What are the Effects of Ngā Kōti Rangatahi on the Health and Wellbeing of Rangatahi and Their Whānau Who Enter This System?

A thesis submitted for the degree of

Doctor of Philosophy

at Massey University
Palmerston North
New Zealand

Eru Findlay
2023

Abstract

In the last two decades, Aotearoa New Zealand has established a judicial system in Māori communities. These establishments are termed Ngā Kōti Rangatahi (NKR), also known as Marae Youth Courts. The primary role of the establishment is to arrest the increase in crime by creating an environment that leads to a decrease in Māori youth reoffending nationally (The Justice and Electoral Committee, 2017). Rangatahi, youth aged 14 to 16 years of Māori ethnicity, are currently appearing in the New Zealand justice system more than any other ethnic group – and this is increasing (Ministry of Justice, 2017). There are many reasons why this is occurring, and the reasons can be broad and range from the individual experience to social conditions, or universal trends.

The objective of this research was to investigate the effectiveness of NKR on the health and well-being of rangatahi and their whānau (families that take care of the wellbeing of Māori youth). This research also explored the relationship between youth offending and contemporary Māori socialization processes to identify customary approaches in Te Ao Māori and their relevance to contemporary views on what counts as justice for Māori. It looked at the theoretical perspectives which underpin NKR and examined the involved processes and their effects on rangatahi and their whānau. In doing so, this research assessed the potential of NKR to impact wellbeing as an alternative to the mainstream youth court system via the implementation of Durie's (1984) Te Whare Tapa Whā model as a holistic approach to NKR.

Drawing on a mixed methods qualitative approach this study was conducted with NKR professionals, NKR youth, and their whānau. The research found that rangatahi and their whānau experienced health outcomes that corresponded with the four dimensions of Te Whare Tapa Whā model; physical, psychological, spiritual, and familial.

Hei Mihi

Ko Tītīrangi te maunga

Ko Uawa-nui-ā-Ruamatua te awa

Ko Horouta te waka

Ko Te Amowhiu te tangata

Ko Te Whānau-a-Te Rangipureora te hapū

Ko Puketawai te marae

Ko te Whare Whakamaumaharatanga Mō Ngā Hoia te wharekai

Ko Te Aitanga-a-Hauiti te iwi

Ki te taha o tōku matua

He Kōtimana ia

Ko John Findlay tōku koro

Ko Miriam Irvine tōku kuia

Ko Edward Findlay tōku matua

Ki te taha o tōku whāea

Ko Rehia Wharehinga tōku kuia

Ko Haami Henare tōku koro

Ko Hinepō Henare tōku whāea

Ko Nan Henare tōku tuahine

Ko Myles Findlay tōku tuakana

Ko Frazer rāua ko Piripi Findlay aku teina

Ko Gwenda Findlay tōku hoa rangatira.

Ko Delys rātou ko Scarlet, ko Eru aku tamariki

Ko Eru Findlay tōku ingoa

Tihei mauri ora!

Acknowledgments

“Ka pū te rūha, ka hao te rangatahi”.

“The new net goes fishing”.

(Waititi, 1964, p. 2).

Firstly, I would like to acknowledge the champions of Te Kōti Rangatahi o Te Poho o Rāwiri, who I interviewed for this thesis: the professionals (the kaumātua, the police sergeant, the Oranga Tamariki youth justice coordinators, and the lawyers), the rangatahi, and their whānau. Thank you all for graciously giving your precious time and insights, and for all the stories, experiences, and journeys you shared about Te Kōti Rangatahi o Te Poho o Rāwiri. *Nō reira, e te whānau whānui o tēnei kaupapa, tēnā rawa atu koutou katoa!*

I also wish to acknowledge the haukainga of Te Poho-o-Rāwiri Marae, Ngāti Oneone, for their blessing, enabling me to undertake this research. *Tēnā hoki koutou.* My treasured experiences at Te Kōti Rangatahi o Rāwiri, however, centered on my time and experiences with the kaumātua of Te Kōti Rangatahi o Te Poho o Rāwiri, who led, taught, and role-modeled te reo me ōna tikanga (Māori language and Māori customs) to the professionals, rangatahi and whānau who attended Te Kōti Rangatahi o Te Poho o Rāwiri. *E ōku tīpuna, ka kore au e wareware i a koutou i whakatinana ai ngā taonga tuku iho ki tēnei reanga, i runga i te marae o Te Poho o Rāwiri. Nō reira, e rere ana ngā mihi ki a koutou.*

To my supervisors, Associate Professor Fiona Te Momo and Professor Huia Jahnke, *e kore e mutu ngā mihi ki a kōrua tahi.* You have both been there for me, at my strongest and my weakest, and have spurred me on with your invaluable direction, advice, knowledge, and time. Professor Jahnke, your knowledge and understanding of Māori methodologies and frameworks was crucial in guiding my research and I developed and benefitted immensely from this knowledge. Associate Professor Te Momo, your support and guidance has also been invaluable, towards not only the completion of this project but my entire study journey. The confidence you instilled in me five years ago as a postgraduate diploma student is evident in that work and for that, I will be always grateful. I also wish to acknowledge Dr. Monica Koia for her invaluable knowledge, experience, and advice during the final stages of my Ph.D. journey. *Nō reira, he mihi*

maioha tēnei ki a koe, e te Kōkā, nāu i whai wā kia arahi i au i te wā whakakapi o tēnei mahi, tēnā hoki koe.

I would also like to thank eight special individuals who helped me throughout this research with their time, support, and inspirational work. They are Mr. Karauria Ruru, Mr. Tuta Ngarimu, Mr Tom Crawford, Mrs Josephine Crawford (deceased), Mrs. Sarah Barton, Mrs Wendy Wallace, Mrs Jacquie Shanks, and Miss Maxine Jones. *E mihi ana ki a koutou.*

To my three children, Delys, Scarlet, and Eru Jr, and my wife Gwenda. Thank you for all the precious time that was sacrificed for me during the undertaking of this thesis. This consideration continually spurred me on and motivated me throughout the highs and lows of this research process and for that, I will always be grateful. *Nō reira, e te whanau, ka nui te mihi atu ki a koutou.*

To my father, Edward Findlay, the fact that you sent me away from Gisborne to Auckland to attend secondary school, in my opinion, wasn't the best decision, however, because of that, I am still a student of education. I miss you, and also dedicate this thesis to you Dad, *I know you've always loved me, and the feeling is mutual.* To my mother, Hinepō Henare, who sadly passed away in 2017 during the process of this PhD, *Ahakoa e tangi hotuhotu tonu ahau ki a koe, kei roto tonu i ahau, ō taonga me ō maumahara hei whakapakari, hei manaaki i ahau i ēnei rā. E mihi aroha ana ki a koe Māmā!*

Finally, I wish to acknowledge my grandmother, Rehia Henare (nee Wharehinga) (see Figure 1). When it comes to relating how my first impressions, and essentially, my views of the world, were shaped and influenced, I would go no further than attributing them to my grandmother. From my early memories of Nan, she embodied everything about whānau, hapū, iwi, and mana wahine. She seldom spoke English and ably took on the role of leadership for not only my whānau, but the Tolaga Bay and Gisborne Māori communities, and iwi Māori throughout the North and South Islands of Aotearoa. Of course, as our family matriarch, she took me to her bosom when I was about three years old and I resided with her and my grandfather, Haami Tikitiki Henare, in my formative years. Most of my memories of my grandmother are from our relationship as her mokopuna and also from the many whānau, hapū, and iwi initiatives she successfully initiated, set up, and mobilized. In a privileged conversation I had with my late

uncle, Parekura Horomia, former Minister of Māori Affairs, he alluded to the fact that my grandmother, alongside other kaumātua, strongly influenced the setting up of the Rūnanga nui o Ngāti Porou, years before it formed in 1990. *E tōku mareikura, e whakatūwhera ana au tēnei tuhinga roa ki tōu maharatanga. Ahakoa kaore koe i konei ā-tinana, kua mahue mai o akoranga i roto i tēnei mokopuna, ōtira, i roto i au tamariki me au mokopuna katoa. Nō reira, Nan, e kore rawa koe e warewaretia.*

Figure 1

Rehia Henare (nee Wharehinga)

Glossary of Māori terms

ara	pathway
Ara Poutama	Pathway to Excellence
ao	world
awa	river
Aotearoa	Land of the long white cloud
Atua Māori	Māori God
hapū	sub-tribe
hao	draw in
hara	offense
He Whaipaanga Hou	a new perspective
He Waka Roimata	A Vessel of Tears
hinengaro	mental wellbeing
Hōkai Rangi	Ascending Into the Heavens
hui	gathering
iwi	tribe
kanohi	face
Io (Matua Kore)	the Supreme Being (the Parentless)
kanohi	face
karakia	prayer
karanga	call
kaua	don’t
kaumātua	elder
kaupapa	subject/theme/idea
Kaupapa Māori	Māori customary practice
kawa	protocol
kai	food/eat
kia ora	hello
kaitiaki	guardianship
kitea	seen
koha	gift
kōrero	talk

kōrero pakiwaitara	stories
kōti	court
mahaki	shy, timid
māmā	mother
mana	pride
manaaki	respect/hospitality
mana motuhake	separate identity
manuhiri	visitor
marae	Māori communal and sacred facility
mātauranga	knowlege
Mātauranga Māori	Māori knowledge
Mātua	parents
mauri	power of Io (the Supreme Being)
mihi	greeting/speech
mokopuna	grandchild/grandchildren
mōteatea	poetry
muru	compensate
Ngā Koti Rangatahi	Marae Youth Courts
noa	free/safe
paiheretia	related
Pākehā	European
pāpā	father
pepeha	genealogical and geographical origins
pōwhiri	welcome (ceremony)
pū	cast
pūrakau	stories/myths/legends
Pūaote-Atatū	daybreak
rangatahi	youth
rangatira	leader/chief/leadership
ruha	ragged, old
ruru	physical greeting
takahia	trample
tama	son/boy

tamahine	daughter
tamariki	children
tangata whenua	indigenous people of Aotearoa New Zealand
taonga tuku iho	ancestral treasures (spiritual, psychological, cultural, physical)
tapu	sanctity
tauparapara	phrases
Te Ao Māori	traditional Māori world/Māori world view
Te Ao Turoa	the Māori estate (Te Ngāhuru health outcome class)
Te Kāhui	collective Māori synergies (Te Ngāhuru health outcome class)
Te Kete Puawai	Māori Cultural and Intellectual Resources (Te Ngāhuru health outcome class)
Te Kore	the state of potential wellbeing
Te Kōti Rangatahi	the Marae Youth Court
Te Manawa	a secure cultural identity (Te Ngāhuru health outcome class)
Te Ngāhuru	Māori Health Outcomes Schema
Te Poho o Rāwiri	the bosom of Rāwiri (tū-eke-ki-te-rangi – ancestor of Ngāti Oneone)
Te Reo Māori	the Māori language
Te Reo me ōna Tikanga	Māori language & Māori customs
Te Uepū Hāpai i te Ora	Safe and Effective Justice Advisory Group
te taha hinengaro	the psychological side
te taha tinana	the physical side
te taha wairua	the spiritual side
te taha whānau	the familial side
Te Tiriti o Waitangi	the Māori language version of the Treaty of Waitangi
Te Whare Tapa Whā	Four sides of a whare - Māori health model (taha whānau, taha wairua, taha hinengaro, taha tinana)
Te Wheke	the Octopus (Māori health model)
tikanga	customs
tinana	physical wellbeing
tino rangatiratanga	sovereignty
tīpuna	ancestor
taonga	treasure

tūākiri	identity
tūpato	careful
tūrangawaewae	place to stand through rights of kinship
ūkaipō	genealogical connections
utu	recompense
waewae tapu	a new visitor or group of visitors to a particular marae
waka	canoe/vessel
waiata	song
wairua	spiritual well-being/spirituality
whakapapa	geneology
whakarongo	listen
whakatauākī	saying (author known)
whakataukī	saying (author unknown)
whakawhanaungatanga	establish relationships
whānau	family/family wellbeing
whare	house

Table of Contents

List of Figures

Chapter One: Taku Tūrangawaewae – My Doctoral Position

"Nō reira anei rā e te iwi, kia ngana, kia maīa ki te pupuri i ngā taonga a kui mā, a koro mā hei aro ake ki tua, ki roto, kia niho niho, kia rearea kia Akateatea. Hei putanga ariki ki te Wheiao, ki te Ao-mārama. Tuturu whiti whakamaua, kia tina. Haumi ē, hui ē, tāiki ē".

"Therefore, here, people, be steadfast, be brave to hold onto the treasures of our elders, for more attention beyond, within, to sprout, to bloom, to mature, as a master version to the dawn light, to the world of light. We comprehend and agree, let's make it so".

(Marino & Marsh, 2010, p. 90)

Introduction

This whakataukī from my tribe Te Aitanga-a-Hauiti locates our tribal members within this world. Te Aitanga-a-Hauiti derives its origins back to our eponymous ancestor Hauiti, whose boundary extends between Tawhiti-a Paoa, Tokomaru Bay, to Te Toka-a-Taiao, Gisborne, on the North Island's East Coast of New Zealand (Tupara, 2005). The whakataukī illustrates and explains my identity and tūrangawaewae (place to stand through rights of kinship), which provides the context in which I engaged and worked with youth in tribal areas. According to Te Aitanga-a-Hauiti, this whakataukī asserts various stages of human development and intertwines the physiological and emotional stages in the life cycle of a person. This knowledge of human development is passed down through generations of forefathers and I was fortunate to be raised by grandparents (tīpuna) who were native speakers of te reo Māori (the Māori language), knowledgeable in mātauranga Māori (Māori knowledge), and experts in tikanga Māori (Māori customs). Subsequently, I was immersed in observing customary practices in Aotearoa New Zealand where normal daily rituals included activities such as karakia (prayers), frequent marae (Māori communal and sacred facility) stories and visits, and conversations in the Māori language. My tīpuna cultivated these cultural practices and transferred this knowledge to me as part of their intergenerational education, and I am forever grateful for locating me in the tribe.

These cultural practices and knowledge took on even more meaning in my teenage years as I was sent to Auckland, away from my grandparents, whānau, hapū, and iwi. I did not adjust well to the new environment, as the meaning and acceptance extended to me from my

grandparents, whānau, hapū, and iwi were replaced by an unfamiliar and challenging new school environment. My teenage years subsequently became the most challenging (and character-building) years of my life. I returned to Gisborne at 18 years old and immediately reconnected to whakapapa (genealogy) and tūrangawaewae. Upon reflection, my challenging teenage years reinforced the importance of my ūkaipō (genealogical connections) and has helped me communicate that reality and connection to young people who have faced challenges and have needed support from a Māori societal network of whānau, iwi, and hapū (family, tribes, and sub-tribes). Over my years as a tamaiti (child) and rangatahi (youth), the kākano (seeds) of tikanga and kawa Māori (Māori protocol) were sown and I understand the importance of this mātauranga. The desire of tīpuna to educate mokopuna (grandchildren) has conveyed to me the significance of taonga o ōku tīpuna Māori or 'the treasure of my ancestors'. The close association and proximity to family and ancestral land have inspired me to know my tūrangawaewae of who I am, and where I come from and subsequently engage with rangatahi going through the court systems referred to as Nga Kōti Rangatahi. My knowledge of my tūrangawaewae has also reinforced the importance of understanding mātauranga Māori in my academic journey. Although I knew my tūrangawaewae, its significance did not surface until delivering my first whaikōrero as a Ngā Kōti Rangatahi worker before Te Poho o Rāwiri Marae in 2008. The following is the whaikōrero I delivered on that day:

Mihi ki te Tāngata Whenua (Findlay, 2008)

Whakarongo ake au ki te tangi
a te manu nei te matui
Tui-ii. Tui-ii, Tuituia
Tuia i runga. Tuia i raro.
Tuia i waho. Tuia i roto.
Tuia e te here tangata.
Ka rongo te pō. Ka rongo te ao.
Tuia i te muka tangata
i takea i Hawaiki nui
i Hawaiki roa i Hawaiki pamamao.

Te hono i wairua ki te whaiao
Ki te ao mārama. Tihei Mauriora!

Ko te mihi tuatahi ki tō tātou kaihanga
nāna nei i ngā mea katoa
Nō reira, e te Matua, tēnā koe.
Ki te whare e tu nei, arā, ko Te Poho-o-Rāwiri-te-eke-tū-ki-te-rangi, tēnā koe,
me te papa i waho nei, tēnā koe.

Ki a rātou kua wheturangitia, haere atu rā
Nō reira, haere, haere, haere ki a rātou mā.
Ka hoki au ki te hunga ora ki te mihi atu ki te reo tuatahi
i karanga mai ki a mātou hei whakatau i tēnei marae.
E te Kōkā (Rawinia Te Kani), tēnā koe.
Ki te Pāpā i whakamihi mai ki a mātou.
Pāpā (Temple Isaacs), tēnā hoki koe.
Ki a koutou ngā kaumātua i runga i te paepae tapu
Tēnā koutou.
Ka mihi hoki ki te haukainga, ki a Ngāti Oneone, nā koutou i tūwhera tō koutou marae
hei tautoko tēnei kaupapa whakahirahira.
Nō reira, tēnā hoki koutou

Ka huri au ināianei ki te mihi atu ki tō tātou kaiwhakawā
Nō reira, Matua (Hēmi), tēnā rawa atu koe.
Ka mihi ki ngā kaimahi o te Kōti nei, arā, ko ngā apiha, ngā roia, me ngā pirihimana e
mahi ana i roto i te kōti nei mō ngā rangatahi.
Heoi, ko te mihi whakamutunga ki ngā rangatahi me ō koutou whānau kua huihui mai
nei
hei tautoko te kaupapa nei o Te Kōti Rangatahi o Te Poho o Rāwiri,
tēnā koutou, tēnā koutou, tēnā tātou katoa.

Ko Tītīrangi te maunga
Ko Uawanui-a-Ruamatua te awa

Ko Horouta te waka
Ko Te Aitanga-a-Hauiti te iwi
Ko Eru Findlay tōku pāpā
Ko Hinepua Henare tōku māmā
Ko Eru Findlay tōku ingoa
Nō reira, tēnā koutou, tēnā koutou, tēnā tātou katoa.

For me, this whaikōrero was an exercise of tribal history. This is where invaluable tribal stories, values, and practices are conveyed and transmitted as an exercise of leadership. Whaikōrero is also a way to exercise tino rangatiratanga (sovereignty), and taonga (treasure), Māori principles that were highlighted in the 1840 Tiriti o Waitangi. These principles contribute to Māori well-being, Māori expression, values, and practices as tangata whenua (indigenous people of Aotearoa New Zealand). By both participating in Ngā Kōti Rangatahi and delivering a whaikōrero, I exercised tino rangatiratanga leadership alongside many other Ngā Kōti Rangatahi workers, which catalyzed Ngā Kōti Rangatahi. In Aotearoa New Zealand, when a person concludes a whaikorero, it is accompanied by a waiata (song). The following is an example of a song Ngā Kōti Rangatahi workers would sing at hui (meetings) to support each other.

Ngā Kōti Rangatahi Waiata (Taumaunu, 2015)

Tēnei mātou	*Here we are*
Te whakatipuranga	*This generation*
O tēnei ao	*Living in today's world*
(Aue) Te nui o	*(Alas) the great number*
Ngā rangatahi Māori	*Of our Māori youth*
E raru nei	*Who are in trouble (with the law)*

Chorus

Ko te anga whakamua nei	*The vision for the future*
Kia whakahoki tātou e	*Is for us to return*
Ki te Reo me ōna Tikanga	*To our Māori language, its customs & Protocols*
Kia mōhio mai	*So that our Māori youth will know*

Ko wai? No whea?	*Who they are and where they are from*
A tātou rangatahi e	
E whai nei mātou	*We are seeking*
I te ara tutuki pai	*The pathway to achieving success*
Aratika	*The right path*
Mō ngā tamariki	*For our children*
Mokopuna e raru nei	*And grandchildren who are in trouble (with the law)*
Kia ora ai	*To secure their wellbeing (in the future)*
Te Kōti Rangatahi	*The Rangatahi Court*
(E) Whakahoki ngā taiohi	*Returns the young person*
Ki te marae	*To the marae*
Ka pū te rūha	*On the basis that*
Ka hao te rangatahi	*The old worn-out net is cast aside*
Te kaupapa	*And the new net goes fishing*

(Taumaunu, 2015, pp. 13-14).

This waiata was composed in 2011 by the current Chief District Court Judge, Heemi Taumaunu, to reflect on the purpose and vision of the Marae Youth Court. The waiata elaborates on the developing issue of Māori youth appearing before the New Zealand youth court. It expresses the vision of Marae Youth Courts as a pathway of Māori language, customs, and protocols, where they learn, as Māori, who they are and where they are from. The waiata highlights the aim of Marae Youth Courts in Māori community (whānau, hapū, iwi) engagement with these Māori youth in a way that is unique to indigenous Māori wellbeing and introduces the name of Marae Youth Court – Rangatahi Court, where it is based, and the envisaged process it is intended to reflect (Waititi, 1964).

