures were a necessary and valuable means of launching the bicultural approach in Social Welfare and that they have made a substantial contribution to welfare policy, practice and service delivery. I am also sure that it is now appropriate to consider alternative and less costly approaches to upholding the spirit of Puao-te-Ata-tu by building on the solid links with Maori and other groups thereby established to promote our Government's welfare objectives. I believe we can achieve this.

The Government has decided, on my recommendation, that the Commission and Committees are no longer required and that they are to be disestablished. Legislative steps will be taken to abolish the structures with effect from 1 April 1991 and I shall be issuing a press release about this soon.

I know you will find this decision disappointing and I want to stress that the decision does not fail to recognise the contribution which has been made by the Commission and Committees and by you personally. This is a time when hard decisions have to be taken. I am sure you will understand this.

The establishment of the Commission and Committees was in recognition of the need for the Department to have a mechanism for consultation with and feedback from client groups. A further major step in this direction was taken with the implementation of the Children, Young Persons & Their Families Act 1989 which provides for the involvement of family and whanau, hapu and iwi in the decision-making process. The Government has a strong commitment to the underlying principles of consultation and networking. It will be a requirement that each district and residence will ensure that there is an appropriate mechanism and system to maintain both consultation with client and ethnic groups, and feedback. Work on the precise form this will take has begun and will be finalised during the next few months.

I would be grateful if you would advise your committee colleagues immediately of the Government's decision.

I want to express my thanks for the time and energy you and your members have put into the work of your committee. The alternative consultative processes may well mean that you will be further needed in the months and years ahead, and I hope you will be willing to respond again if and when approached.

Yours sincerely



Roger McClay
Associate Minister of Social Welfare

THE NZ CHILDREN & YOUNG PERSONS' SERVICE AND
THE TREATY OF WAITANGI-
OUR BICULTURAL COMMITMENT

The NZ Children & Young Persons' Service aims to provide services which are consistent with the Articles of the Treaty of Waitangi, and to be explicit about those matters, or situations, where the Service's statutory responsibilities are likely to conflict with the principle of Tino Rangatiratanga.

The NZ Children and Young Persons' Service understand the Treaty as follows:

<u>Article One</u>	Maori acceded Kawanatanga (the right to govern) to the Crown.
<u>Article Two</u>	Maori retained Tino Rangatiratanga (Maori control over Maori possessions, interests, customs and the Maori language).
<u>Article Three</u>	Maori were given citizenship which assured them of rights of access into New Zealand Society.

The Crown interprets Kawanatanga as the authority to make laws for good order and the security of the country and its citizens. Those laws apply to all citizens, Maori and non-Maori alike. There is little doubt that, for Maori people, Tino Rangatiratanga embraces Maori children and young persons as taonga.

There is potential then, for conflict between Kawanatanga and Tino Rangatiratanga and the NZ Children & Young Persons' Service is committed to -

- (i) Minimising the potential for conflict, and
- (ii) Recognising and acknowledging the conflict when it occurs and cannot be avoided.

The NZ Children and Young Persons' Service has responsibilities under two major law (Kawanatanga in practice). These are the Children, Young Persons and their Families Act of 1989, and the Adoption Acts and Amendments.

The Children, Young Persons and their Families Act has been designed to promote the exercise of Tino Rangatiratanga to the maximum possible degree. Adoption legislation has not. The Children, Young Persons and their Families Act seeks to keep matters relating to Care and Protection and Youth Justice out of the Family and Youth Court systems. Taking a matter to court is an exercise of Kawanatanga, and where this occurs, a Crown limitation is imposed on the Maori exercise of Tino Rangatiratanga. The conflict may be recognised by Pakeha. The conflict is felt by Maori.

The NZ Children & Young Person's Service:

- (a) Supports the principle of Tino Rangatiratanga, and seeks to limit the occasions when it exercises Kawanatanga in conflict with it.
- (b) Will acknowledge occasions when the exercise of its statutory functions conflicts with Tino Rangatiratanga and accepts the responsibility to explain its actions to Maori.

There are three aspects of the work of the NZ Children & Young Persons' Service which can result in the exercise of Kawanatanga.

1. The Service has a bottom-line responsibility to ensure that children and young persons are safe and protected from harm in terms of section 14 of the Children, Young Persons and their Families Act. The Service applies its professional judgement in these matters, a judgement that it seeks to have as culturally informed as possible, but nonetheless is a judgement which, in the final analysis, cannot be abrogated, or delegated to other parties.
2. In its work with young offenders, the Service seeks to maximise the opportunities for diversion or for Family Group resolution, but the final responsibility for taking decisions to prosecute rests with the enforcement agencies - Police and Transport Authorities - and not with the Service.
3. Adoption legislation places severe limitations on the Service's ability to promote Tino Rangatiratanga, and until that law is revised, that conflict will continue to exist. Adoption workers have no option but to apply the law as it exists.

PRACTICE IMPLICATIONS

The Children, Young Persons and their Families act heralds a shift in Social Work practice within the NZ Children & Young Persons' Service. The Act is designed to support the principle of Tino Rangatiratanga for Maori to the maximum extent possible. (the same principle can be applied to people of all cultural backgrounds).

In the great majority of the Service's activities, the role of the Social Workers changes from the person who intervenes, assesses and decides, to a person who intervenes and facilitates assessment and resolution by others. The legislation presents formulae for reducing the amount of Crown intervention in the lives of New Zealand citizens, and particularly Maori citizens who have been subjected to unreasonable levels of Crown intervention in the past. The Service's Social Workers are charged with ensuring these formulae are applied, with encouraging and persuading other Crown agents (Police, courts and the like) to work in similar ways, and to promote to the maximum degree Maori control of their Taonga.