Māori imprisonment has been implemented in Māori communities since Aotearoa New Zealand was colonized. Durie (2005a) attributes Māori imprisonment to ‘Trapped Lifestyles’, which are significantly detrimental to the short and long-term holistic health of Māori individuals and their families. For Māori individuals, ‘trapped lifestyles reflect an imbalance

of the four dimensions of wellbeing as outlined in Durie's (1984) Four Cornerstones of Health or Te Whare Tapa Whā; te taha tinana (physical health), te taha hinengaro (mental health), te taha wairua (spiritual health), and te taha whānau (relationships with family and the community). Durie (2005a) says that for Māori families, trapped lifestyles diminish the collective capacity to perform tasks that he considers are within the scope and influence of whānau. These capacities are the capacity to care; the capacity for guardianship; the capacity to empower; the capacity for long-term planning; the capacity to endorse Māori culture, knowledge, and values; and the capacity for consensus.

This research investigates how Ngā Kōti Rangatahi helps Māori youth to overcome trapped lifestyles. It introduces the research project and context using four sections. The first section summarises the focus of this research; its aims, objectives, and key milestones. The second section further elaborates on the context and development of the research question, including the researcher's previous study, supporting literature, and a similar case study. The third section reflects on the conception of the research focus, its form, growth, scope, and effect. Finally, the fourth section highlights the significance of this research and its relevance to demographic contexts locally, nationally, and internationally.

Research Aims and Objectives

This doctoral research builds on the master's study I undertook that investigated the effects of Ngā Kōti Rangatahi system on the health and wellbeing of rangatahi and their whānau. It entailed an exploration of Māori offending, Māori socialization processes, Te Ao Māori (traditional Māori world views), contemporary Māori justice views, Ngā Kōti Rangatahi theoretical perspectives and processes and their effects on the wellbeing of rangatahi and their whānau. It aimed to research the effects of the court systems on the health and well-being of rangatahi and their whānau. Subsequently, the outcomes of the master's research, initiated by a case study of Ngā Kōti Rangatahi conducted in Gisborne, proved that these marae courts reduced rangatahi reoffending in the Gisborne area. The master's research also evidentially indicated that this reduction was achieved through cultural and social engagement with rangatahi and their whānau (Findlay, 2015) and opened the doorway for further research about this organization.

The objectives of the research were:

a) to explore the relationship between youth offending and contemporary Māori socialization processes.
b) to identify customary approaches in Te Ao Māori and their relevance to contemporary views on what counts as justice for Māori.
c) to explore the theoretical perspectives which underpin NKR.
d) to examine the processes that are involved in NKR and their effects on rangatahi and their whānau.
e) to assess the potential of NKR to impact well-being as an alternative to the mainstream youth court system.
f) to assess using Te Whare Tapa Whā as a holistic approach to NKR.

The overarching aim of this research was to investigate the effects of NKR system on the health and well-being of rangatahi and their whānau. Several key milestones are also envisaged for this research. The first milestone entailed the provision of a historical context to NKR and a critical review of its relevant literature. This was achieved by introducing pre-European Māori societal perspectives centred on our histories, principles, and practices. The arrival of the British was then addressed by also emphasizing their histories, principles, and practices, which were subsequently implemented and imposed upon Māori, characterized by the Treaty of Waitangi 1840. The imperialist state were included as a mechanism of subjugation whereby Māori were dispossessed of their people, their land, their values, their practices, and their language for the next one hundred and thirty-five years. The key year of 1975 noted in the context of Māori aspirations when the creation of the Treaty of Waitangi Tribunal signalled redress of the Treaty of Waitangi concerning tino rangatiratanga Māori (Māori sovereignty). From then to now, many Māori have fought for the acknowledgment, restoration, and promotion of Māori histories, principles, and practices in everyday features of Aotearoa New Zealand, and the Ministry of Justice youth court initiative, NKR, is one of these expressions.

The second key milestone involved the acquisition of ethical approval from MUHEC (Massey University Human Ethics Committee) to conduct the research. MUHEC consists of a panel of Massey staff that follow universal tertiary legal policy observing both educative and disciplinary aspects to ensure and maintain high standards of research. To gain ethical approval from MUHEC, I applied for full MUHEC consent and followed procedures. The

third key milestone entailed the successful recruitment of justice workers and clients for the participant interviews. The justice workers were recruited through advertisement invitations for participant interviews via face-to-face meetings. As an insider researcher or 'employee' for NKR, I shared and explained the nature of my participant interview invitation to my NKR colleagues and left details for those interested to contact me. The first six respondents were recruited by me. For the clients, who essentially were the young people who attended NKR and their whanau, I designed a poster that explained the research, who could participate, and gave a $50.00 koha to acknowledge their contribution to the research, as well as my contact details. The first six youth respondents and the first six whanau respondents were all recruited by me.

The fourth key milestone entailed the undertaking of in-depth interviews with justice workers and clients. Due to my previous research experience and learnings with the justice workers for my master's thesis, the key consideration of venue and time of the participant interviews were easy to organize as they were conducted in the justice worker offices. With my close relations with my NKR colleagues, I envisaged that this venue and time consideration should present little to no challenges or concerns. The youth justice workers' familiarity with NKR and the interactions would bring value to the participant interview content themselves. I organized the venues for participant interviews with the youth and whānau.

The fifth key milestone involved the analysis and interpretation of the data gathered from the research. The data referred to were the initial quantitative data of NKR youth numbers from the youth justice literature, and the secondary exploratory supplementary qualitative data of stories from the NKR participant interviews characterizing the mixed methods approach to research. This mixed method design to research is called the sequential explanatory design. It is a research design whereby the qualitative data of NKR stories are used to explain the quantitative data of NKR numbers. The analytical tool intended for the qualitative data of the participant interviews was Thematic Analysis. This is a process whereby reoccurring qualitative data, themes, and subthemes are generated from analytical points of interest. They are then explored for implicit and explicit views of interest.

The sixth key milestone required the writing up, organizing, and summarising of the interviews and findings. With the themes and subthemes already identified, the writing-up

process considered the three distinct NKR interview groups' perspectives. They were the NKR professionals, the NKR youth, and the NKR whānau. The themes and subthemes were subordinated by these headings. Therefore, starting with the NKR professionals, the structure of the interviews and findings applied summaries of the themes and subthemes under the heading of the NKR Professionals' interview participants. Only two examples were included of the six interview participants, under each theme and its two subsequent subthemes, as well as supporting quantitative data from the relevant youth justice literature.

The seventh key milestone theorized the health outcomes and provided future recommendations. The process of theorizing the NKR health outcomes for rangatahi and their whānau were distinguished by the four-dimensional framework of Durie's Tapa Whā Model, and applied in the participant interviews to characterize the dimensions of Te Taha Tinana, Te Taha Hinengaro, Te Taha Wairua and Te Taha Whānau. These four dimensions encompassed the nature of these health outcomes, and the themes and subthemes would specify them. The subsequent implications of these health outcomes would constitute the research recommendations.

Ngā Kōti Rangatahi

Ngā Kōti Rangatahi (NKR), also known as Marae Youth Courts, are a judicial initiative implemented as a cultural approach to working with Māori youth offenders and their families. NKR has been operating since 2008, and more importantly, they have seen a decrease in Māori youth reoffending nationally (The Justice and Electoral Committee, 2017). This doctoral research builds on the Master's study I conducted (Findlay, 2015) and investigates the effects of Ngā Kōti Rangatahi system on the health and well-being of rangatahi and their whānau. In doing so, it entails an exploration of Māori offending, Māori socialization processes, Te Ao Māori (traditional Māori world views), contemporary Māori justice views, Ngā Kōti Rangatahi theoretical perspectives and processes, and its effects on the wellbeing of rangatahi and their whānau.

Research continues to demonstrate the link between well-being, sentencing, and imprisonment. For example, rangatahi (youth aged 14 to 16 years of Māori ethnicity) are currently disproportionately represented within the New Zealand justice system. In this system, approximately 26% of this population are of Māori descent, and make up 61% of

criminal apprehensions for this age group. In 2015, 24% of this cohort constituted 58% of apprehensions (Ministry of Justice, 2017) and indicates that rangatahi who are sentenced are disproportionate to the other ethnic groups in the justice system and that these numbers are increasing. Workman (2012), a renowned Māori writer and speaker on justice matters, describes the phenomenon of Māori imprisonment as a crisis of 'mass imprisonment'. Mass imprisonment occurs when offending involves whole communities and becomes part of the socialization process or norm within a community. Not only does mass Māori imprisonment impact the well-being of Māori individuals and whānau, but also impacts Māori as a whole population.

A global measure of Māori well-being has been outlined by an outcome's schema called Te Ngāhuru (Durie, 2003). It is based on five principles (connectedness, specificity, Māori focused, commonalities, and relevance) and two broad outcome domains (human capacity and resource capacity). Arising from the domains are four outcome classes: Te Manawa, a secure cultural identity; Te Kāhui, collective Māori synergies; Te Kete Puawai, Māori cultural and intellectual resources; and Te Ao Turoa, the Māori estate. This outcome schema allows for outcomes to be measured quantitatively about NKR.

Under the four broad outcome classes are subsequent outcome goals that apply specifically to interventions and policies. With Te Manawa are the outcome goals of positive participation within the wider society as Māori and positive participation within Māori society. The first goal emphasizes the importance of a secure cultural identity. Indicators might include "enrolment on the Māori electoral roll, participation in Māori affirmative action programs, and involvement in Māori cultural and sporting teams" (Durie, 2003, p. 315). At Te Kōti Rangatahi o Te Poho-o-Rāwiri Marae, an indicator of this goal was supporting rangatahi to recite their pepeha (Findlay, 2015). The second goal reinforces a secure cultural identity with involvement in institutions, activities, and systems that characterize Māori society. Indicators include marae participation, involvement in Māori networks, and knowledge of whakapapa. Hence, these are all important processes within NKR that are recorded and measured (Durie, 2003, p. 315).

With Te Kāhui are the outcome goals of vibrant Māori communities, enhanced whānau capacities, and Māori autonomy. Vibrant Māori communities suggest a level of involvement

that builds on collective energies and contributes to a collective sense of welfare, safety, and motivation. Indicators could be based on several marae, kapa haka teams, Māori committees, and sports clubs. At NKR, one indicator is the voluntary attendance at a Kōti three-day marae noho. Enhanced whānau capacities empower the whānau to determine both the generic and Māori outcomes. An indicator for NKR would be whānau agreement at a Family Group Conference to voluntarily proceed with this alternative option. Māori autonomy asserted as "by Māori for Māori", is associated with iwi organizations (tino rangatiratanga), and is applicable at several levels and in a variety of situations. Indicators of Māori autonomy include Māori provider organizations, marae committees, Māori boards, and Māori companies. As such, these indicators are evident participators in NKR (Durie, 2003, p. 316).

With Te Kete Puawai the outcome goals are Te Reo Māori in multiple domains and the practice of Māori culture, knowledge, and values. Language is primarily associated with culture and is a key to cultural identity. Two considerations of language are the extent of usage and the number of domains where it is possible to speak, hear, read, or write Māori. Indicators include the number of adults able to converse in Māori; the number of Māori enrolled in Māori courses; the number of children attending Māori immersion schools; the number of Māori enrolled in Māori language courses and the number of domains where Māori culture is encouraged. Māori culture, knowledge, and values (for example manaakitanga, kaitiakitanga, and karakia) are asserted as an outcome goal that is relevant to all Māori. Indicators include Marae attendance, kohanga, the use of karakia, and kaumātua presence. These two indicator forms are evident, recorded, and measured at NKR.

In Te Ao Tūroa the outcome goals are a regenerated Māori land base, guaranteed Māori access to a clean and healthy environment, and resource sustainability and accessibility. A regenerated land base is seen as a Māori resource that will not only contribute to Māori wealth but also represent the heritage available to descendants. It has a three-dimensional shift: an extended land base, a land base that is of greater economic value, and a land that is more widely accessible to Māori. Indicators include Māori land court records, land valuations, and succession to Māori land titles. Access and environmental quality are characteristics of the outcome goal of the environment. Possible indicators include resource consent, regeneration of native bush, and evidence of adoption of Māori environmental ethics. The resource sustainability outcome goal is characterized by sustainable harvesting

practices, an expanding resource, and wide Māori access to the resource. Indicators could be centred on the quantity, value, and accessibility of resources e.g. fish, birds, and plants. With Te Ao Turoa, the utilization and mobilization of the marae and its resource with NKR is a significant indicator that corresponds with all its outcome goals.

Ngā Kōti Rangatahi is Family Group Conference-directed youth court hearings, which are an alternative to the court offices and are held at a marae where observing tikanga and kawa are a central part of the court process (Taumaunu, 2015). They are also known as Marae Youth Courts. According to Taumaunu, the rationale for a Marae-based youth court system is centered upon the belief that offending by rangatahi is symptomatic of low self-esteem and a confused sense of self-identity, resulting in feelings of self and social resentment and cultural alienation. This has been supported by prominent Māori writers who assert that social risk factors are inextricably linked to, and mediated by, cultural identity (see, for example, Quince, 2007; Maynard et al., 1999; Jackson, 1988; Durie, 2003). These writers advocate that indigenous offending is a symptom of negative cultural identity or a lack of cultural identity altogether. They also argue that problems concerning cultural identity are the direct result of cultural denigration and alienation through historical processes such as colonization and acculturalisation, which have continued to function in a manner that denies indigenous groups positive knowledge of their cultural heritage (Quince, 2007; Broadhurst, 2002; Cunneen, 2002; Jackson, 1988; Mihaere, 2007).

In 2012 the Ministry of Justice commissioned Kaipuke Consultants to undertake an evaluative assessment of the operation and outcomes of Ngā Kōti Rangatahi on their behalf. It conducted a research sample of five Kōti Rangatahi. The participating Kōti Rangatahi were "TKR o Hoani Waititi, TKR o Orakei, TKR o Manurewa, TKR o Mataatua, and TKR o Kirikiriroa" (Kaipuke Consultants, 2012, p.15). Their research gathered data from interviews with key informants, an examination of relevant documentation, and observations of the court sittings at the five marae. It was an early outcomes evaluation of the progress of Ngā Kōti Rangatahi and its operation. The 2012 evaluation was also guided and informed by a draft outcomes framework (see Figure 2). This was developed by the evaluators of Kaipuke Consultants and informed by engagement with judges and key informants.

Figure 2

Draft Outcomes Framework (sourced: Kaipuke Consultants, 2012)

Intended outcomes	**Actual outcomes**	**Unanticipated outcomes**
The marae venue and processes establish a foundation for a strengths-based approach.	Levels of attendance by rangatahi and whānau were high, rangatahi felt welcome and respected.	Rangatahi showed improved communication skills.
Rangatahi self-identity and cultural identity are strengthened.	Rangatahi experienced a sense of pride and achievement as a result of delivering their pepeha, learned something about, and felt better connected to, their culture	Rangatahi had engaged and established connections with the marae community.
Rangatahi leaves court with a sense of purpose and a positive attitude	Rangatahi understood the court process and what was required of them, they felt included and actively engaged in the court process, perceived the monitoring process as legitimate, showed improved positive attitudes and behavior, and took responsibility for their offending and its impact.	Experienced opportunities to take on leadership/ mentoring roles.

Figure 2 shows the intended outcomes, actual outcomes, and unanticipated outcomes. The drafts outcome framework included the following three early intended outcomes; 'the marae venue and processes establish a foundation for a strengths-based approach; rangatahi self-identity and cultural identity is strengthened; and rangatahi leave the court with a sense of purpose and a positive attitude' (Kaipuke Consultants, 2012, p. 9).

Although there has been literature written about NKR since Kaipuke Consultant's early evaluative assessment (Becroft, 2015b; Findlay, 2015; Taumaunu, 2015; Henwood et al, 2018), no recognized NKR outcomes framework has been proposed since. The feature of this outcomes framework that I wish to highlight is that it depicts the extensive and multi-dimensional considerations (or outcomes) that have emerged if we were to look at this framework horizontally, or as a journey through NKR. The intended outcomes represent the prescribed expectations at the entry point into NKR, the actual outcomes represent the prescribed expressions at NKR, and the unanticipated outcomes represent the additional expressions at NKR. This outcomes framework essentially depicted the progressive and multi-layered nature of the actual NKR experience.

While observing that Ngā Kōti Rangatahi has made both a successful and influential start toward addressing rangatahi offending, it is also important to note that it does have limitations. Firstly, Marae Justice is only in the Youth Court jurisdiction. Secondly, it is presented as an option within the Family Group Conference process. Thirdly, it currently functions as part of the 'monitoring' process within Youth Justice. This means that it functions only as a procedural role in youth justice. These conditions do, however, provide a nurturing and gradual environment in which to measure and gauge progress both quantitatively and qualitatively, before expanding on a larger scale.

A central aim of Rangatahi Courts is to facilitate the reconnection and engagement of young Māori offenders with their self-identity as Māori (Taumaunu, 2015). At NKR, it is intended that the marae and the wider Māori community play an active part in engaging and supporting the rangatahi and their whānau in achieving their justice goals (short term) and cultural goals (long term), leading them on pathways other than criminal offending. My master's research found that NKR was effective at reducing rangatahi reoffending due to positive cultural and social engagement with rangatahi and their whānau, which caused rangatahi to desist from offending (Findlay, 2015). I now propose to explore these findings about identifying and analyzing the health outcomes of youth offenders and their whānau who have come through NKR.

Before the inception of Rangatahi Courts, courts exercising criminal jurisdiction in Aotearoa New Zealand operated in a mono-cultural manner and did not incorporate tikanga Māori

(Taumaunu, 2014). Although te reo Māori (the Māori language) was recognized as an official language of New Zealand in 1987, te reo Māori was rarely used in courts when exercising criminal jurisdiction. One particular Māori judge, Heemi Taumaunu (Ngāti Konohi, Ngāti Porou, Ngāi Tahu) recognized this and observed the effects and realities of a mono-cultural system of justice in the youth courts. In doing so, he reflected upon the following observations:

> Throughout the generations, prominent Māori leaders and respected elders have stressed the importance of Māori holding fast to the Māori language, protocols, and culture, to ensure the survival of Māori people into the future. This message is based on the premise that if the Māori language is lost, then the Māori culture will inevitably follow, and ultimately, so will the Māori people. …. It is a tragedy that most Māori youth who appear before the Youth Court have no knowledge of their own Māori language and have no idea of who they are and where they are from. Most do not know what tribe they belong to, what marae they originally come from, or what mountain and river they belong to. They have no idea of the rich treasures left to them by their ancestors. Their language and culture are often borrowed from Black American hip-hop culture. Most of them live for the present, they exist in a vacuum, where the 'here and now' is all that matters. For these young Māori to have any sense of purpose in the future, they need to start by knowing where they have come from and who they are. It is difficult, if not impossible, for any Court to attempt to point young people in the right direction if they are without this knowledge (Taumaunu, 2014, p. 245).

Taumaunu (2014) also considered this in the context of over 160 years since the signing of the founding document of this nation – the Treaty of Waitangi. The Treaty of Waitangi was signed by the Crown and Māori in 1840, and before the signing of the Treaty of Waitangi, he asserted that Māori whānau (extended families), hapū (sub-tribes) and iwi (tribes) conducted their affairs by tikanga Māori (Māori customary protocols) (p. 1). However, because of the signing of the Treaty of Waitangi, the English legal system was established as the legal system of Aotearoa New Zealand.

Subsequently, from 1840 until 2008, Taumaunu noted that courts exercising criminal jurisdiction in Aotearoa New Zealand operated in a mono-cultural manner and did not incorporate tikanga Māori (Taumaunu, 2014). He further reiterated that although te reo Māori was recognized as an official language of Aotearoa New Zealand in 1987, it was rarely used in courts exercising criminal jurisdiction in Aotearoa New Zealand. He also highlighted that during the mid-1950s, when the Māori population began moving from rural areas to cities, the Māori rate of imprisonment skyrocketed. He concluded this perspective by confirming the statistics of the time that Māori were (and still are) disproportionately overrepresented in the criminal justice system of Aotearoa New Zealand, and that Māori comprised 50% of all defendants, prisoners, and victims of crime in Aotearoa New Zealand.

In response to these observations, Judge Taumaunu initiated an ethnic approach to dispensing justice for Māori youth, which aimed to be both effective and meaningful. A central part of this involved centering its origins in both the ethnic and social worlds of Māori - a place that holds this significance is the marae. However, before this ethnic approach could be realized, it was just as important to understand the judicial context in which this forum would be introduced within the Aotearoa New Zealand justice system in 2008. Therefore, an explanation of the status, structure, process, and roles within the Youth Court, and NKR, is elaborated on to provide a detailed profile of NKR and the wider Youth Court jurisdiction within the District Court of the Aotearoa New Zealand justice system.

Youth Court

The Youth Court is a division of the District Court. Young people who get into trouble with the law do not automatically get referred directly to the Youth Court. Police generally deal with low-level offending in the community; by issuing a warning or by undertaking an Alternative Action Plan. This might include paying for the damage, doing community work, writing an apology letter, and/or attending counseling (Ministry of Justice, 2022a). When a young person commits a serious offense, they will subsequently be directed to a Youth Court to come before a Youth Court Judge. This does not include murder and manslaughter, as these cases merely begin in the Youth Court before being transferred to the High Court. Nor does the Youth Court deal with traffic offending. In the Youth Court, judges receive special training to deal with young people. Also, the court's processes vary depending on the age of

the child or young person. For example, most young people in the Youth Court will be between 14-17 years old however, 12 and 13-year-old youth will be included if they are charged with particularly serious offenses. Since 1st July 2019, the age of those eligible for Youth Court was lifted to 17-year-olds who have been charged with an offense. For more serious charges (such as aggravated robbery) it will be transferred to the District Court after the young person's first appearance in the Youth Court. These offenses are called "Schedule 1A" offenses.

The Youth Court is closed to the public (Ministry of Justice, 2022b). Media can legally attend but must apply to the Judge before they can publish anything. However, it is illegal to publish the name of the child or young person, their family, their school, or any identifying details. In the case that a young person has been proven to have committed the offense, the Youth Court has a range of responses in its power. These range from discharging a young person who has completed a Family Group Conference plan, to a compulsory residence in a secure detention center, such as a Youth Justice Residence. In very serious cases, the Youth Court may also transfer the case to the District Court for sentencing.

All youth offenders must make their first appearance in the Youth Court. If the young person does not deny the charge, or if the charge is denied and subsequently proven, the court must order an FGC in every case. If the offending is too serious to be dealt with by an FGC plan, a formal Youth Court order will be imposed at the Youth Court. At an FGC, if the charge is admitted, a comprehensive plan is formulated. Part of the plan may include provision for regular and consistent monitoring of the plan's progress at a Rangatahi Court. Successive hearings may be held at the marae as directed by the Rangatahi Court Judge. After an FGC has been held, a Youth Court Judge can direct that the monitoring of an FGC plan be conducted at a Rangatahi Court. The Rangatahi Court then monitors the completion of the FGC plan and sentences the young person after the plan. If the FGC plan breaks down, or new charges are laid as a result of fresh offending, the matter may be referred back to the Youth Court (Ministry of Justice, 2022b).

The Rangatahi and Pasifika Courts are designed for young people who have admitted their criminal charges before the Youth Court. After the Family Group Conference (FGC) has finalized a plan for how the young person can take responsibility for what they did, as well as

addressing the essential preventative components to ensure that the young person does not offend again, the young person may be allowed to have this plan monitored by the Rangatahi or Pasifika Court. The FGC can recommend that the plan be monitored by the Rangatahi or Pasifika Court (Ministry of Justice, 2022c). This calls for all Court appearances to be held on the marae or at a Pasifika venue until the plan is completed. Rangatahi Courts support tikanga Māori but they are not exclusively for Māori youth.

Lay Advocates

In support of Te Kōti Rangatahi, a new judicial role was sought by the Youth Court in April 2008. This was legitimately undertaken by referring to Section 163 of the Children, Young Persons and their Families Act 1989, which provided for;

> a person who has, because of personality, cultural background, knowledge, and experience, sufficient standing in the culture of the child or young person in respect of whom the appointment is to be made to enable that person to carry out his or her duties under this Act" ("Children," 1989, Section 163 (2)).

This role was observed as a lay advocate, whose job was to;

> ensure that the court is made aware of all cultural matters that are relevant to the proceedings; and will, 'represent the interests of the child's or young person's whānau, hapū, and iwi (or their equivalents (if any) in the culture of the child or young person) to the extent that those interests are not otherwise represented in the proceedings ("Children," 1989, Section 164 (1)).

Put simply, lay advocates would be the cultural support person for the Youth Court, the young person, and their whānau (which in Māori terms, included extended hapū and iwi). The first lay advocates were subsequently interviewed and shortlisted in April 2008 and were to be the catalysts for the new and Marae-based and cultural youth justice model.

Two significant impacts have been identified as a result of the institution of Lay Advocates in 2008. Firstly, reports provided by Lay Advocates have uncovered family issues and dynamics that CYFS social workers cannot penetrate, especially when families take a closed-rank

position to government agencies (Becroft, 2015b). For example, the cultural perspective pursued by the Lay Advocate focuses specifically on who they are, the ethnic and genealogical aspects of the young person and their family. In contrast, the social worker concentrates on the more potentially 'intrusive' aspects of the underlying issues related to the young person's criminal offending. Due to the less direct cultural approach in engaging with the young people and their families in the Youth Court, they have naturally been more receptive to the Lay Advocate. Consequently, insightful advice as to cultural factors involved in the offending has been provided. This has provided the court with a deeper pool of information that it can use to craft appropriate responses to the young person and his or her family (Becroft, 2015b).

The second significant impact of the advent of Lay Advocates has been evident at NKR. Lay Advocates have been instrumental in helping the Judge and kaumātua (elders) in NKR to draw connections to the young person's family in a "strengths-based" manner. At NKR, the Judge sits alongside kaumātua or Māori elders in the marae setting. The kaumātua lead the cultural protocols and practices at NKR. A kaumātua is appointed to NKR by their Māori knowledge, and their esteemed standing in the Māori community. Kaumātua are also allowed to engage with both the young person and their whānau, through cultural advice and connection. The Lay Advocate report is also perused by the kaumātua in their capacity as cultural guides. Consequently, elders have informed a young person using the lay advocate's information of ancestors who have played an important role in the local community. By this valued and affirming gesture, the kaumātua is not only connecting and inspiring the young person and their whānau with a positive and valued person and their community contribution but affirming them directly with this connection. The conception, provision, and implementation of the Lay Advocate role have therefore characterized its assertion as the cultural 'voice' in the Youth Court.

NKR Acknowledgement and Expansion

In January 2017, NKR Liaison Judge, Heemi Taumaunu, received an international award for developing Nga Kōti Rangatahi o Aotearoa - courts for Māori youth. Judge Taumaunu has presided over New Zealand's first rangatahi court in Gisborne since 2008 and encouraged fellow judges to set up other marae-based youth courts. At the time, eight judges were running rangatahi courts at fourteen marae around the country. Judge Taumaunu was

awarded the prestigious Veillard-Cybulski Award (New Zealand Law Society, 2017) recognizing innovative work with children in difficulty. The award is made every two years by the Switzerland-based Veillard-Cybulski Association. The judges praised Judge Taumaunu's leadership skills in devising an inclusive system where Māori children learn who they are and where they have come from to help them change errant behavior and realize their potential. Previous recipients have included Dignité en Détention, a mental health project for young detainees in Rwanda, and Terre des Hommes - Aide à l'enfance Foundation which implemented juvenile restorative justice in Peru. Rangatahi Courts aim to provide the best possible rehabilitative response for young offenders by reconnecting them with their cultural identity and involving local Māori communities in the process.

Heading into the tenth year of NKR, its further extension signaled another milestone in its unique and engaging journey with rangatahi and their whānau. On Saturday 24 February 2018, more than 200 people gathered at Terenga Parāoa in Whangārei to launch the 15th Rangatahi Court. This auspicious occasion was hosted by "the haukāinga of Terenga Parāoa Marae and supported by ngā iwi o Te Taitokerau" (Youth Court of New Zealand, 2018). This hui was attended by a large number of local and visiting dignitaries including Ministers of the Crown, iwi leaders, whānau, hapū, judges, youth justice providers, and department officials. At that hui, the Government Ministers in attendance were acknowledged and thanked: the Honourable Andrew Little; the Honourable Aupito William Sio; the Honourable Kelvin Davis; and the Honourable Peeni Henare. The hui was also attended by the current Principal Youth Court Judge John Walker, the former Principal Youth Court Judge, and the current Children's Commissioner, Judge Andrew Becroft. The Secretary for Justice, Andrew Bridgman, and fellow key Ministry of Justice officials were also present. The speakers who addressed the hui during the pōwhiri, and the dignitaries who spoke after the pōwhiri, unanimously expressed their support for the Rangatahi Court. They all affirmed "the value of the Rangatahi Courts and the important role they have in our communities. They also addressed the increasingly disproportionate rate of Māori appearing in our criminal justice system and the need for a continued and collaborative effort to improve outcomes for Māori" (Youth Court of New Zealand, 2018). Minister Andrew Little spoke about the Government's commitment to improving the criminal justice system for Māori. He acknowledged the role and commitment the judiciary, the communities, and stakeholders had to ensure that both the court and the rangatahi are well supported. With this Minister Andrew Little endorsed the

Government's full support to the Rangatahi Courts. Principal Youth Court Judge John Walker explained the role a Court holds in its community. He further endorsed Rangatahi Courts as an example of the court's connection to the community. With its Incorporation "of the use of te reo Māori me ngā tikanga and engaging the young person, their whānau, hapū, iwi, kuia, and kaumātua in the court process enhances the legitimacy of the Court as an institution" (Youth Court of New Zealand, 2018). Judge Walker continued to assert Rangatahi Courts' ability to adapt and reflect the values and kaupapa of the community as one of its greatest strengths.

Judge Walker also conveyed Chief District Court Judge Jan Doogue's apologies, who was unable to attend, and her best wishes and acknowledgment of the Judges and the mana whenua for making this Court possible given that "the prize from restoring the lives of our rangatahi is so precious" (Youth Court of New Zealand, 2018). Andrew Bridgman, Chief Executive of the Ministry of Justice and Secretary for Justice highlighted the success of the Rangatahi Courts in reconnecting rangatahi Māori to their cultural identity and in encouraging the strengthening of whānau bonds. This approach, he said, is consistent with the evidence about what works to reduce reoffending. Inspector Riki Whiu, Police Area Commander for the Far North, described the Rangatahi Courts as a meaningful step to addressing the disproportionate overrepresentation of Māori in the criminal justice system, however, he added, that more could and should be done. Assistant Police Commissioner Allan Boreham, seconded to Oranga Tamariki in the role of Deputy Chief Executive, addressed the bleak statistics of rangatahi Māori in the youth justice system (more than 80% in Northland) and praised the collaboration work of Oranga Tamariki with iwi and other organizations in ensuring that "rangatahi Māori have the best chance to achieve their full potential" (Youth Court of New Zealand, 2018). Judge Greg Davis, one of the presiding judges of Te Kōti Rangatahi Mā Ngā Taitamariki ki Whangarei, communicated the need for alternative remand options Through this assertion Judge Davis sought to encourage an increased collective effort to reduce the numbers of Ngāpuhi rangatahi Māori who are held in custody. Judge Denise Clark is another presiding judge of Te Kōti Rangatahi Mā Ngā Taitamariki ki Whangarei. Judge Clark's kōrero emphasized the Oranga Tamariki 1989 Act, particularly, the statutory mandate referring to whānau, hapū, and iwi. Her Honour highlighted the necessity of engaging whānau, hapū, and iwi in the Court process, in the

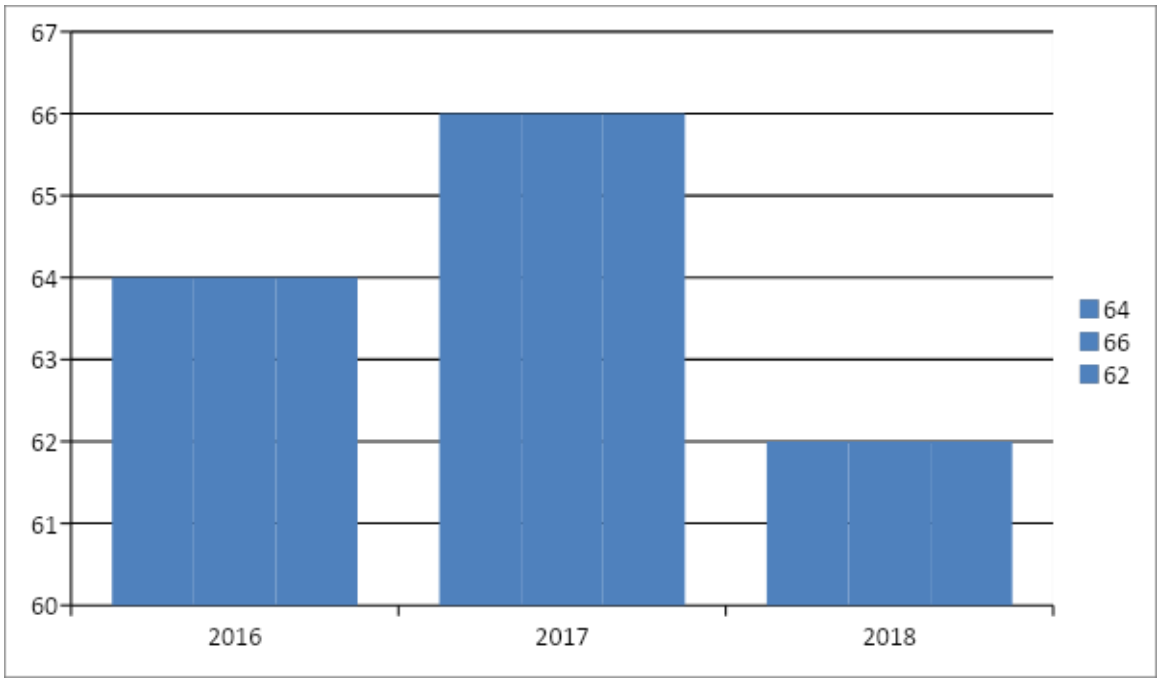
decision-making, and in the wrap-around support of the rangatahi (Youth Court of New Zealand, 2018).

Youth Court, NKR and Pasifika Courts Statistics

The Youth Court of New Zealand 2020 highlighted the prevalence of Māori and Pacific Island ethnicities in youth appearances at the Youth Court. It also provided updated statistics and interpretations on Māori and Pasifika numbers at NKR and Pasifika Courts such as 24% of the 10-16-year-old population is Māori. In 2018, 62% of young people who appeared in the Youth Court identified as Māori, down from 66% in 2016 (see Figure 3).

Figure 3

Percentage of Māori Youth Appearing in the Youth Court (sourced: Youth Court of New Zealand, 2020).

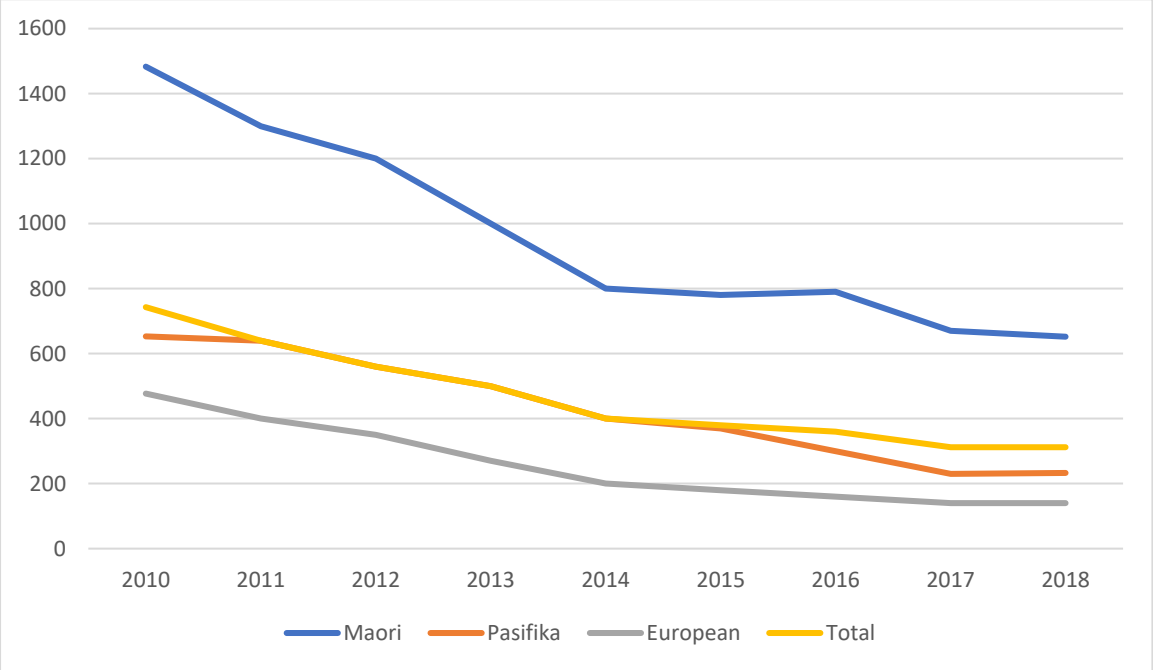


Overall numbers in the Youth Court continue to decrease. This has been driven by a 34% decrease in new Youth Court Category 2 cases and a 20% decrease in Category 3 cases when comparing 2016 to 2018. However, rates of rangatahi Māori and Pasifika are decreasing at a slower rate in comparison to other ethnicities.

There were 1,486 appearances in Ngā Kōti Rangatahi and 337 in Pasifika Courts in 2018 (total events). A total of 308 young people nationwide had their first appearance at a Te Kōti Rangatahi in 2018 (unique appearances). From 30 May 2008 to 1 January 2019, 2,812 young people have benefited from enhanced processes in Rangatahi and Pasifika Courts. On average, 4 young people appeared at each sitting of Rangatahi and Pasifika Courts. The proportion of 16-year-old Māori with a proven Youth Court case who reoffended within 12 months fell from 57% to 45% from 2015/16 to 2016/17. The number of young Māori remanded in custody fell from 418 to 354 between 2016- 2018 (see Figure 4).

Figure 4

Offending Youth Rates per 10,000 Population (sourced: Youth Court of New Zealand, 2020).



Chapter Overview

This research seeks to capture the experiences of youth justice staff, as well as the rangatahi and their whānau who have been involved with the justice initiative Ngā Kōti Rangatahi. The aspects of this research are twofold. First, this project explores the existence and levels of the people listed above, and the second focuses more so on identifying and examining the levels of health outcomes of youth and their whānau. Māori methods of family/social care consist of long-established traditional tīkanga, which inform the whānau (extended family), hapū (sub-tribe), and iwi (tribe) on appropriate ways to address their needs. Although with Ngā Kōti

Rangatahi, each iwi adopts their unique tīkanga to fit the variable issues of the rohe (territory), there are still overriding kawa (protocols) that inform tangata whenua on the judicial protocols (New Zealand judicial constitution) and roles (Judges, lawyers, social workers) assumed within this judicial forum. Kawa and tīkanga are still used in contemporary New Zealand society and are an integral part of Māori processes, including processes used by Māori which are becoming increasingly more prominent in the New Zealand justice system (Youth Court of New Zealand, 2020).

Chapter One provided a summary of the research topic. The purpose of this chapter was to set out the parameters and scope of this research project. Firstly, it reflected on the background of this research, its aims, and its objectives. Secondly, it provided a brief context to this project's research question: Are there health outcomes at Ngā Kōti Rangatahi, if so, what are they? Thirdly, this chapter describes Ngā Kōti Rangatahi, its origins, roles, and successes. It is then followed by a description and explanation of its wider context of the umbrella Youth Court jurisdiction, a key role under its umbrella, a profile of the latest NKR launch and its implications, and a summary of the most recent Youth Court rangatahi Māori statistics.

Chapter Two is a review of the literature that will provide a historical context to the emergence of rangatahi Māori criminal disproportionate offending. It will begin by describing Māori society, history, and customs (including law and order) before European contact. It then reflects on the outset of British arrival and its subsequent effects on Māori society. This includes the nature of early European and Māori relations, the introduction of the Westminster court system form of law and order, European land acquisitions, and the eventual cession of Māori sovereignty to the British Crown through the Treaty of Waitangi 1840. The ongoing perpetuation of European subjugation of Māori in the nineteenth century is also expressed in the form of continued land confiscations, outlawing of Māori resistance and traditional practices, as well as the introduction of European schooling enforced by a New Zealand Government. This chapter reflects on the beginning of the twentieth century when the vision of the assimilationist European began to take shape and the subsequent profile, status, and well-being of Māori at that time. Then the early twentieth century is highlighted as it brought with it growing European and Māori health and wellbeing disparities reflected not only by family living standards (initial housing and service standards) but also by subsequent educational achievement and employment opportunities.

The literature review also considers the urban drift period of the twentieth century, which saw Māori alienated from their rural homelands to industrialized cities, while also increasing the existing disparities and bringing with it the onset of Māori criminal offending. The introduction of the Waitangi Tribunal in 1975 was seen as a landmark achievement for Māori in terms of Treaty of Waitangi grievances but could only make recommendations, not actions. The last twenty-five years of the twentieth century were characterized not only by Māori disproportional criminal offending, but by State devolution, increased recognition of the Treaty of Waitangi, and the mandatory empowerment of Māori tribes in the provision of services and resources for their members. The twenty-first century Ministry of Justice strategies and initiatives are also summarised in this chapter in addressing the disproportionate Māori youth criminal offending rate.