QUESTIONNAIRE:
GENERAL INTERVIEW GUIDE APPROACH:

(1) Introductory Questions:

How long have you been in the service?

In what roles?

How long as a manager?

How do you describe your cultural identity?

What qualifications?

(2) Maori Clientele:

It seems a commonly held understanding that Maori are over represented as users of NZCYPS services.

Is Maori usage of NZCYPS in this office proportionately higher than for non - Maori?

Do you have accurate figures?

Has there been any change that you are aware of in these patterns since the establishment of NZCYPS in 1992?

How does your office respond to these patterns?

(3) Puao te Ata tu:

In this section I am interested in the significance of Puao te Ata tu in this office today and for you as a manager.

What is the significance of Puao te Ata tu in this office/area today?

How has this office (or area) responded to the recommendations of Puao te Ata tu?

Do you think the significance of Puao te Ata tu has changed over time?

Probes: If there has not been a positive response since 1991 what do you believe needs to be in place to enable that to occur?

Was DEC responsive?

Are there /were there cultural advisers?

Do you consider they were effective?

What has the disestablishment of DEC meant re the response to Maori?

(4) The Treaty of Waitangi:

There are many differing opinions on the Treaty of Waitangi: I'm interested in yours.

The NZCYPS Business Plan has stated that "Services to Maori must be consistent with the Treaty of Waitangi".

Is it clear to you what the service means by this statement?

How is this commitment to the Treaty planned for in this office/area? Do you have a local business plan that includes the Treaty?

What is the significance of Te Punga in current planning?

How is progress measured?

What does the statement "Services to Maori must be consistent with the Treaty of Waitangi" mean to you?

Probes: Do you believe this is a realistic goal? At an organisational level what are the hindrances to meeting this goal? What resources, personal, are available to assist you in meeting this goal?

Are you meeting it?

Yes: HOW?

No: WHAT is hindering you meeting it?

WHAT could be put in place to assist you in meeting this goal?

Does your employment contract have reference to the Treaty and that you will uphold the principles of the Treaty in your work?

How has this been measured?

Probes: Should this clause be there? Is this fair?

(5) Biculturalism:

Biculturalism is a term that is used frequently with regard to welfare services. It means different things to different people and this may lead to confusion among management, staff and clients alike.

Do you know what the official expectation of biculturalism is within the NZCYPS?

How is biculturalism interpreted in this office?

What does biculturalism mean for you?

Probes: Physical environment of office inviting and comfortable for Maori?

Maori staff available for Maori clients?

Maori speakers available for Maori clients?

Where does Tino Rangatiratanga fit in?

(6) Relationship with Iwi:

Would you describe the relationship that you as a manager have with iwi or iwi mandated social service groups in your area.

Are you able to comment on what progress has been made with regard to the establishment of Iwi Social Services in this area?

Probes: Do you know who they are? (Local Iwi and Iwi mandated groups).

How do you meet?

When?

How often?

What for?

What do you discuss?

On what basis do you engage Maori? eg. Job interviews?

(7) CYP and F Act:

The CYP and F Act (1989) places specific duties on the D.G. to have particular regard to the values, culture, and beliefs of Maori people and to support whanau, hapu, and iwi structures (S. 7).

How do services provided from this office/area reflect these requirements?

Probes: FGC process.

Maori staff numbers?

Maori staff for Maori clients?

Resources? ie Funding for FGC outcomes.

(8) Management:

Would you please describe your management philosophy to me?

Are there avenues that enable a Maori perspective to be heard at a management level?
What are they?

Section 56 of the State Sector Act outlines a number of obligations that the Service has to Maori.

In what ways has NZCYPS in this office/area endeavoured to meet these requirements?

What has been successful or not and why?
Where are the gaps?

(9) Training:

Have you had any training on biculturalism / the Treaty / Puaote Atatu?

If you have, what did you learn and how has this changed how you manage?

What further training would be beneficial for you?

(10) Restructuring:

The Department and NZCYPS has gone through a number of changes and restructuring.

Can you describe how these have effected (a) the organisation
(b) the organisational response to Maori?
(c) your response to Maori as a Manager?

In your opinion what is required to improve the organisation's performance in response to Kaupapa Maori?

What do you believe you require to improve your personal performance in response to Kaupapa Maori?

Probes: Service given.

Other management priorities eg. budgets, office structures.

Different leadership

Personal view of restructuring. Of priority given to Kaupapa Maori.

(11) Written Transcript:

Do you require a written copy of this interview to read and amend as appropriate before the writing of this report?

Do you want the tape returned to you after transcription or destroyed by me?

At the end of this project do you want the transcript returned to you?

14 October 1994

Don Sorrenson
58 Valley Road
WHAKATANE

Dear Don

Research Proposal

I am pleased to let you know that your thesis proposal for a management perspective of Kaupapa Maori and Responsiveness within NZCYPS is approved. Approval from Massey University is also required to proceed.

Your proposal looks as if it will produce a very interesting piece of research - certainly timely and useful to the Service. There is no difficulty in allowing you access to the documentary research material you need - though actually tracking down all the relevant records may require considerable time. You may want to spend time in National Office researching the national records.

I look forward to seeing your completed thesis.

Good Luck.

Yours sincerely



Griff Page
General Manager

GENERAL MANAGERS OFFICE

Private Bag 21, Wellington. Charles Fergusson Building, 3rd Floor, West Block,
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