Chapter Three describes and explains the Māori methodological approach employed in the undertaking of this research; Kaupapa Māori. Kaupapa Maori is then asserted in practice as Tikanga Maori and then expressed as several traditional, ethical, and practical values. It then considers the assertion and implementation of the ethnographic and case study research methods. This is followed by a summary of the Theoretical Framework considered for this research project; Te Whare Tapa Whā. The chapter concludes by elaborating on the qualitative research process itself. It begins with the consideration and observation of acquiring ethical permission to conduct the research with NKR participants from the Ministry of Justice and its stakeholders. It then addresses the subsequent recruitment process of the interview participants, distinguished by three different recruitment processes for the NKR professional, NKR youth, and NKR whānau. This is followed by the interviews, their transcribing and analysis, using Thematic Analysis, and the ethical measure considering the observation of risk and measures ensured to mitigate them.

Chapter Four will discuss the case study research method, and its application to this research. . The utilization of a case study will be explained, and justified for this research, as well as the participant interviews and subsequent participant interview selection process. This chapter will also discuss the design of the participant interview question schedule. Finally, this chapter will conclude by distinguishing the interview participants into distinct groups, as well as providing a summary of the various roles of the NKR professional participants,

including brief profiles (excluding names in observing ethical research anonymity) of all interview participants.

Chapter Five will profile the background, process, and development of NKR. This chapter will firstly reflect on the background and subsequent conception of this judicial Māori forum. A reflection of the launch of the first Kōti Rangatahi in Gisborne, Te Kōti Rangatahi o Te Poho o Rāwiri, in 2008, will be provided. This will be followed by a summary of the vision and goals of NKR, and an explanation of the Marae Youth Court name, Ngā Kōti Rangatahi. The full NKR process will be explained step by step, including the pōwhiri, whakawhanaungatanga, pepeha, kai, and the individual court hearings. The wider support network outside the Youth Court staff will also be identified and acknowledged. This network includes local Child, Youth, and Family (CYF) staff, Police Youth Aid officers, Youth Advocates, Ministry of Health staff, Ministry of Education staff, Lay advocates, and local marae communities.

The creation of a NKR logo will be explained and presented. A summary of both the achievement and milestones of NKR in the past eight years will also be provided, culminating in its award from the Australian Institute of Justice Administration (AIJA), acknowledging its excellence in improving access to justice, and correspondingly delivering evidential benefits to the justice system. This chapter will conclude with two ten-year NKR reviews; the first by Principal Youth Court Judge, His Honour John Walker, and the second by the researcher, who reflects on their role as a Youth Court Lay Advocate from the NKR inception in 2008.

Chapter Six will highlight the historical shift of New Zealand's Eurocentric justice system to Kaupapa Māori approaches in justice, before analyzing and discussing the themes that emerged from the qualitative data of the NKR interview participants. Durie's four chronological periods and its political ideologies will be outlined. The nineteenth and twentieth century's assimilationist role of this state's law and order will be reflected on. Late twentieth century significant reports on the justice system will also be espoused, as well as two twenty first century youth offending strategies, and three nationwide justice strategies underpinned by Kaupapa Māori principles. The four key analytical themes that emerged from the participant interviews will be identified and explained, Distinct judicial environments,

Māori practices, Māori spirituality, and Māori relations. Each of these themes will be applied to two NKR participant interview experiences (presented as quotes) to not only justify its significance to the analytical process but to also draw out added experiential insight and relevance to the quantitative data. The first interview group, NKR professionals, will be addressed, followed by the NKR youth, and then the third group, the NKR whānau.

Chapter Seven will conclude this research with a reflection and summary of each chapter, highlighting their perspectives and contributions to the research project. This chapter will assert three recommendations because of the research. These three recommendations will be organized according to the three distinct NKR perspectives endorsed in this research and constitute one recommendation each. The three NKR perspectives are the professionals, the youth, and the whānau. For the NKR professionals, the recommendation will be the endorsement of Kaumātua role in engaging with rangatahi and their whānau in justice services. For the NKR youth, their recommendation were the assertion of Māori protocols and practices in judicial rangatahi settings. For the NKR whānau, the implementation of appropriate training in justice in Maōri approaches to working with Māori whānau.

Conclusion

This chapter introduced the thesis. It illustrated how my status as tangata whenua, and my whakapapa, influenced and shaped me, and the way I approached this research. The objectives of this research were also elaborated on, which was to explore the background, Te Ao Māori approaches, theoretical perspectives, processes, potential, and Te Whare Tapa Whā holistic approach of NKR. The overarching aim was to investigate the effects of the NKR system on the health and well-being of rangatahi and their whānau. The six key milestones of this research were also identified. The first milestone was the provision of the historical context of NKR in the form of a literature review. The second milestone involved the acquisition of MUHEC ethics approval to conduct the research.

The third milestone entailed the recruitment of justice workers and clients for the participant interviews. The fourth milestone required the undertaking of in-depth interviews with the justice workers and clients. The fifth milestone would involve the analysis and interpretation of the research data. The sixth milestone was identified as the writing up, organizing, and summarising of the interviews and findings. The importance of this research was also explained where NKR was introduced, the status and definitions of Māori youth offending,

Māori perspectives of what constitutes Māori health and wellbeing, and its relevance to, and potential for NKR. The jurisdiction and structure of the Youth Court were summarized, as the subsequent pathways to NKR and Pasifika Courts. The key NKR role of the Lay Advocate was also espoused, and its two significant impacts. Its honor of gaining the Veillard-Cybulski Award for working with children in difficulty in 2017, brought NKR international recognition. The first ten years of NKR which culminated in the launching of the sixteenth NKR at Te Rerenga Paraoa Marae in Whangarei, coincided in its summary review conducted by Principal Youth Court Judge of New Zealand, His Honour John Walker. A Youth Court bar graph that was presented and explained depicted an overall decrease in the proportion of Māori Youth Court appearances to all ethnicities nationally between 2016 and 2018, which was proceeded by a line graph that showed a decrease in Māori Youth Court appearance and reoffending between 2010 and 2018 due to the introduction of NKR: This chapter concluded with an overview of the eight chapters to showcase the journey I have undertaken to complete the study of NKR and an investigation into the existence of, and level of health and wellbeing outcomes in the Aotearoa New Zealand judicial system. Chapter Two provides a historical context to the modern Aotearoa New Zealand society, and the development of its justice system leading to the introduction of NKR.

Chapter Two: Literature Review

"Te manu e kai ana i te miro, nōna te ngahere;
te manu e kai ana i te mātauranga nōna te ao".
"The bird who partakes of the miro berry owns the forest;
the bird who partakes of education owns the world".
(Ministry of Education - Te Tāhuhu o te Mātauranga, 2017)

Introduction

The above whakataukī exhorts and esteems the rangatahi or the learner, and their pursuit of knowledge. It also addresses these themes from a Mātauranga Māori perspective where additional dimensions of knowledge are available to the learner (psychological, spiritual, and social). The arrival of the British detrimentally affected this pre-European Māori societal process, through their dominant and imposing laws and customs, which replaced these normal Māori patterns of learning and well-being.

To this end, the history of offending youth in Aotearoa New Zealand (NZ) is broad. This chapter confines the search for literature to the development of information about Ngā Koti Rangatahi (NKR). In NZ the alternative youth justice system for young offenders of Māori ethnicity is NKR. Therefore, this review of literature reports on how and why such a system was set up, and the rationale for its implementation in NZ. It also discusses the significance this system has to offer in exposing rangatahi to their language and culture in a positive way, assisting them to decide to abstain from offending. This chapter provides an overview of the historical and contemporary literature that led to the emergence of NKR. It is organized into sections and concludes with a summary of the discussions.

Māori are the tangata whenua or the indigenous people of New Zealand and as such have had their unique societal histories, values, and practices. For example, Ngāti Porou, a Māori tribe on the East Coast of New Zealand's North Island, records that they were fished up by Maui, a legendary Ngāti Porou ancestor, who accomplished many heroic deeds. Their accounts initially characterize a popular version of this story known throughout Māori generations (Royal, 2007). This version asserts that the North Island of New Zealand was the fish, and South Island, Māui's canoe. However, Ngāti Porou believe that the first part of the fish to

emerge from the water was their sacred mountain, Hikurangi. Māui's canoe, Nukutaimemeha, became stranded on it and is still there in petrified form (Reedy, 2005).

Western records stipulate that Māori arrived in New Zealand about 1000AD (Davidson, 1984) and that their traditions and practices were primarily normative. A normative system refers to those traditions and practices that are considered the norms of society. In other words, what is considered normal and the right thing to do or tikanga (Mead, 2003). Jackson (1988) defined tikanga as Māori law. These processes were dispensed through the social structures and conventions of the iwi (tribe), the hapū (subtribe), and the whānau (family). Although, in this social structure, individual rights were subordinate to communal rights, traditions, and practices operated out of general mutual respect and understanding of the social order.

Mātauranga Māori

The Pūrakau or legends of the creation stories form the basis of Māori history. Central to this history are the primal atua (gods); Papatūānuku (the earth mother), Ranginui (the sky father), and their children. Included in this history are the customs that have been both transmitted and observed from generation to generation as a guide for Māori values and organization. Before European arrival, Māori were distinguished by different iwi, and these iwi established pā which were fortified villages that consisted of several whānau who were led by a rangatira or chief (Buck, 1949). Within these pā its members depended on each other for housing, food, protection, and welfare. Conflict was also a normal part of traditional Māori history therefore early pā were strategically located and designed to be militantly defended, usually at the top of a hill or mountain. This traditional Māori system eventually ceased at the advent of European arrival and subsequent colonization (Davidson, 1984). Marae (Māori historical and societal meeting place) reflects the contemporary preservation of Māori history and society.

Several primal atua are symbolized in the layout of the marae (Māori societal meeting place) and its significance during pōwhiri (welcomes). The marae ātea, the space outside the front of the meeting house, is the domain of Tūmatauenga (or Tū), the god of war (Keane, 2013). Speeches that take place on the marae ātea are allowed to be forceful, representing the nature of Tū. The wharenui (meeting house) is considered to be the domain of Rongo, the god

of peace. Speeches that take place within the wharenui are expected to be more conciliatory. Metaphorically, the floor of the wharenui represents Papatūānuku, while the roof represents her husband, Ranginui. Tāne, who separated the two, is metaphorically represented by the building in the phrase, Tāne whakapiripiri (Tāne who draws people together).

In NZ, two histories continue to tell the stories of the people who inhabit the land; Māori history and Western history. This is no more demonstrated than in the distinct understandings of the customary concepts of Lore and Law. Before European contact, Māori society adhered to Lore Māori. Lore Māori was based on Māori values. Māori values (Henare 1988, 2001; Marsden 1988; Marsden and Henare 1992; Barlow 1991; Harmsworth 1997; Hirini Mead, 2003) are derived from the traditional belief system based on mātauranga Māori. Values can be defined as instruments through which Māori make sense of, experience, and interpret their environment (Marsden 1988). They form the basis for the Māori worldview (te ao Māori), and provide the concepts, principles, and lore Māori use to varying degrees in everyday life, and often to form ethics and principles. This can govern responsibilities, and the relationships Māori have with the environment and the way they make decisions. Two central Māori values inherent in lore include Tikanga which refers to customary practice, values, protocols, and Whakapapa, which esteems and emphasizes ancestral lineage.

The term law refers to rules that are essentially, subject to penalty or consequence (Willis, 1926). As opposed to lore, the law is rigid, and its transgression can be imposed upon the transgressor with its measurable response in every instance. In English, the law was generally expressed in written form. Because of this, the law does not naturally lend itself to willing conformance, hence, its imposing and subjugating nature. Law also represents a hegemonic perspective and agenda of its initiator – in New Zealand history this has been characterized by European style and led governments. An example of the application of law in New Zealand society was evident in the Native Schools Act 1867. This act makes English medium schooling for Māori compulsory. As a result of this law, Māori eventually lost much of their traditional customs and language (Walker, 2016). A further example of the application of the law was the Tohunga Suppression Act of 1907. This was where New Zealand legalized the criminalization of the Māori tohunga (priests) and their traditional practices (Lange, 1999). These traditional practices included prayer, historical knowledge, and the provision of

medicine. This prohibition resulted in the ceasing and subsequent loss of this traditional role and its associated practices.

Jackson (1988) further discusses lore by elaborating on two concepts central to criminal redress in Māori society before, and continuing briefly, during European settlement; 'muru' (compensate) and 'hara' (offense). Muru was generally exercised by way of the transfer or seizure of the perpetrator's goods, or those of his or her family, or through a service or deed. The form or amount of compensation was negotiated and discussed beforehand. The concept of hara was particularly important because it not only considered the offense or act (law and order), but the damage or effect it had on individuals and the collective (social harmony). Buck (1949) gives an account of when he took part in a muru over a family of a woman who had committed pūremu (adultery):

> Our leaders made fiery speeches accusing the local tribe of guilt in sexual matters, punctuating their remarks with libidinous songs. The village chiefs admitted their fault and then proceeded to lay various articles before us in payment, such as jade ornaments, bolts of print cloth, and money in pound notes. Each individual, as he or she advanced to the pile, called out the nature of their contribution. Some gave horses and cattle… We then rubbed noses with our hosts, engaged in amicable conversation, partook of a feast provided for us, and returned (p. 242).

Hara was that which caused any imbalance in the social equilibrium and thus involved the collective (whānau, iwi, and hapū) in its resolution. The first contact between the British and Māori at Poverty Bay in 1769 reflected the difference in customary values. It was there that a Māori warrior was shot by one of Captain Cook's officers as he protected and patrolled the shores (Dalrymple, 2016). Although Māori are 'tangata whenua, by their status as first inhabitants, the undermining of this respect was characteristic of their relationship with the British.

When the British arrived in the eighteenth century, they brought a different system of traditions, values, and practices, including the rule of law based on European British penology. The underlying philosophy and practices that underpin attempts to repress criminal activities as a response to crime were characterized by court-based prosecution and

sentencing. The sanction of imprisonment involved removing offenders from public sight and established itself as the cornerstone of British crime and punishment. Historically, London is renowned as the birthplace of modern imprisonment (Crime Museum, 2021). Prisons were built for the sole purpose of housing inmates. They were intended to deter people from committing crimes. People who were found guilty of various crimes would be sent to these penitentiaries and stripped of their freedoms. Inmates were typically forced to do hard labour while they were incarcerated and were subjected to very harsh conditions of squalor and deprivation.

As more European settlers arrived, their priorities were towards land acquisitions and resources. Land companies and missionaries purchased large areas of land from Māori at low prices, with goods (money, food, blankets), which had very little comparative value to the land they sold. Missionaries were, in addition, influential upon and respected by Māori, for their spiritual status, and their messages of peace and hope. However, some of the largest estates claimed between 1814 and 1838 belonged to George Clarke; 7,600 hectares, Henry Williams; 8,800 hectares, and Richard Taylor; 20,000 hectares (Grace, 1959). Eventually, European settlements emerged where trading took place which attracted whalers, traders, and sealers. As a result of European and Māori interaction, interracial marriage also became a common occurrence. By 1850, the Pākehā population was about 30,000, half of the Māori population (Walker, 1990). The 60,000 Māori population was a remnant of their pre-European population. Many had died as a result of wars or diseases brought to New Zealand by the Europeans.

Growing tension and social disorder, mainly by the settlers, eventually drew attention from the British government. In response to this crisis, James Busby was sent to New Zealand in 1833 as a duly appointed British Resident, which was a form of governing authority. Although Busby had no power to enforce law and order, he symbolized an official British presence in the country and the initial step toward annexation (Walker, 1990). Annexation entailed the subjugation of the people of New Zealand – including Māori – under British rule. Steps to fulfil the process of annexation began in 1839 when Captain Graham Hobson was dispatched to New Zealand from Britain for this prime purpose. The motives for this were the increasing concern of settler behaviour and the impending threat of other countries claiming the country for themselves. Hobson first alighted in Sydney, Australia, where he was

empowered as both Lieutenant Governor and Consul of New Zealand. Hobson arrived at the Bay of Island on the 29th of January 1840 and the following day proclaimed his Lieutenant Governorship and its associated powers; the cession of New Zealand to the British Crown (Nauman, Harrison & Winiata, 1990). From the British Crown's perspective, the role of the Treaty of Waitangi was to convey this. Hobson proceeded in writing up a treaty (agreement), with the missionary Henry Williams appointed to translate Hobson's English version into Māori.

William's Māori translation, however, differed from Hobson's English version, as to what was ceded. In the English version, signed by representatives of the British Crown, sovereignty (tino rangatiratanga) is ceded. But in the Māori version which was signed by the majority of the Māori chiefs, governance (kawanatanga) is ceded (Nauman, Harrison & Winiata, 1990). To the English, absolute power and authority were ceded, but to the Māori, governance support was ceded. Although the two versions of the Treaty were signed, the eventual implications of this process had far-reaching consequences for Māori, despite initial protests and reactions to the obvious declarations and extensions of the Treaty processes throughout the country. Upon returning from acquiring the remaining chief's signatures throughout New Zealand, Hobson quickly proceeded to set up a form of government, and the top priority was in ensuring further land acquisitions, with the English version of the Treaty as its justification. Ngāpuhi chief, Hone Heke, was an example whereby after he initially signed the Treaty at Waitangi, he eventually understood the British intentions, opposed them vehemently, and was subsequently individually outlawed and targeted militantly. This supports Jackson's (1988) notion of British law executed as a case of individuated criminal responsibility rather than collective responsibility and indirect liability.

The period 1860 – 1900 was characterized by Māori resistance to land encroachment and Māori challenge to Crown sovereignty. This led to passive resistance and in some cases, aggressive confrontation. In turn, this led to the imprisonment of Māori men, women, and children, deportation to the Chatham Islands, suspension of the right to a fair trial, threats of the death penalty, and confiscation of land (Workman, 2012). This often led to conditions of squalor, hunger and starvation, isolation, and sometimes death. Racial inequality, where Māori were unfairly treated due to European law and justice, continued into the early 1900s. A notable example of Māori criminalization occurred in 1916. This involved Tūhoe spiritual

leader, Rua Kenana's Wairua Tapu movement at Maungapohatu (Binney, Chaplin & Wallace, 1979). At the time, the gathered faith community, who protested passively toward government encroachment, was depicted as criminal by government officials. In this light, again, justice was severe and unmeasured toward any form of resistance to state power. It mirrored the government responses earlier in Parihaka, where the land confiscation sanctuary of Taranaki chiefs, Te Whiti o Rongomai and Tohu Kakahi was aggressively taken (New Zealand Wars, 2022). This form of justice, with the process of assimilation (cultural absorption), continued through the World Wars and was further reinforced by the post-War Urban Drift.

Māori Urbanisation

During the urban drift, many Māori left their traditional rural communities for income and resources in the cities, which were built and designed by the government. This urban migration was stimulated by the situation for Māori in the Depression years of the 1930s. Māori were often the first to lose their jobs and were paid lower unemployment benefits than Pākehā. The Māori exodus from rural areas after the Second World War was one of the most rapid urban migrations in the world at the time (Poole & Jackson, 2018). There were many reasons for urban migration, both of an economic and social nature. Urban migration also often meant superior housing, full-time employment, and a potentially more stimulating environment. The proportion of Māori who lived in urban areas increased from 25% in 1945 to 62% in 1966. The consequences of this process for Māori included the breakdown of the family, the loss of traditional constraint from the tribal elder, and alienation as a consequence of colonization (Walker, 1990). When Māori moved to the cities, families were split as the older generation (tribal leaders) remained in the rural areas, to run the marae, and because it was a manageable, slower living. This family breakdown saw a lack of support for these working urban Māori families, resulting in several issues, such as alcoholism, drugs, teenage delinquency, and crime.

In 1970, the offending rate of Māori boys under the age of sixteen was 5.1% the rate of their Pākehā cohorts. For Māori girls, the rate was even higher, at 7.4 (Sutherland, 1973). A further consequence of the urban drift was the loss of language and culture. As the older generation was the cultural 'resource' for Māori and remained at the papa kainga (ancestral home), families were deprived of these treasures, as this generation would eventually pass away,

without transmitting the language and culture. Furthermore, both the language and culture were being discouraged or ignored, with an emphasis on a Western system of the European language, and economics in schools (Walker, 1990). A process of assimilation was therefore accommodated by the government throughout the Urban Drift period. Initially, cities were already populated by the Europeans, so Māori predominantly settled in the wider suburban areas. This generally reflected the type of employment gained, which were the manufacturing factories, mills, and production lines. The suburban houses were cheaper than the central business district area, which further reinforced economic and subsequent social status. Succeeding Māori generations also did not fare well in the education system which emphasized British philosophies and priorities. Over eighty percent of Māori children left school in 1965 without any recognized qualification (Walker, 1990). This underachievement in education resulted in the succeeding Māori generation's access to mainly low-skilled and low-paid employment. From 1975, the redress of the Treaty of Waitangi 1840 has facilitated an opportunity to address Māori criminal offending. However, during this period of 1975 to 2000, racial inequality continued where Māori youth were targeted by police. For instance, in Christchurch, as noted by former Youth and Cultural Development manager, Anni Watkin, who sat on the Justice Ministry's independent youth advisory group, said 'local police had a zero-tolerance approach which was sometimes heavy-handed. The young people of Christchurch are "not offending more seriously, but they're being treated as if they are" (Tumataroa et al, 2010, p. 12). Heavy-hand treatment of young offenders in all instances of offending in this light has recently reflected an imbalance between criminal treatment and deterrence – resulting in either police complaints, or even crime continuance.

A merited achievement has seen the emergence of Māori perspectives of justice. These have been invaluable to both the guidance and implementation of subsequent justice system policies, strategies, and plans to address Māori criminal offending. Many of these perspectives have been drawn from traditional Māori histories, theories, discourses, and epistemologies. About New Zealand societal law and order, this responsibility has been predominantly shaped and determined by the mechanism of government. A government is an elected group of people who 'conduct the policy and affairs of people' (Stevenson & Waite, 2011). In New Zealand history, governments have mainly consisted of elected European members who have pursued primarily the interests and aspirations of the predominant European population. As well as representing the dominant interests of New Zealand society,

Durie (2005a) maintains that New Zealand governments were influenced by different political ideologies with contrasting attitudes toward the place of indigenous peoples in modern societies. His chronology of these political ideologies spans four broad historical eras in New Zealand history. Colonial patronage (1835 – 1852), Transitions to Assimilation (1853 – 1934), Universality and the Welfare state (1935 – 1974), Devolution, the free market, and the Treaty of Waitangi (1975 – 2000).

Colonial Patronage refers to the nature and approach of impending British rule of New Zealand. The nature of British rule looked to implement a 'system of jurisprudence' (Durie, 2005a), one developed over centuries of British colonial experience. The approach, however, gave due consideration to 'the indigenous Māori and their existence at the time; Māori depopulation, the miserable conditions and high mortality rates endured by Māori, and the negative effects of European contact' (Bourassa & Strong, 1998). An example of this perspective in policy was in the New Zealand Constitution Act 1852, Section 71, with the government's consideration of Māori 'law, customs, and usages as "observable and to be maintained" (The New Zealand Government, 1852, s71). The British Crown's humanitarian concerns, although admirable, could not ebb the plight of Māori as those issues of depopulation and poverty continued. The initial set up of British governance in New Zealand of the Colonial Office towards settlers was established on their agendas.

The second ideological period was Transitions to Assimilation (1852 -1938). The settler's growing concern was the priority for the absolution of sole British law in New Zealand – over all New Zealanders. To this end, 'the acquisition of land became a driving force for legislative programs in Parliament' (Durie, 2005a). For example, the Native Lands Act of 1862 prepared the way for large-scale alienation of land, and in the process, they dismantled a system of social and economic organization that had rested on collective ownership, undermined the authority of tribal leaders, and introduced an incentive for fraud and misappropriation (Bourassa & Strong, 1998). Through the disempowerment and subjugation of Māori and their resources, the Settler government would be able to acquire power and means of control over Māori. The mechanism of policy served this purpose well.

The 1935 welfare state was underpinned by the themes of universalism in the law and human rights. Coinciding with this was the issue of Māori social and economic disadvantage, and a

priority of state involvement in a wide range of services and social transfers (Durie, 2005a). This did, however, result in increased state control and decreased autonomy for Māori. This was characterized by the Māori Affairs Amendment Act 1953, which extended the power of the Māori Trustee to purchase any interest less than fifty pounds, and to change the status of land where there were fewer than four owners from Māori land to general land (Walker, 1990).

Redress and progress in the Treaty of Waitangi as a means of both expressions of Māori autonomy and devolvement of state governance and service marked the dawning of a new millennium that also saw the accessibility and expansion of the free global market. This era began in 1975 with the passage of the Treaty of Waitangi Act (Durie, 2005a). This act provided for a Waitangi Tribunal which was empowered to deliberate and make decisions and recommendations on past Treaty of Waitangi disputes and grievances. The Tribunal, to this day, has comprised of senior Māori and Pākehā leaders. A claim to the Tribunal generally has to be consistent with the principles of the Treaty of Waitangi, highlighting the indiscretion of the defendant. The Tribunal's 'inquiry' process – researching as well as hearing claims, is an enormous and complex task. When a hearing is over, the Tribunal sends a report to the government and other parties, covering facts and making recommendations about redress. The Tribunal cannot enforce its recommendations, and the government can accept or reject them. If the government accepts there is a well-founded historical claim, claimants can then move on to negotiate with the Crown, through the Office of Treaty Settlements. The Waitangi Tribunal completed many reports on both historical issues and a wide range of contemporary matters – from te reo Māori and the radio spectrum to geothermal resources and fisheries (Museum of New Zealand Papa Tongarewa, 2018). The government has implemented many of the recommendations contained in those reports.

The' free market' economy as a dominant approach in the interactions and management of goods and services, emerged globally in the late twentieth century. A free market economy promotes the production and sale of goods and services, with little to no control or involvement from any central government agency (Agarwal, 2018). The advantages of the free-market economy include consumer sovereignty, the absence of bureaucracy, the motivational influence of free enterprise, and the optimum allocation of resources. Consumer sovereignty places the consumer as the main priority in goods and services transactions,

meaning the best at the cheapest price. With the absence of bureaucracy, non-government involvement enables the freedom for producers to innovate and compete with each other to improve their goods and services, without restrictions or restraints. With the motivational influence of free enterprise risk to fulfill consumer demand is guided by an invisible hand. The invisible hand is an economic concept where market demand acts as a signal for producers, i.e. because consumers want and are willing to pay for bread, a baker has the incentive to produce bread. With the optimum allocation of resources, raw materials for goods are more cooperatively and economically negotiated for maximum profit between producers and purchasers.

The disadvantages of the free-market economy are poor quality, merit goods, firm power, and unemployment. Poor quality refers to the consequence of maximizing profits at the expense of polluting the environment or exploiting workers. Merit goods occur when goods are no longer profitable, therefore production stops, resulting in unemployment. With firm power dominant firms can exploit other firms by lowering their supply prices while raising their selling prices to purchasers. Unemployment arises as workers no longer have marketable skills (or training credentials) to gain certain employment. With the free market principle, the government has no obligation to intervene.

Māori were both advantaged and disadvantaged by the free market policy in the late twentieth century. Firstly, free market policy advantaged those who were initially set up to benefit from the maximization of goods and services, wealthy European business owners. Regardless of the good or service, those who owned the means of production were allowed to enter and gain from the market the most. Telecom New Zealand Ltd (now Spark) was originally deregulated in 1987, then in 1990 49% of Telecom was sold to two United States-based telecommunications companies, Bell Atlantic and Ameritech, for NZ$4.25 billion. Ten years later Telecom Communications, due to innovation and risk, emerged as New Zealand's fourth largest company with reported profits of over 243 million dollars (Robb & Newberry, 2002). The free market, therefore, exacerbated the gap between European and Māori incomes as the management and leadership positions of these companies were assumed by educated and qualified university graduates (European), while Māori dominated all the manual labor and trade positions. This was evident in all areas of the New Zealand economy. The dual effect of free-market policies – the creation of hardship for many and wealth for a few – created

unease within Māori communities and, as the disparities between rich and poor, educated, and uneducated, employed and unemployed grew, tension and fragmentation were evident within Māori society and local Māori communities (Durie, 2003). An important aspect of this was that the decision-making processes were mainly undertaken by European, where Māori were subject to these decisions, and subsequent consequences (pay regulations, working conditions and hours, workplace closures).

During this free market period, Māori autonomy in education emerged in the form of Te Kohanga Reo or the Māori Language Nest. The first Kohanga Reo was set up at Pukeatua in Wellington in 1981. It was essentially an early childhood learning centre revolved around Te Ao Māori (the traditional Māori worldview), which incorporated the Māori language and its customs. In 1982, a National Kohanga Reo Trust was also duly established. Te Kohanga Reo prominence grew organically as an opportunity to educate in, and thus revive, the Māori language and culture in an interactive and family (whānau) environment. Therefore, '…the two main purposes of ngā Kōhanga Reo (language nests) were – and still are – to strengthen and empower Māori families, and to save and maintain te reo Māori' (Meade & Podmore, 2002). The subsequent resurgence of Māori language and culture in education again developed with the introduction of Kura Kaupapa in 1986, which are immersion Māori primary schools where Māori is the language of instruction. Not only was Māori language now transmitted in normal daily routines and situations, but was applied in the core subject area and forms in mainstream English education; reading, writing, math, and history. Te Ao Māori was also central to the existence and character of Kura Kaupapa. Wharekura, or the Māori medium secondary school, was seen as the natural progression for Māori language education in 1993 when state-funded Hoani Waititi opened in West Auckland. Since that time, growth of the wharekura sector has largely been achieved in legislation by re-designation of kura from Year 1–8 primary schools to Year 1–15 composite schools (Campbell & Stewart, 2009)

Autonomy, or self-determination, on behalf of Māori champions and whānau alike, accounted for the resurgent expression of Māori medium education in New Zealand. In response to free market forces, ngā kohanga reo, kura kaupapa, and wharekura owe their current existence to the pioneering and passionate Māori, who in the face of a 'European favored' free market

environment, saw and experienced the value of Māori culture (priceless), shared and realized its essence (mauri) in the revival and transmittance of Te Ao Māori.

This expression of Māori autonomy in the form of Māori medium education, was an example of the preeminent and pervasive importance and status of Māori language and culture in contemporary Māori society. It also contradicted the historical Western models of education introduced, and eventually imposed on Māori since the British arrival. These models were aimed at assimilating Māori into British language and culture. Assimilation did not only take place in education, but the Māori medium education resurgence left a pathway for other service areas to follow for the future – the necessary preeminence and pervasiveness of Te Ao Māori for Māori.

Despite the assertion of the Treaty of Waitangi (the English version) by successive Aotearoa New Zealand governments, New Zealand's political history has had its shortcomings. These have been identified as the product of patronizing condescension, dogmatic assumptions that had not been found on legal principles or customary understandings, and unwarranted confidence in a system of law that was all too often blind to other world views (Durie, 2005a). This characterized the New Zealand experience of political thought and practice.

Māori Policies

Significant reports have been published (Ministerial Advisory Committee, 1986: Jackson, 1988: Ministry of Justice, 2002) which have given particular attention to Māori indifference as a result of New Zealand governments. The Māori experience, or 'the Māori centered approach' (Durie, 2003) was comprehensive, critical, contextual, qualitative, and provoking. The following section summarises two key reports that reflected this approach. The report Pūao-te-Atatū (1986) came at a time that signified an awakening toward the aspirations and autonomy of indigenous peoples. It had its origins in racial issues faced by Māori feminists in the field of social work. In 1985, the Minister of Social Welfare, Anne Hercus, convened a Ministerial Advisory Committee to inquire and report back on a Māori perspective of the Department. The result was this 'notable' report (Dalley, 1998, p. 189).

The Ministerial Advisory Committee was chaired by renowned Ngai Tūhoe kaumātua, John Rangihau, who conducted a total of sixty meetings on marae, in institutions and Department

Offices across New Zealand. The Committee spoke to 'staff, to community workers, to young people and judges in the Children and Young Persons Court' (Ministerial Advisory Committee, 1986). These interviews, interpretations, and conclusions were also considered within historical, social, and cultural contexts. The report Pūao-te-Atatū exposed institutional racism within the public sector. It established the need for Māori solutions within the sector to be implemented as best practices for Māori clients. This in turn aided in the formation of the Children and Young Persons and their Families Act in 1989 and its subsequent amendments. This Act promoted and established procedures such as family group conferences and restorative justice processes. The assertion of fairness, trust, respect, and well-being was at its center. The Act allowed for youth offenders to be processed through a Family Group Conference.

The report established a large number of Māori clients and required a critical mass of Māori staff. Non-Māori staff were unable to provide solutions to Māori problems as the ability to solve problems lay within Māori themselves. It was a transfer of the power of decision-making from Pākehā structures to Māori workers. These changes put New Zealand back in the lead as a ‘social laboratory’, and many visitors from overseas came to observe and study this ground-breaking legislation. The research findings from Pūao-te-Atatū not only highlighted the Māori experience within a mono-cultural system of over 150 years but asserted the Māori-centred approach to working with Māori. The report set precedence regarding dealing with Māori youth offending by emphasizing the importance of the young person as opposed to the offense. This emphasis on the person rather than on the offense was a positive way of working with Māori youth through restorative processes. Such processes have revolutionized youth justice processes in this country and led to influencing similar processes for addressing indigenous and ethnic minority offending in other countries (Ministry of Justice, 2013). Pūao-te-Atatū is therefore remembered as a catalyst report echoing the Māori past, present, and future.

In 1988 Māori lawyer, Moana Jackson, prepared a report entitled ‘He Whaipaanga Hou; A New Perspective’, this report was considered the most comprehensive ‘large scale study of the relationship between Māori, the criminal justice system and its key agencies’ (Tauri, 2011, p. 11). The report was based on three years of research Jackson and others carried out across the country involving hui (meetings) with over 3,000 Māori where a range of criminal-

justice issues were discussed. Essentially Moana Jackson and his team ‘raised the profile of significant challenges facing Māori in the criminal justice system’ (Just Speak, 2012, p. 7). The problems the report identified extended across the police, politicians, the public service, judges, and juries. As well as outlining these problems, Jackson also suggested solutions, including the establishment of a separate Māori criminal justice system.

An important aspect of ‘He Whaipaanga Hou’ is that it provides the historical context and perspectives on pre-contact Māori social life as a cohesive and collective system of rights and duties. The report details the European colonization process that resulted in the marginalization and alienation of Māori, such as with 'The Treaty of Waitangi' (Just Speak, 2012, p. 13) and, over the 19th and 20th centuries, a history of social and legal disenfranchisement. Instances of racial indiscretions toward Māori ‘in Parihaka and Tūhoe’ (Jackson, 1988, p. 26) in the name of police investigations highlighted repeating patterns of racial discrimination in the justice system, where the interrogators were neither punished nor reprimanded. Also highlighted in the report are the inherent flaws in the court systems, in particular ‘the application of the law (by police and the courts)’ (Just Speak, 2012, p. 14). Examples such as mispronunciation of Māori names, and disrespect for or utter ignorance of Māori relations and protocol reinforced the report's assertion of a systemically Eurocentric justice system, and that Māori tikanga was central to structural change within the Justice system.

The report suggests that to reverse 'cultural deprivation to improve Māori performance in the criminal justice system' (Just Speak, 2012, p. 15), the Māori language be advanced in the form of Te Kura Kaupapa and Te Kohanga Reo education and the creation of a Centre for Cultural Research. This would reinforce and constitute Māori cultural inheritance. In addition, Jackson advocates increased attention to Māori support services, such as Māori drug, alcohol, and mental health services (Jackson, 1988). This would ensure appropriate cultural engagement with Māori individuals and families. Not only does Moana Jackson point out changes in the structural justice system, but also suggests a need for a separate Māori system of social order. His suggestion is justified based on 'legitimacy' (Just Speak, 2012, p. 16). Furthermore, he questions whether the current justice institutions, processes, and sanctions have legitimacy for Māori.

An important point about my research project is that He Whaipaanga Hou supports a cultural approach to dealing with rangatahi offending. Jackson not only looks to Māori empowerment and autonomy as part of the solution to justice as it relates to Māori, but also toward Māori independence and freedom to be Māori. Put simply, a Māori led, Māori-operated, and Māori-owned justice system. Regarding Ngā Kōti Rangatahi (NKR), it is a merited consideration. By merit, I am referring to a comprehensive, sole, and potentially compulsory marae-based youth justice process where te reo Māori me ōna tikanga prevails. Whether this is ideal for the majority of Māori offenders is possibly unrealistic at this time, as the latest statistics show that only one in five Māori speak the Māori language (Statistics New Zealand, 2013). Therefore, dealing with Rangatahi offending and Marae Justice the Whaipaanga Hou approach would be too excessive for NKR at this time. This section focuses on the strategies implemented by the Ministry of Justice to address youth offending in New Zealand nationally since 2000. Each of these national strategies reflected three important elements: an initial profile of youth offending in New Zealand, an outlined goal and subsequent objectives, and a comprehensive action plan. The strategies also spanned ten years in duration.

Within the context of devolution, the free market, and the Treaty of Waitangi, the dawn of the new millennium brought with it continued development and renewal in the operations and practices of the justice system toward Māori youth offending. Before the dawn of the new millennium a growing concern was that despite the innovativeness of the Children, Young Persons and their Families Act 1989, youth justice itself was 'becoming inadequately prioritized by its central agencies and the health and education sectors' (Ministry of Justice & Ministry of Social Development, 2002) and there was a consistent and rising proportion of Māori youth offending. The response by Government subsequently resulted in the Ministry of Justice and the Ministry of Social Development collaborating on the Youth Offending Strategy 2002. In August 2000, the Government established a Ministerial Taskforce on Youth Offending. The Taskforce, which commenced in October 2000, was chaired by Chief District Court Judge Carruthers, with support from Principal Youth Court Judge Becroft (since his appointment in June 2001) and included chief executives from relevant government agencies. The purpose of the Taskforce was to develop and drive through a package of initiatives to improve practice, processes, and coordination between all the agencies in the youth justice sector.

The approach taken by the Youth Offending Strategy recognizes that: for the existing youth justice system and legislation to be effective, some modifications, primarily about the delivery of services, were necessary. Early intervention (both in a general sense and within the youth justice system) is critical to preventing and reducing youth offending over the short and long term. Children and young people who offend can be distinguished according to their risks of continued offending. The types of interventions delivered to children and young people should be based, in part, on their level of risk of continued offending.

There are key points in a child or young person's progression toward becoming a serious young offender where intervention is most effective and appropriate. These key points are with the family, at school, the first contact with the police, the first Family Group Conference, and the first Youth Court prosecution (Ministry of Justice & Ministry of Social Development, 2002). With the family (birth to 4 years of age inclusive), interventions were focused on addressing problems such as family instability or social disadvantage. At school (particularly when a child first begins school), interventions were directed more towards the child or young person, within the context of their wider environment (school, family, and whānau). The first contact with the Police considered the context in which a young person first commits a crime or comes to the police's attention. The First Family Group Conference is important as it is the first opportunity to gather the youth, family, victims, and court and support services together to effectively address the offending. The first Youth Court prosecution allows the young person and their family to observe the implications and complexities of criminal offending, within the formal youth justice system.

The Youth Offending Strategy also developed three key areas. They were supporting the system, prevention before offending, and response after offending (Ministry of Justice & Ministry of Social Development, 2002). Supporting the system involved coordination and leadership whereby a delivery mechanism would be established to coordinate the prevention of, and response to, offending by children and young people. Information on offending was also considered vital to support effective interventions, policy, and practice. Prevention before offending involves early intervention would be reinforced by the early provision and support of appropriate interventions. Children and young people at risk consider the importance of the identification of this group toward appropriate intervention. Response after Offending considers the context in which young people first come to the attention of the

Police, including diversion away from the formal youth justice system wherever possible. Family Group Conferences are also pertinent in that it emphasizes an appropriate and effective response to children and young people at the Family Group Conference to prevent the likelihood of further offending. Serious Young Offenders are a priority group in providing a comprehensive, effective, and intensive response to reduce the likelihood of re-offending.

The Youth Offending Strategy 2002 sought to address the underlying issues of offending where attention was focused on prevention as opposed to cure. This was through building, supporting, and empowering potentially vulnerable and susceptible groups (including Māori) toward 'achieving their full potential' (Durie, 2005b). The aim was to fulfill children and young people's potential toward successful outcomes, and away from criminal offending behaviour.

Conclusion

Chapter Two illuminated the evolution of the Aotearoa New Zealand government and justice systems, in the context of two histories and their relations; the Māori and the Western. The indigenous Māori customary concept of lore was based on values. These values were exercised in pre-European Mori society with the practices of hara and muru. The concept of law, brought over to New Zealand by the British, was defined as rules that have consequences or penalties. A further characteristic of law is that it can be enforced by court prosecution, sentencing, and imprisonment Laws can also be controlled by their creators, as was typical of European style and led governments. The Treaty of Waitangi highlighted this, as it was written and signed to establish British rule in New Zealand. Its two different versions, the English, signed by the British Crown representatives, and the Māori translation of the English, signed by the Māori chiefs, fell short of conveying this. The British understood that Māori were ceding sovereignty, whereas Māori understood that they were ceding governance. In the late nineteenth century, the government continued to acquire land from Māori through its legitimization of forceful land purchases and confiscations, which was also met by Māori resistance and challenge to Crown sovereignty. The early twentieth-century Urban Drift was also reflected on, where many Māori families were drawn from their familiar homelands to the unfamiliar urban industrial cities, for economic and social reasons. Faced with new challenges such as low-paid jobs and unemployment, and a lack of support

for these working urban Māori families, which resulted in several issues, such as alcoholism, drugs, teenage delinquency, and crime.

Durie's four chronological periods were also asserted and characterized by four political ideologies exercised by the New Zealand government between 1835 and 2000. Colonial Patronage (1835 - 1852) referred to the nature and approach of the impending rule of New Zealand. Colonial Patronage involved the application of the British colonial experience, with the added consideration of Māori laws, customs and usages Transitions to Assimilation sought the absolution of British rule over New Zealand, over all New Zealanders. The welfare state (1938 – 1975) was underpinned by the themes of universalism in the law and human rights. Devolution, the free market, and the Treaty of Waitangi (1975) were characterized by the state devolving itself from the provision of goods and services to its services. The free market economy also emerged as a dominant approach in the interactions and management of goods and services. Although the Treaty of Waitangi was asserted during this period, it did have its shortcomings. These were identified as patronizing condescension, dogmatic assumptions, and unwarranted confidence in a system of law that was all too often blind to other world views. A significant achievement that occurred during the late twentieth century for Māori, was the emergence of Māori medium education in the form of Kōhanga Reo or Māori language nests. Kōhanga Reo paved the way for the subsequent establishment in 1986 of Māori medium education at the primary school level, Kura Kaupapa, and the secondary school, Wharekura established in 1993. Māori medium education was also acknowledged as an example of Māori autonomy in other areas of Māori wellbeing.

Pūao-te-Atatū (1986) and He Whaipaanga Hou were two significant late twentieth-century reports that gave particular attention to Māori indifference because of New Zealand governments. Pūao-te-Atatū exposed institutional racism within the public sector and established the need for Māori solutions within the sector, culminating in the sector's changes in the form of the Children and Young Persons and their Families Act in 1989. He Whaipaanga Hou (1988) was a report prepared by Māori lawyer, Moana Jackson, and was a large-scale study of the relationship between Māori, the criminal justice system, and its key agencies. He Whaipaanga Hou also provided a historical context from the pre-European Māori social norms of law and order, through the process of British colonization to the current state of the New Zealand justice system. He Whaipaanga Hou supports a cultural

approach to dealing with rangatahi offending. Jackson not only looks to Māori empowerment and autonomy as part of the solution to justice as it relates to Māori, but also toward Māori independence and freedom to be Māori.

At the beginning of the twenty-first century, The Youth Offending Strategy (2002) was introduced in response to the inadequacies of the Children and Young Persons and their Families Act in providing for the youth justice process and the rise of youth offending. The Youth Offending Strategy saw early intervention (both in a general sense and within the youth justice system) as critical in preventing and reducing youth offending over the short and long term. The Youth Offending Strategy also saw the need to consider and address the children and young person's wider environment, including their school, home, and community, and the role these play in the risk of their offending and re-offending. This chapter has provided a historical background to this research, and the following chapter will address the methodological approaches employed for this research.

Chapter Three: Methodology

"Ehara taku toa i te toa takitahi, engari i te toa takitini".

"My strength is not that of a single warrior but that of many".

(Huata, 1921, p. 189)

Introduction

This chapter discusses the methodology and methods applied in this research. This research is guided by tikanga Māori customs, practices, values, and beliefs, and conducted by a Māori researcher. The research focuses on the effects of Ngā Kōti Rangatahi (NKR) system on the health and well-being of Māori rangatahi and their whānau. Therefore, it is only fitting that kaupapa Māori informs this research. Kaupapa Māori has been described as by Māori for Maori to produce positive gains for Māori (Smith, 2012). It is a theory that can be used with other research approaches in order to explain the context to Māori realities. For many Māori these realities intersect with other worldviews different from that of Māori (Durie, 2003). Hence in this chapter, the notion of what constitutes the Māori World View or 'Te Ao Maori' will be explained. This provides the background to validate the appropriateness of kaupapa Māori as a methodology to inform a case study approach to collect the data for this study. Kaupapa Māori also provides the context to describe the tikanga Māori customs that underpin this study. Also, a description of the research methods used and the analysis approach is then outlined including thematic analysis, and Te Whare Tapa Wha Model (Durie, 1984). The chapter concludes with a discussion regarding Mana of the data and ethical considerations for this work.

Te Ao Māori - Māori Worldviews

There are various 'Māori epistemologies' or universal tangata whenua theories based on values and practices that reflect the range of worldviews. Durie (2003) further suggests that within Te Ao Māori there are diverse Māori realities that are constantly being developed and re-evaluated to maintain relevance in a changing society.

Within all these approaches is te tangata Māori (Māori people) the central dimension of mātauranga Māori which in turn underpins 'Te Ao Māori' (the Māori worldview). Māori narratives on the creation of Te Ao Māori vary from tribe to tribe but have common Atua.

Many of these narratives start with Te Kore, the void, followed by Te Pō, the night, and lead to the creation of the Atua; Ranginui, the sky father, and Papatūānuku, the earth mother. In many of the recollections of the creation of the Universe, it is said that Rangi and Papa produced more than seventy children (Pio, ca 1885-1901; Smith, 1913). These children were trapped between their parents as they embraced each other. The children's desire to get free led them to separate their parents against their will. The separation of Rangi and Papa is recalled in tribal recollections to have been finally caused by Tāne Mahuta. Following the separation of Rangi and Papa, knowledge was fetched from the uppermost realm of the sky parent. Included with this knowledge were the celestial beings; the sun, moon, and stars. The stars were perceived as beings who were bound together as a family through a hierarchical structure. The lineage of the stars begins with Rangi and Papa and the union of their children Tangotango and Wainui (Best, 1922). In referring to and paying homage to a renowned center of traditional knowledge transmission, Te Whare Wānanga o Te Rawheoro near Uawa, Ngata (1930) recorded the following as testimony to its status in conveying both esoteric (organic) and exoteric (cosmological) knowledge:

> This was the most prestigious school of learning at the northern end of the East Coast, and, if you consider the accounts of the experts from the Wairarapa, they being scribed by Te Whatahoro, this was the most prestigious school on the entire eastern seaboard (Ngata, 1930, p. 25).

The curriculum of the school was centered on whakapapa, tribal lore, and the development and promotion of the arts. The genesis and cosmology of tribal origin was a core subject and significant Māori ancestors such as Tangaroa, Tane, Ruaumoko, and others, were an integral part of the learning. Whatarangi Winiata (2020) noted that mātauranga Māori is "a body of knowledge that seeks to explain phenomena handed from one generation of Māori to another" (p. 1). The handing down of knowledge could be seen as a way of influencing and guiding behavior amongst whānau and how they engaged and built relationships. Therefore, mātauranga Māori can be viewed as being generated in the Māori cosmogony from the state called Te Kore, or the nothingness, to the creation of mortal and celestial beings. The application of this knowledge can be delivered through the sharing of knowledge from tipuna, whānau, kuia, and kaumatua, but isn't limited to these people. Traditionally knowledge was shared orally through mediums such as Māori oral histories, karakia (prayers), and waiata

(songs) (Royal, 1998). These stories were constantly being added to and re-evaluated to maintain relevance in a changing society (Durie, 2003). Royal (2008) describes that mātauranga Māori can be viewed as the voices of the past, heritage, and origins, that helps explain and enlighten us about different aspects of the world around us. In this process, a person gets to know about and understand some of the different purposes, meanings, and some of the different ways of learning about their world that can be transferred from one person to another. He describes mātauranga Māori as "he whakaatu, he whakamārama hoki i ngā ahuatanga o te Ao. Mā reira e mōhio ai te tangata ki te Ao, e mātau ai hoki ia ki ētahi whainga, ki ētahi tikanga. He mea ako, he mea whāngai" (Royal, 2008, p. 37).

The sharing and teachings of mātauranga Māori are done in various ways including whanaungatanga, kotahitanga, manaakitanga, whakapapa, tipuna and hui. All of these are central parts of this research, the researcher and the participants' everyday life and what they experience. It is not surprising then that this research is informed by kaupapa Māori theory.

Kaupapa Māori Theory

Kaupapa Māori theory was developed in the 1980s in response to the Western, Eurocentric education system by Māori educators, Graham Hinengaro Smith, Linda Tuhiwai Smith, Tuki Nepe, and a small team of other educators at the University of Auckland in the form of distinctly Māori institutions underpinned by Māori philosophies, values and practices (Nepe, 1991). Kaupapa Māori initiatives such as kohanga reo, and later, kura kaupapa Māori, were set up as 'alternative' systems of education as resistance measures outside of the 'mainstream' system. For instance, Pukeatua, the first kohanga reo, opened in 1982 in Wainuiomata, accessing grant funding only (to become self-sufficient), and a role of limited support for the Department of Māori Affairs (Royal-Tangaere, 2018). The first kura kaupapa opened at Hoani Waititi, West Auckland as a result of the state schools' inability to provide a Māori immersion program for children who had graduated from kohanga reo at the age of five and whose first language was Māori (Smith, 1989). The struggle involved in the assertion of these Maori medium institutions came from Maori communities, and not only was fought on an educational level but a cultural and political level. This is one of the very reasons for their success – kohanga and kura were able to unhinge themselves from the `gate-keeping' reproductive elements of the dominant controlled Eurocentric state system. At the same time in the 1980s, Māori were also fighting the demise of the language itself. This was led by

Māori protest groups determined to save the Māori language. Noted Māori elder Huirangi Waikerepuru and the Wellington Māori Language Board were among those who worked together to successfully gain official recognition of the Māori language in 1987 (Tocker, 2012). What is evident in these responses in education to ensure the survival of Māori language, traditions, and values, is an awareness of what Māori naturally do, are and the unrestricted pursuit of it.

As mentioned in Chapter Two, the resistance measures to the Eurocentric system here in Aotearoa New Zealand in the 1980s were also reflected in the justice system with the Pūao-te-Āta-tū (Ministerial Advisory Committee, 1986) and He Whaipaanga Hou (Jackson, 1988). Led by Ngāi Tūhoe kaumātua John Rangihau, Pūao-te-Āta-tū concluded that the justice system needed to consider Māori realities and ways of living to work effectively with them. This report subsequently resulted in the Children, Young Persons, and Their Families Act 1989, now the Oranga Tamariki Act (Oranga Tamariki Act No. 24., 1989), that to this day emphasizes restorative and collective justice approaches, as opposed to the former punitive and individual approaches. Moana Jackson's He Whaipaanga Hou report was not only sparked by his experience in working with Māori in the criminal justice system, but the historical context of Māori before, and after European arrival, and the subsequent effects of colonization on Māori wellbeing, resulting in Māori offending. This report, in particular, asserted the importance of the Māori language and customs within the justice system, which eventually resulted in their introduction in the 1990s, such as the local initiative Te Tirohanga "Maōri Focus Unit" that opened at Mangaroa Prison in 1997 (Department of Corrections, 2016), and the eventual national justice initiative NKR in 2008. As these acts of resistance show, whether in education or justice, kaupapa Māori is as much about Māori autonomy, knowing what it is and what it can do, then going out and causing it to happen.

Graham Smith describes kaupapa Māori as:

1. Related to 'being Maori',
2. Connected to Maori philosophy and principles,
3. Taking for granted the validity and legitimacy of Maori,
4. Taking for granted the importance of Maori language and culture, and
5. Concerned with the 'struggle for autonomy over our cultural wellbeing'.

Essentially, the core of kaupapa Māori is the catch-cry: 'to be Māori is the norm'. As an analytical approach, kaupapa Māori is about thinking critically, including developing a critique of Pākehā (non-Māori) constructions and definitions of Māori and affirming the importance of Māori self-definitions and self-valuations (Smith, 2005). This both asserts and characterizes the organic nature of kaupapa Māori theory (Mane, 2009; Mead, 1996; Pihama, 2001; Smith, 1997).

Social Research

Many theorists assert that Social Research is based on logic and empirical observations - the characteristics of the social sciences. Bryman (2016) maintains that social research depends on the social sciences for conceptual and theoretical inspiration. Sarantakos (2012) describes social research as a tool for social scientists. Babbie, Wagner, and Zaino (2018) define social research as social science investigation. With these distinct but similar definitions, social research, nevertheless, is geared toward the pursuit of new knowledge.

With regards to social research, it is distinguished by two approaches: quantitative and qualitative. Quantitative designs approach social phenomena through quantifiable evidence and often rely on a statistical analysis of many cases (or across intentionally designed treatments in an experiment) to create valid and reliable general claims. Qualitative designs emphasize understanding of social phenomena through direct observation, communication with participants, or analysis of texts, and may stress contextual subjective accuracy over generality. While methods may be classified as quantitative or qualitative, most methods contain elements of both. For example, qualitative data analysis often involves a fairly structured approach to coding the raw data into systematic information and quantifying intercoder reliability (Bradley, Curry & Devers, 2007). Albeit that quantitative and qualitative constitute the key distinction of social research approaches, there still exists a complex relationship between the two approaches.

About this research on the effects of NKR on the health and well-being of rangatahi and whānau who attend this judicial system, social research relates to it in the social science field of criminology. Criminology is “the body of knowledge regarding crime and delinquency as a social phenomenon” (Sutherland, Cressey & Luckenbill, 1992, p. 3). It also concerns itself with the making, breaking, and responses to the breaking of societal laws. Criminology also

operates at an individual, group, and universal level when addressing these considerations. This research relates to criminology in that it focuses on if the judicial system effectively responds to Māori youth offending through NKR and, if so, how is this achieved.

Ethnography

As NKR is a judicial forum that is conducted according to Māori protocols and practices, this research employed the ethnographic research method. Ethnographies are representations of culture that are not limited in size from societies to two people interactions that aim to understand the culture of a group from the view of the participants (Burgess, 2006). This perspective, therefore, facilitates a process whereby culture members can define, question, interpret and make sense of their world. The process of an ethnographic study also requires the researcher to engage with the groups firsthand, to understand the culture that these people shared. Ethnographic research can take place in many types of communities including formal and informal organizations such as workplaces, urban communities, fan clubs, trade fares, shopping centers, and social media (Eriksson & Kovilainen, 2015). Ethnographies can also be performed in the native language of the researcher. The main aim of the ethnographers is to, ultimately, observe and analyze how people interact with each other, and with their environment to understand their culture.

With ethnographies, it is also important to know how they are to be observed at each key stage of the research process. For this research, I have identified eight stages. These stages are choosing the field site, doing fieldwork, participant observation, ethnographic interviews, site documents, field notes, analyzing and interpreting ethnographic data, and writing and evaluating ethnographic research (Eriksson & Kovilainen, 2015). This process was observed and highlighted throughout this research. A premise of ethnographic research is that the concept of 'field' implies that the research is carried out, or starts, in the real world. The ethnographic starting point for this research is therefore identified as NKR, a judicial service based on Māori protocols and practices.

About choosing the field site, the identified field of NKR should also generate a guiding research question appropriate to that specific site. This can include starting with a theoretically derived research question about a certain cultural process and finding a site where that question might be appropriate (Eriksson & Kovilainen, 2015). For example, in this

research, Kaupapa Māori theory is asserted in underpinning the Māori protocols and practices of NKR. To this end Kaupapa Māori is a theory that seeks to affirm Māori culture, at the same time critiquing dominant European social and cultural systems, therefore my research questions needed to be able to touch upon something important about the social and cultural aspects at NKR.

Case Study Approach

This research also employed the case study research method. Yin (1984) defined the case study research method as 'an empirical inquiry that investigates a contemporary phenomenon within its real-life context; when the boundaries between phenomenon and context are not evident; and in which multiple sources of evidence are used' (p. 23). In short, case studies enable the exploration of an event or phenomenon in depth and its natural context. A case study can highlight almost any individual, group, organization, event, belief system, or action. Case studies also entail detailed context analysis of a specific number of events or conditions and their relationships.

A further feature of a case study is that it can be used to explain, describe or explore events or phenomena in the everyday contexts in which they occur (Yin, 1984). For example, a case study can be used to explain the causal links and pathways from a new policy initiative or service development. This research, the case study sought to explain the existence and levels of health outcomes (phenomena) at NKR (context). To this end, the case study approach can lend itself to capturing information on the explanatory how, why, and what questions, such as how are health outcomes generated at NKR, why do rangatahi respond at NKR, and what happens at NKR? This information can offer additional insights into both the merits and trials of NKR in its role as a judicial service,

Case studies are also asserted as one of the qualitative research methods that fit in one of the underpinning principles of kaupapa Māori; the Māori way of doing (Walker, Eketone & Gibbs, 2006; Panelli & Tipa, 2007). This is characterised by the notion of collectivity where notions of individuality are subordinated under collective considerations. For example, according to tikanga when Māori engage in an introductions process they generally start in the form of a pepeha, which firstly conveys their genealogical connection to ancestral landmarks, then their ancestors, parents, and children, concluding with themselves. In this

context, the nature of case studies therefore naturally accommodates these elicitations of phenomena. This is particularly useful for this research when capturing the NKR interview participants' experiences of NKR.

Case studies are consistent with te ao Māori through the traditional Māori practice of Pūrākau (Lee, 2009). Pūrākau or stories (mythological traditions) are statements about the relationship between Ātua Māori, the universe, and the world (Marsden & Royal, 2003). Like case studies, pūrākau emphasizes the subjective human creation of meaning without outright rejecting some notion of objectivity. For instance, with case studies, an interviewee may share their own experience of what the sun is like and feels to them, and with pūrākau, an individual can introduce themselves (or their identity) in the context of the environment (pepeha) and their genealogy (whakapapa). With this consideration, it is evident that the case study research method not only has the potential to capture the human experience or conscience but the indigenous Māori conscience or ao (world) as well.

Tikanga Customs

Hirini Mead (2016) defined the concept of tikanga (literally translated as a right act) as "the ethical and common law issues that underpin the behaviors of a member of a whānau, hapū, and iwi as they go about their lives and especially when they engage in the cultural, social, ritual and economic ceremonies of their society" (p. 38). Notwithstanding, however, the existence of several aspects of tikanga, in the context of this research, the researcher considered tikanga as the accumulated knowledge of generations of Māori. Therein, is tikanga embedded within the broader philosophical tradition of mātauranga Māori. This knowledge base is characterized by 'ideas, interpretations, and modifications added by generations of Māori' (p. 38). Just as important to this understanding of tikanga, is its application in the form of values, which are considered more than just principles, but resembles something to be held as deserving, important, and worthy. For me, this identifies values that are important to Māori. Consequently, the tikanga values that guided this research are described below.

Mead (2016) also defined aroha ki te tangata as "a person concerned about people who want to help whenever possible" (p. 254). For aroha ki te tangata I observed a time of initial introductions (mihimihi) preceding the interview process where I led in introducing myself

and where I come from, in the English or Māori language. This traditional Māori practice (Buck, 1949; Mead, 2003) initiates not only a multi-dimensional connection (physical, social, cultural, emotional, and spiritual) with the NKR interview participants but introduces the considerations of safety and familiarity.

He kanohi kitea, translated literally as the seen face, conveys the value of meeting people face to face. For example, Cram and Pipi (2000) wrote:

> Kanohi ki te kanohi is regarded within Māori communities as critical when one has an important "take" or purpose. This form of consultation allows the people in the community to use all their senses as complementary sources of information for assessing and evaluating the advantages and disadvantages of becoming involved. (p. 14)

He kanohi kitea was applied in this research through the undertaking of face-to-face meetings. This practice is endorsed in the traditional Māori concept of the collective, where tasks were more effectively achieved (and appreciated) as a whole group.

Titiro, whakarongo, korero is about the importance of looking and listening so that you develop understanding and find a place from which to speak. Titiro, whakarongo, korero symbolise the process whereby the researcher's role is one of watching, listening, learning, and waiting until it is appropriate to speak (Pipi et al, 2004). Again, this helps to show respect and develop trust in the growing relationship between researcher and participant(s). Titiro, whakarongo, kōrero was the style that I adopted throughout the process of my interviews. This approach to my interviews was conducted in the understanding and observation of different communication styles ranging from slow, repetitive, and simple gestures and dialogue for the Māori NKR Youth, to the coherent, fluent, and articulate gestures and dialogue of the non-Māori NKR Professionals.

Pipi et al (2004) maintain that Manaaki ki te tangata entails taking a collaborative approach to research, research training, and reciprocity. Manaaki ki te tangata was displayed with the provision of refreshments (drinks and light snacks) during the interviews. This practice is underpinned by the traditional Māori concept of Koha. The concept of koha is the act of

giving and receiving a gift (Mead, 2016). In this context, koha is conveyed in the most appropriate form, being the interview meeting.

Kia tūpato is about being politically astute, culturally safe, and reflexive about our insider/outsider status. Kia tūpato was adopted in the sensitive, slow-paced, and repetitive nature of the interview process. As mentioned in Chapter Two, the oral traditions of Māori have always been esteemed and valued, and this was no exception as seen in the caring, clear, and deliberate approach to the NKR interview participants' stories.

Kaua e takahi te mana o te tangata means "do not trample the mana of the people". This is about sounding out ideas with people, disseminating research findings, and ensuring community feedback that keeps people informed about the research process and findings. Kaua e takahi te mana o te tangata was also observed by informing the interviewees of their human rights and their maintenance of them throughout our interactions. To this end, Hirini Mead (2003) sees mana as an individual's place in a social group. Therefore, in the context of the interview process, I saw it necessary to ensure that the interview participant's human rights were explained, observed, and respected.

Kaua e mahaki means don't flaunt your knowledge. Kaua e mahaki was exercised in the simple, clear, and brief nature of my communication style during the interviews. For this approach, I considered the concept of rangatira, which means chief or leader (Mead, 2003), but distilled the essence of its two constituent words, ranga (rāranga) or 'weave', and tira, referring to a group. With the second understanding, I was able to both understand and integrate the principle of rangatira, about weaving my participants into the interview process, with care and purpose. As I applied for ethical approval from MUHEC, I also read the Massey Code of Ethics to guide and inform my fieldwork.

Māori Model Data Analysis Framework

In this research two data analysis approaches were used: Te Whare Tapa Whā and Thematic Analysis. Durie (1984) considered Māori health in his Te Whare Tapa Whā model as a theoretical framework and conceptualizes it as a four-sided house representing four cornerstones of health, each of which is vitally interdependent for total well-being and balance. Taha tinana (physical health) recognizes the capacity for physical growth. Taha

wairua (spiritual health) recognizes the capacity for faith and wider communion. Taha whānau (family health) recognizes the capacity to belong, to care, and to share where individuals are part of wider systems. Taha hinengaro (mental health) recognizes the capacity to communicate, think, to feel, as mind and body are inseparable.

Te Whare Tapa Whā model, because of its multi-dimensional perspectives, is not only useful for sole (individual) measurements, but also for social (group) measurements, and consequently universal or whole populations. According to this model, individuals not only possess these four dimensions but in turn are interdependent with the wider contexts of the social and universal worlds. Therefore, in applying Te Whare Tapa to my research, I analyzed the four-fold dimensions of the individuals in my research, which were not only categorized in the analysis for a sole profile (NKR worker, rangatahi, and relative) but were further examined within the wider contexts of the social (NKR) and the universal (Māori).

In the context of this research, I applied Te Whare Tapa Whā in a methodical and multi-dimensional way, to provide a holistic profile of the NKR interview participants' experiences at NKR. For the participant interviews, sixteen questions were designed to capture the experiences and interpretations of the interviewees of Te Kōti Rangatahi o Te Poho-o-Rāwiri simply and holistically. The questions were chronologically arranged and organized into four dimensions as outlined earlier in Durie's Te Whare Tapa Whā model (1984). Taha Tinana constituted the first four questions, followed by Te Taha Hinengaro, then Te Taha Wairua, and concluded with Te Taha Whānau. The questions sought to draw out similar reflections but from three distinct roles and perspectives. The eighteen interviewees were distinguished into three groups, representing three different roles, and thus, perspectives of Te Kōti Rangatahi o Te Poho-o-Rāwiri. These were the Professionals (or TKR workers), Youth (TKR rangatahi), and Whānau (TKR family members). I have identified them with the abbreviations P (Professionals), Y (Youth), and W (Whānau). This was proceeded by the number (1, 2, etc.) signifying the order by which I chronologically ran the interviews.

Analysis refers to “a careful study of something to learn about its parts, what they do, and how they are related to each other” (Stevenson & Waite, 2011). It has been applied in the study of mathematics and logic since before Aristotle (384–322 B.C.), however, has only recently been widely acknowledged as a formal concept. The word analysis is derived from

the Ancient Greek word ‘análisis’, a breaking-up or an untying; from ana- up, throughout and lisis a loosening”(Harper, 2022). At a base level analysis is distinguished by two types: qualitative analysis and quantitative analysis. Qualitative analysis is concerned with what components are in a given sample or compound, whereas quantitative analysis is concerned with how many components are in a given sample or compound.

At a broader level, analysis is also distinguished by different fields or subjects of study. In the case of my research, the type of analysis used was Linguistics. Linguistics looks at individual languages and language in general. It breaks language down and analyses its components: theory, sounds and their meaning, utterance usage, word origins, the history of words, the meaning of words and word combinations, sentence construction, basic construction beyond the sentence level, stylistics, and conversation (Halliday & Webster, 2006). It examines the above using statistics and modeling, and semantics. It analyses language in the context of anthropology, biology, evolution, geography, history, neurology, psychology, and sociology. It also takes the applied approach, looking at individual language development and clinical issues.

Thematic analysis is a qualitative analytic approach and a method for identifying, analyzing, and reporting patterns (themes) within data (Braun & Clarke, 2006). It characterizes and encompasses a variety of different approaches, rather than a singular method. Braun and Clarke (2019) distinguish between three main types of thematic analysis: coding reliability approaches (examples include the approaches developed by Richard Boyatzis, Greg Guest, and colleagues), codebook approaches (these include approaches like framework analysis, template analysis, and matrix analysis) and reflexive approaches. Alongside elaborating on these types of thematic analyses, they described their approach as reflective thematic analysis.

Thematic analysis is used in qualitative research and focuses on examining themes or patterns of meaning within data (Daly, Kellehear, and Gliksman, 1997). It minimally organizes and describes your data set in (rich) detail. The thematic analysis goes beyond simply counting phrases or words in a text (as in content analysis) and explores explicit and implicit meanings within the data. Coding is the primary process for developing themes by identifying items of analytic interest in the data and tagging these with a coding label (Boyatzis, 1998). In some

thematic analysis approaches coding follows theme development and is a process of allocating data to pre-identified themes (this approach is common in coding reliability and codebook approaches). In other approaches, notably Braun and Clarke's reflexive approach, coding precedes theme development and themes are built from codes.

One of the hallmarks of thematic analysis is its flexibility - flexibility with regard to framing theory, research questions, and research design (Braun & Clarke, 2006). Thematic analysis can be used to explore questions about participants' lived experiences, perspectives, behavior, and practices, the factors and social processes that influence and shape particular phenomena, the explicit and implicit norms and 'rules' governing particular practices, as well as the social construction of meaning and the representation of social objects in particular texts and contexts.

Another of thematic analysis's hallmarks is that it characterizes a method that is essentially independent of epistemology, and therefore 'can be applied across a range of theoretical and epistemological approaches' (Braun & Clarke, 2006, p.78). Although often (implicitly) asserted as a realist/experiential method (Aronson, 1995; Roulston, 2001), and is conducive to both essentialist and constructionist paradigms. Overall, thematic analysis is widely considered and endorsed because of its flexible and free nature.

Methods

The technique employed in selecting the participants for the interviews was Purposive Sampling. Also known as selective, or subjective sampling, this technique relies on the judgment of the researcher when choosing who to ask to participate. Researchers may implicitly choose a representative sample to suit their needs or approach specific individuals with certain characteristics (Ben-Shlomo, Brookes & Hickman, 2013). This is used primarily when there is a limited number of people that have expertise in the area being researched, or when the interest of the research is on a specific field or a small group. For this research, rich information related to this study was from three specific groups who were knowledgeable about NKR and its processes. As a result, for this research, three groups were identified and consisted of three role perspectives; the first group was professionals, the second group was rangatahi who had previously attended NKR as offenders within the years 2008 to 2018 and

the third group was identified as whānau. These were six whānau (family) members who had supported youth at NKR between the years 2008 to 2018.

For this study, participants were recruited from the NKR case and came from three groups. The NKR professionals who worked at Te Kōti Rangatahi were employed as Youth Justice Workers for at least two years and were still currently working for NKR at the time of interviewing. The NKR youth participants were identified as those who had attended Te Kōti Rangatahi for their criminal offending within the period of 2008-2018 and the potential NKR family (Whānau) member participants were recruited from those who attended Te Kōti Rangatahi in support of their young person through Te Kōti Rangatahi process. In total, eighteen participants were recruited, 6 professionals, 6 youth, and 6 whānau members. The recruitment processes of these three groups and their distinguishing features are elaborated on below.

Professionals

Before I recruited the NKR professional participants I sent a letter to the Manager of the Gisborne Courthouse informing them of my research, its purpose, and who would be involved in this research, to gain their necessary approval before proceeding. Once approval was gained, I then began to consider what strategy I would adopt in selecting my NKR professional participants. Three priorities determined my selection strategy for the NKR professional participants. The priority was to select NKR professionals that had both the best knowledge and experience of NKR, to gain both relevant and rich data. The second priority was to select NKR professionals that could offer different role perspectives, to gain broad and varying data. The third priority was to select NKR professionals that were Māori and non-Māori, to avoid bias and gain multi-ethnic and non-Māori perspectives. As an 'insider' and fellow NKR professional, I already had the relationships and rapport with my fellow youth justice workers to approach and inform them of my research. This is where their 'familiarity' with me assisted the recruitment process. I consequently recruited three groups for particular purposes; the legislative group (or lawyers) provided insight into Te Kōti Rangatahi from a judicial perspective. The cultural perspective (or kaumātua) provided insight into Te Kōti Rangatahi from a Māori cultural perspective. The holistic health group (or Oranga Tamariki workers) provided insight into Te Kōti Rangatahi from a social perspective. Ethnically, three NKR professionals were of Māori descent, and three of non-Māori descent. The non-Māori

NKR professionals provided an 'outsiders' perspective, where impressions could be captured of the Māori practices and protocols of NKR from a demographic of different ethnicity. This could potentially provide an unfamiliar, and therefore unbiased perspective of NKR. The professionals were selected from a pool of names associated with the Ministry of Justice, they were kaumātua, lawyers, lay advocates, and Child Youth and Family Services Youth Justice coordinators. Before attending the first meeting with all of the interview participants, the researcher recited a karakia or prayer for safety and the invocation of a blessing on both the people and the meeting venue. At the initial professional participant meeting, the practice of an opening karakia was gestured to them. If they agreed, the karakia would be recited. If they declined a karakia, their wish was upheld (by the tikanga values of aroha ki te tangata and manaaki ki te tangata) and the practice was abstained from in that venue. The meeting then proceeded where the research was explained and discussed, aided by the information sheet and consent form, before consent was gained, followed by the organization of the interview meeting. A closing karakia or blessing convened the first meetings with research participants who initially accepted that practice.

Youth

Before recruiting the youth participants, the four stakeholders of the Youth Court (the Courthouse worker, the Youth Advocates, the Police, and Oranga Tamariki) were provided with an information sheet detailing the research, what it would entail, the researcher's name and contact details and the names and contact details of the two supervisors in case further information was needed. Posters were then designed and displayed at these Youth Court stakeholder venues requesting youth and whānau volunteers for the research, who had attended NKR from 2008 to 2018. These posters also had the researcher's contact details and notification of the $50 supermarket voucher for the selected youth volunteers. To address any further queries from prospective youth research volunteers, these venues also had my contact details if they required further clarity on the research. The first six youths to respond to the posters were valid, and therefore I proceeded with the recruitment process for the first six youth volunteers. The six youth respondents were all of Māori descent. This then required the organization of meetings with the youth, alongside their parents in some necessary cases, and in my case, with a registered social worker I had approached to accompany my research meetings for safety purposes. This meeting with the youth participants was to inform and discuss with them the details of the research and the interviews and assure them to feel

comfortable with me. It was necessary to formalize the recruitment process at this meeting by providing the information sheet and discussing the research and interview process detailed on it and gaining their consent on a consent form. It is also important to note that all of the youth participants were over the age of sixteen and therefore could sign their consent form. All of the youth participant information and consent form meetings were held at the young person's residence in the presence of a parent. The offer of karakia was also extended to the youth participants at the beginning of their first meetings, and if it was decline the karakia dd not proceed. If the practice of karakia was agreed upon, it was then used to open and close the meeting, and was practiced at every proceeding youth participant meeting.

Whānau

The recruitment process for the whānau research participants was similar to the process used to recruit youth participants. The researcher was seeking whānau members that attended NKR in support of their youth between 2008 and 2018. This was also communicated on the advertisement posters alongside the request for youth volunteers that were published and displayed at the four stakeholder venues. The recruitment posters were designed and put up outside key justice venues such as the Courthouse, iwi, health and social services, and Te Poho-o-Rāwiri Marae. The posters were clear and bright, for promotion, specifying the requested types of people, including a summary of the research activity, and the researcher's contacts. More specifically, the poster requested the availability of NKR Professionals, Whānau, and Youth who had attended NKR between 2008 – 2018 to participate in this research. The first six whānau respondents to the posters were also valid, and therefore the first six whānau respondents were also selected to proceed with the next stage of the recruitment process. The six whānau respondents, like the youth, were all of Māori descent. The next stage of the recruitment process was also information and consent form meetings which were held at the whānau residence. Like the professional and youth meetings, the researcher offered the practice of karakia to the whānau members and continued if accepted and withheld if declined. All of the whānau participants were adults over twenty years of age. This process included the involvement of the justice system as a Ministry of Justice Youth Court and followed the guidelines as determined by the Massey University Human Ethics Committee.

Interviews

It is important to hear the experiences of professionals, youth, and whānau members involved in NKR to gain a more in-depth understanding. To guide the interview process, questions were created in consultation with my supervisors based on reviewing of literature and my involvement and experience with rangatahi. As mentioned earlier in this chapter, the four dimensions of Te Whare Tapa Whā (Te Taha Tinana, Te Taha Taha Hinengaro, Te Taha Wairua, and Te Taha Whānau) formed the superstructure of the interview schedules. By superstructure, Te Whare Tapa Whā was intended to convey the scope of the interview schedule, that is its multi-dimensional aspect. This was characterized by the four questions under each of the four Te Whare Tapa Whā dimensions. Four equal questions to each of the four dimensions totaling sixteen questions in the interview schedule. Additionally, the three interview groups were formed consisting of three different roles and therefore constituted three different perspectives. Therefore, I created three unique interview schedules according to these three different roles and perspectives. Overall, some questions were different according to the participants' different roles and some questions were the same, aimed to capture aspects of the research focus; NKR engagement and wellbeing. The NKR Professional interview schedule questions were designed to capture both their engagement with NKR and their subsequent observations of youth and whānau engagement with NKR. The researcher preceded the interview schedule with the NKR Professionals' NKR experiences to provide both the essential elements of authenticity and impartiality to the professional participants' perspectives before sharing their observations of youth and whānau NKR engagement and well-being. By authenticity, the researcher wanted to convey the NKR professional knowledge and experiential perspective, and by impartiality, based on this knowledge and perspective, the questions were designed purely to elicit responses about NKR engagement and wellbeing. It was also important to consider and observe, in the context of the interview schedule, that the NKR professional participants were also fellow NKR service providers. For the NKR Youth and Whānau interview schedules, the most important consideration was to keep all the questions simple and therefore comprehensible. The observation of simple questions was considered by the researcher to be crucial for the youth and whānau participants to understand the question and therefore provide relevant responses to the questions. Furthermore, the interview schedule was designed to distinguish the NKR youth and whānau as service providers.

Before attending the interviews, the researcher recited an appropriate karakia or prayer for safety (as stated earlier in the chapter in the tapu and noa, and karakia sections) and invoke a blessing on the meetings and the people involved. The practice of karakia is a tikanga value that the researcher engages in every day. The interview meetings were conducted either at the NKR research participant's employment venue or at their residence. The researcher took consumable snack refreshments in the form of fruit and biscuits to eat and tea and juice to drink, to all of the interview venues. Karakia convened every interview meeting that had initially received approval at the information and consent form meeting, otherwise, the researcher proceeded in outlining and fully explaining the interview process and the participant's rights before commencing the interview. The researcher then acquired the assurance and permission from all the research participants for the commencement of the interview where the recording function was set on the dictaphone ready for the interview questions to proceed. The interview questions proceeded in a slow, clear, and affirmative manner. Following the interview process, a closing karakia (where necessary) was chanted, and the research participants were thanked and instructed on the plans of the research, including an offer of a copy of the interview transcriptions, and finally the offering of the $50 supermarket voucher. The twelve youth and whānau research participants received their vouchers, but the six professional research participants declined them.

Interviews were conducted after consent was granted from the Massey University Human Ethics Committee. Following the approval, participants were approached and given information about the study, including an information sheet and only those who signed a consent form were interviewed. For the youth, their consent form processes were undertaken with the support and knowledge of their parents or guardians. The approach also included individual and group approaches as it is appropriate for working with whānau. With regard to participant confidentiality, several measures were considered and implemented during the research process. Firstly, a qualified former social worker was recruited voluntarily to assist me with interviewing the female NKR youth. As social workers, they also signed a document of confidentiality. This assistant also addressed the ethical consideration of safety, observing male-to-female safety. Thirdly, the participant's interview data were kept confidential and secure in a locked drawer on my desk at work. Fourthly, after my research, the data will be transferred to the university archives where it will be kept there for ten years before it will be disposed of. To observe the ethical practice of cultural safety, a group of 3 to 5 support

people was also sought to provide cultural and ethical support, involving two kaumātua, a counselor, and my university supervisors. These people were made available during the research interview if the whānau needed support or further information. The recordings in the form of a dictaphone were kept safe in a locked filing cabinet at the researcher's place of employment. For the transcription process, I undertook this task myself with the eighteen interviews. Transcribing the audio-recorded interview responses from a dictaphone took two months and entailed typing and saving the experiences of the NKR research participants onto Word documents on my personal computer. The participants' identities were kept confidential with a coding system.

Analysis of the Interviews

For the analytical process, the eighteen NKR interview participants were firstly distinguished into three equal groups, which were then abbreviated, and allocated a number: NKR Professionals (P1 – 6), NKR Youth (Y1 – 6), and NKR Whānau (W1 – 6). I then proceeded in coding the data. These codes were discussed with my supervisors, who guided, informed, and affirmed my coding strategies. These codes were identified by repetitive data, whereby patterns started to emerge. For example, all of the NKR participants negatively described the courthouse and affirmed NKR in their experiences. Consequently, as a result of an in-depth discussion with my supervisors, they informed me that the way that I had used Te Whare Tapa Whā theoretical framework to elicit four-fold dimensional responses from the interview participants could also be utilized to analyze and organize my interview responses. Thematic analysis was also asserted by my supervisors as an analytical method that would complimentarily identify, modify and organize the qualitative data in a rich, systematic, and insightful way.

As part of the transcription process, I made note of any overt patterns or repeating issues within the data of the interview responses. For example, about the research question or focus of NKR engagement and wellbeing, I noticed and recorded in a diary, that the terms 'good' and 'helped' were common in all of the interview responses. In ethnographic research, this is identified as the field notes stage. This both affirmed and established an early base for the coding process, which is where the analyzing and interpreting stage begins. I then proceeded with the coding process by tagging items of relevant interest in the data by highlighting them as key phrases. One of the first common items or words I tagged was 'different' with regards

to describing NKR in relation to the courthouse. Tagging formed the start codes, but I had to undertake a further coding process. I not only described, summarised, and engaged interpretatively with the data but also explored both overt (semantic) and implicit (latent) meanings (Braun & Clarke, 2006). This secondary process of coding considered the broader aspects of start codes, such as 'different', in the context of the interview participants and the research question of NKR engagement and wellbeing. This secondary process built and developed the start code into both a broader and specific code unit for the thematic process. For example, the tagging code 'different' developed into different youth courts (NKR and courthouse). The initial thematic process I undertook entailed the reconsideration of the codes into proposed themes. Themes differ from codes in that themes are phrases or sentences that identify what the data means. For example, this was expressed where different youth courts were elaborated on and defined for analysis as judicial forum differences. At this point of the thematic analysis process, the added identification of subthemes arose to add more specific and deep detail for further analysis. The subthemes for judicial forum differences were identified as ‘impersonal courts’ and ‘supportive NKR’. I then returned to these themes and subjected them to a reviewing process. There were two aspects that I applied to this process.

The first aspect I considered was to ensure that the themes formed coherent patterns. For 'judicial forum differences', this term still captured the initial start code 'different' as well as broadening its context about the research question with differences of NKR engagement and wellbeing. The second aspect of the reviewing process I applied entailed considering the validity of individual themes and how they connect to the data set as a whole. For this part of the thematic analysis process, the themes and subthemes began to take shape. For instance, the theme of Judicial Forum Differences was modified into Judicial Forum Distinctions to capture the wider considerations of the whole data set. The subthemes of 'impersonal courts' and 'supportive NKR' were modified to Impersonal Courthouse to Whānau Centred Kōti (referring to the representative sample or research venue characterized by the NKR marae youth court venue Te Kōti Rangatahi o Te Poho-o-Rāwiri). In finalizing the thematic analysis process, four key themes were generated from each NKR interview group with two subsequent subthemes each. I then proceeded with the final themes and subthemes in full in the second section of Chapter 6 Findings where the four key themes and eight subsequent subthemes were explained and presented about the NKR interview responses. They were then triangulated to previous quantitative literature and summarised to affirm these mixed methods

explanatory designs to this research. This formed the basis of the final ethnographic stage of this research called the writing and evaluation of the ethnographic research/ This was achieved firstly for the NKR Professional participants, followed by the NKR Youth participants, and concluding with the NKR Whānau participants. In Chapter 7 the themes and subthemes were again utilized to assess government policy about the chronological and developmental timeline of NKR from 2008. Notwithstanding that the Kōti (Te Kōti Rangatahi o Te Poho-o-Rāwiri) used in this research is the first longstanding Kōti of NKR. To this end, Te Kōti Rangatahi o Te Poho-o-Rāwiri has befittingly experienced the entire longstanding journey of NKR, thus providing a full profile of its scope and effect. Firstly, each key theme and subsequent subthemes were again revisited and clarified individually before attributing each of them to new knowledge and subsequent changes in government policy. As distinguished earlier in the design of the interview schedule, each key theme and subsequent subthemes have been associated with a dimension of well-being, as intended by the application of Durie's Tapa Whā model. This was also considered and distinctly implicated in the new knowledge and government policy. Firstly, Te Taha Tinana key theme and subthemes were addressed, secondly Te Taha Hinengaro key and subthemes, thirdly Te Taha Wairua key theme and subthemes, concluding with Te Taha Whānau key theme and subthemes.

The research themes and subthemes were then further defined and elaborated on as key findings that summarise, explain, and characterize the themes and subthemes as specific and insightful statements or representations of NKR outcomes elicited by the experiences of the interview participants. As each NKR interview participant group was asked four different taha or dimensional question focusses, the four themes and eight subthemes were refined to four key findings for each of the three interview participant groups; NKR Professionals, NKR Youth, and NKR Whānau. This created three distinct four-dimensional profiles of NKR rangatahi and whanau engagement; Te Taha Tinana, Te Taha Hinengaro, Te Taha Wairua, and Te Taha Whanau. These key findings were also explained and asserted as NKR rangatahi and whānau health outcomes. In the Concluding Comments, they were summarised not only about their implications for their group data, but also the whole data. These concluding comments were then developed and expressed in the form of research recommendations.

Ethical Considerations

A full ethics application was completed on 28th November 2018 and the ethics approval number is NOR 18/57. The approval process for the ethics application was undertaken by the Northern Human Ethics Committee. To ensure aroha ki te tangata and mana upheld for participants when engaging with me, I set up a cultural research group consisting of kaumātua from Te Poho o Rawiri marae, which is the main marae in the area where this study was primarily located. This committee was to help me as the researcher with tikanga Māori guidance to keep the research and all its participants culturally safe.

Karakia was also practiced as and when required. It was about keeping the researcher and all participants safe throughout this research. I applied the ethical guidelines by Te Awekotuku (1991) which I previously outlined in the tikanga section. They are: aroha ki te tangata (a respect for people), he kanohi kitea (face to face meetings), titiro, whakarongo, kōrero (look, listen, talk), manaaki ki te tangata (hospitality), kia tūpato (care), kaua e takahia te mana o te tangata (do not violate human rights), and kaua e māhaki (do not flaunt your knowledge). For aroha ki te tangata I observed a time of initial introductions (mihimihi) preceding the interview process where I led in introducing myself and where I come from, in the English or Māori language. This traditional Māori practice (Buck, 1949; Mead, 2003) initiates not only a multi-dimensional connection (physical, social, cultural, emotional, and spiritual) with the NKR interview participants, but introduces the considerations of safety and familiarity. He kanohi kitea was applied through the undertaking of face-to-face meetings. This practice is endorsed in the traditional Māori concept of the collective, where tasks were more effectively achieved (and appreciated) as a whole group.

Titiro, whakarongo, kōrero was the style that I adopted throughout the process of my interviews. This approach to my interviews was conducted in the understanding and observation of different communication styles ranging from slow, repetitive, and simple gestures and dialogue for the Māori NKR Youth, to the coherent, fluent, and articulate gestures and dialogue of the non-Māori NKR Professionals. Manaaki ki te tangata was displayed with the provision of refreshments (drinks and light snacks) during the interviews. This practice is underpinned by the traditional Māori concept of Koha. The concept of koha is the act of giving and receiving a gift (Mead, 2016). In this context, koha is conveyed in the most appropriate form, being the interview meeting. Kia tūpato was adopted in the sensitive,

slow-paced, and repetitive nature of the interview process. As mentioned in Chapter Two, the oral traditions of Māori have always been esteemed and valued, and in the caring, clear, and deliberate approach to the NKR interview participants' stories, this was no exception.

Kaua e takahi te mana o te tangata was also observed through informing the interviewees of their human rights and their maintenance of them throughout our interactions. To this end, Hirini Mead (2003) sees mana as an individual's place in a social group. Therefore, in the context of the interview process, I saw it necessary to ensure that the interview participants' human rights were explained, observed, and respected. Finally, kaua e māhaki was exercised in the simple, clear, and brief nature of my communication style during the interviews. For this approach, I considered the concept of rangatira, which means chief or leader (Mead, 2003), but distilled the essence of its two constituent words, ranga (rāranga) or 'weave', and tira, referring to a group. With the second understanding, I was able to both understand and integrate the principle of rangatira, about weaving my participants into the interview process, with care and purpose. As I applied for ethical approval from MUHEC, I also read the Massey Code of Ethics to guide and inform my fieldwork.

Conclusion

This chapter introduced the methods and methodologies employed for this research by firstly asserting the Māori worldview or ‘Te Ao Maori’ as a Māori epistemology that evolves within a changing society. Te Ao Māori is in turn underpinned by the methodological framework of mātauranga Māori or ‘Maori knowledge’ and expressed the practical forms of whanaungatanga, kotahitanga, manaakitanga, whakapapa, tipuna and hui today. Kaupapa Māori theory was also espoused, and the context of its development as resistance measures in the 1980s against the Eurocentric education system, in the form of the assertion of Māori philosophies, values, and practices, and its subsequent impacts. The key features of kaupapa Māori were then summarised and their relevance to this research. Social Research was also described as an investigative expression of social science and distinguished by its two key approaches: quantitative and qualitative. Social research was then related to this research in the social science field of criminology. The Case Study research method was also endorsed as an empirical inquiry into a contemporary phenomenon within its real-life context, the nature of which is potentially subjective and multi-source. It was then related to this research through its consistency with Te Āo Māori, through the traditional practice of Pūrākau or

storytelling, and its ability to add individual, group, and universal perspectives to the research phenomenon of NKR engagement and wellbeing. The Māori concept of tikanga was also defined as the ethical and common law relevant to the Māori societal groups of whānau, hapū, and iwi, its many variational forms, and its specific relevance to this research in the form of values. In application, these values were defined, and the importance of their application to this research. Durie's Te Whare Tapa Whā model (1984) was espoused as a theoretical framework, and its relevance and proposed application to this research. The concept of analysis and its subsequent form of thematic analysis was then elaborated on. The Purposive Sampling strategy was also explained and how it was applied to this research. A full chronological summary of the recruitment process was provided. This was undertaken and presented in three groups or perspectives: the Professional participants, the Youth participants, and the Whānau participants. The interviews were also elaborated on in chronological and summary form. This was proceeded by the Interview Analysis Process. This chapter concluded with the identification of the ethical considerations for this research and the reinforcement of the importance of both the safety of the research and its participants. Chapter Four discusses the research method selected for this research, the Case Study, and how it was applied.

Chapter Four: Case Study Method and Description

"Te amorangi ki mua, te hāpai ō ki muri".

"The leader at the front and the workers behind the scenes".

(Jenkins et al, 2015, p. 6)

Introduction

This chapter defines the case study research method, and explains how it was implemented in research. The case study is highlighted in how it draws evidence from a single case (or phenomena), simultaneously to illustrate features of a broader set of cases. Its two main designs, the single-case and multiple case, are explained. Five stages of a case study are identified and summarized. They are defining the case, selecting the case, collecting the data, analyzing the data, interpreting the data, and reporting the findings. The purposive sampling research technique is discussed, as well as its different types, and its strengths and weaknesses. The description of thic case study itself begins with a profile of its demographic of Gisborne and Te Poho-o-Rāwiri marae. The research method of Insider Research is also reflected on, as well as implementation in this research, and its advantages and disadvantages. The qualitative research method of participant interviews will be asserted and justified for this research. and the selection process of the interview participants reflected on. The recruitment process of the interview participant is also noted, with the consideration its logistical and ethical observances. The interview processes are also reviewed, in the interests of comfort, and personal, cultural and ethical safety. The duration of the participant interviews is also discussed. This chapter concludes with a summary of the roles and personal profiles of the eighteen interview participants.

Case Study

The method employed for this research was a case study. A case study is an in-depth, detailed examination of a particular case (or cases) within a real-world context (Shapiro, 1986; Feagin et. al,1991). Its in-depth and holistic nature is what characterizes the case study as a robust research method. A case study enables the in-depth and holistic aspects of the social and behavioural research problems in question to come to light. The description of thic case study itself begins with a profile of its demographic of Gisborne and Te Poho-o-Rāwiri marae.

Gerring (2007) asserts case studies as characterizing an idiographic style of analysis, and quantitative as a nomothetic style of analysis. He continues to elaborate on qualitative in terms of its noncomparable observations, highlighting its emphasis on the different aspects of a causal or descriptive question, whereas quantitative observations are comparable. Gerring describes the key characteristic of case studies from all other methods as the "reliance on evidence drawn from a single case and its attempts, at the same time, to illuminate features of a broader set of cases." (p. 29). Scholars utilize case studies to bring to light a class of phenomena.

Case studies can be distinguished by two main designs; a single-case or multiple-case design A single-case design can be implemented where there are no other cases available for replication (Zainal, 2007), A good example of a single-case design would be the effects of the 2011 Christchurch earthquake. This is because the event in question is limited to a single occurrence. The limitation of a single-case design is its inability to generate a generalizing conclusion, due to the rarity of the phenomenon. This limitation can be overcome by triangulating the study with other methods to confirm the validity of the process, The multiple-case design is used with real-life events that show numerous sources of evidence through replication rather than sampling logic (Zainal, 2007). Yin (1994) asserts that the generalization of results from single or multiple designs relies on theory rather than on populations. This can be achieved in a multiple-case design by linking several pieces of information from the same case to some theoretical proposition (Campbell, 1975), Through this technique, a multiple-case design can enhance and support the previous results.

A case study consists of several stages in both its planning and undertaking, and throughout this thesis, I will be highlighting six crucial stages in its process: defining the case, selecting the case, collecting the data, analyzing the data, interpreting the data, and reporting the findings. Defining the case consists of the creation of carefully formulated research questions, informed by the existing literature, and a prior appreciation of the relevant theoretical issues and settings (George & Bennett, 2005). For this research, an example of a key question was how do I find out about health outcomes at NKR? Existing literature would constitute articles on actual NKR sittings, and knowledge and resources of the theoretical issues and settings would consider protocols and practices on marae. The case for this research was subsequently

defined as the existence, level, and nature of health outcomes experienced by rangatahi and whānau at NKR.

The stage of selecting a case study can be identified by three key types: intrinsic, instrumental, and multiple. An intrinsic case study is distinguished by its merits (Stake, 1995), not because of its representative of other cases, but because of its uniqueness, which is of genuine interest to the researchers. An instrumental case study is also described as a typical case (Stake, 1995), This means that the case chosen is of less importance than selecting a case that allows for the researcher to investigate an issue or phenomenon. For collective or multiple case studies, several cases are carefully selected. This offers the opportunity to allow comparisons or replications across several cases. The case I selected represented the characteristics of an instrumental case study, where the variables of NKR health outcomes could be identified and described by the research participants.

The technique employed in selecting the participants for the interviews in my study was purposive sampling. Also known as selective or subjective sampling, this technique relies on the judgment of the researcher when choosing who to ask to participate. Researchers may implicitly choose a representative sample to suit their needs or approach specific individuals with certain characteristics (Ben-Shlomo et al, 2013). This is used primarily when there is a limited number of people that have expertise in the area being researched, or when the interest of the research is in a specific field or a small group.

Laerd Dissertation (2012) summarizes eight different types of purposive sampling:

- Maximum variation sampling – used to capture a wide range of perspectives relating to the thing that you are interested in studying; that is, maximum variation sampling is a search for variation in perspectives, ranging from those conditions that are viewed to be typical through to those that are more extreme.
- Homogenous sampling – aims to achieve a homogeneous sample; that is, a sample whose units (e.g., people, cases, etc.) share the same (or very similar) characteristics or traits (e.g., a group of people that are similar in terms of age, gender, background, occupation, etc.).

- Typical case sampling – used when you are interested in the normality/typicality of the units (e.g., people, cases, events, settings/contexts, places/sites) because they are normal/typical.
- Extreme (or deviant) case sampling - is used to focus on cases that are special or unusual, typically in the sense that the cases highlight notable outcomes, failures, or successes.
- Critical case sampling - particularly useful in exploratory qualitative research, research with limited resources, as well as research where a single case (or a small number of cases) can be decisive in explaining the phenomenon of interest.
- Total population sampling - where you choose to examine the entire population (i.e., the total population) that has a particular set of characteristics (e.g., specific experience, knowledge, skills, exposure to an event, etc.).
- Expert sampling - used when your research needs to glean knowledge from individuals that have particular expertise. (Laerd Dissertation, 2012, p.1).

In considering purposive sampling as the research technique employed in selecting the interview participants, it is also cognisant of the researcher to acknowledge if purposive sampling has noted strengths and weaknesses. Sharma (2017) succinctly identifies these strengths and weaknesses clearly and coherently. He asserts that the first strength of this technique can “provide researchers with the justification to make generalizations from the sample that is being studied whether such generalizations are theoretical, analytic and logical in nature” (p. 751). However, he adds that because each of these types of purposive sampling differs in terms of their variables to generalize, people should first read the articles on each of these purposive sampling techniques to understand their particular advantages. Secondly, Sharma maintains that because qualitative research designs can involve multiple phases, (with each phase building on the previous one), different types of sampling techniques may be required at each phase. Therefore, purposive sampling is useful in these instances as it provides “a wide range of non-probability sampling techniques for the researcher to draw on” (p. 751).

Conversely, Sharma endorses one of the weaknesses of purposive samples is its "vulnerability to researcher bias" (p. 752). He continues the premise that "because a purposive sample has been created based on the judgment of the researcher, it is not a good

defense when it comes to alleviating possible researcher biases, especially when compared with probability sampling techniques that are designed to reduce such biases" (p. 752). However, Sharma adds that the purposive sampling bias is only evident as a major disadvantage in the context where judgments are ill-conceived or poorly considered. The endorsement of clear criteria examples such as a theoretical framework or expert elicitation are therefore considered exceptions in this process. Sharma also asserts purposive sampling's second weakness is "the subjectively and non-probability-based nature of unit selection (i.e. selecting people, cases/organizations, etc.) in purposive sampling means that it can be difficult to defend the representativeness of the sample" (p. 752). To this, he emphasizes the difficulties that can arise in convincing the reader that research using purposive sampling achieved theoretical, analytic, and logical generalization.

In providing an explanation and critique of the case study research method and the qualitative research technique of purpose sampling, I will now elaborate on the application of the case study research method to this research. This will include its demographic profile, purposive sampling, the interview research method, the interview participants, an insider researcher and my role in it, the research ethical observations, the interview schedule design, the interview process and its ethical observations, the interview timeframes, and the interview participant backgrounds.

Gisborne

Gisborne district is a region that covers a land area of 8,265 square kilometres, located in the northeastern corner of the North Island. This is approximately 5% of New Zealand's total land area. The estimated population of the district is 47,517, which equates to 1% of New Zealand's total population. Gisborne has the lowest ratio of population to land area of all North Island regions. Three-quarters of the population lives in Gisborne City, which had an estimated population of 37,200 in 2018 (Statistics New Zealand, n.d.).

According to Māori historical traditions and genealogies, the area now called Gisborne was first discovered by humans around 1250AD when the Horouta migration vessels (waka) sailed in from Polynesia. The Horouta waka was captained by Paoa and accompanied by the renowned ancestor called Kiwa, so the Tairāwhiti region was called Tūranga-nui-a-Kiwa which means 'the great standing place of Kiwa' (Mackay, 1949; Halbert, 1999). In 1769, this

area was also the first place in this nation where British sea captain, James Cook, set foot and subsequently initiated the European settlement that we see today. He stepped ashore at Kaiti Beach near the mouth of the Tūranganui River. This was the first meeting between the European and the Māori which unfortunately resulted in the death of a warrior as mentioned in Chapter Two. When European settlers started arriving in the region, the settlement was called Tūranga. This name was eventually changed in 1872 to Gisborne so as not to confuse it with a similar place name known as Tauranga.

Today Gisborne has the highest proportion of Māori of all regions, with 49% identifying as Māori in the 2013 census compared to 15% nationally. In addition, around 6,240 Gisborne District residents reported being able to hold a conversation in te reo Māori, which is almost 16% of the district's population or 4 times the national percentage (Gisborne District Council, 2020). Four tribal (iwi) boundaries span the region. These four iwi of Te Tairāwhiti are Ngāti Porou, Ngāi Tāmanuhiri, Rongowhakaata, and Te Aitanga-ā-Māhaki. In more recent times, the iwi of Te Aitanga ā Hauiti, Te Whānau ā Kai, and Ngā Ariki Kaiputahi, have also asserted their sovereignty as autonomous iwi in the region. Ngāti Porou has the highest number of iwi affiliations among Gisborne Māori, with just over 12,000 people in the district identifying with that iwi.

Te Poho-o-Rāwiri

Te Poho-o-Rāwiri Marae is the NKR venue and is located at the foot of the local hapū, Ngāti Oneone, ancestral mountain (maunga) Tītīrangi (Kaiti Hill). Te Poho-o-Rāwiri Marae has one of the largest carved meeting houses in New Zealand. It is the paramount marae in Tūranganui-ā-Kiwa (Gisborne). The current marae was opened on 11 March 1930 (The National Library of New Zealand, 2022) This is the third Te Poho o Rawiri. The first Te Poho o Rawiri was built in 1852 and was situated near the site of the Gisborne Wharf. It was built for Ngāti Mokai and Ngāti Rakai a Tane. It was named in honor of Rāwiri Te Eke Tu-o-te-Rangi of Ngāti Oneone, a signatory to Te Tirīti o Waitangi, and built by his son Hirini Te Kani a Takirau. The second Te Poho-o-Rāwiri was located at the Gisborne Basin and built in the 1890s. The land was subsequently taken by the Crown under the Public Works Act, and the marae shifted to its current location. The meeting house is named Te Poho-o- Rāwiri (the bosom of Rāwiri) The dining room (wharekai) is named Te Poho o Hine Tūhia O Te Rangi,

the grandmother of Rawiri Te Eke Tū O Te Rangi. The waka (ancestral canoes) that Poho-o-Rāwiri marae affiliates to are Horouta and Te Ikaroa a Rauru (Māori Maps, 2022).

The qualitative research technique of purposive sampling was executed by the researcher where individuals were intentionally approached who had attended NKR (Ben-Shlomo, Brookes & Hickman, 2013). The initial consideration of insight was role-specific in nature. By role-specific, it was necessary to identify and select three distinct knowledgeable roles within NKR for the participant interviews; the Professionals, the Youth and the Whānau. Although it was natural that the roles of the Youth and the Whānau would be selected, as they were noted as part of the research focus, the Professionals were selected due to their broad knowledge and understanding of NKR and their impartiality to bias. Their involvement in the participant interview process was intended to provide robust, detailed and professional qualitative data to this research. The three roles constituted three interview groups of six people intended to capture and portray equal, and therefore, balanced data sets.

In applying the third stage of the case study research approach (Stake, 1995), collecting the data, was achieved through the qualitative research approach of eighteen individual participant interviews. These participants' interviews involved justice workers, youth, and whānau who attended Te Kōti Rangatahi o Te Poho-o-Rāwiri Marae in Gisborne. These eighteen interviews were conducted after preparing sixteen central questions. Basing the case study in Gisborne allowed for the recording of key characteristics of Te Kōti Rangatahi o Te Poho-o-Rāwiri. Te Kōti Rangatahi o Te Poho-o-Rāwiri the first Te Kōti Rangatahi to be established in Aotearoa and therefore, in terms of its development as an initiative, Te Kōti Rangatahi o Te Poho-o-Rāwiri offers longevity over time to observe the effects of its operation on the youth and their whānau who have attended it. According to statistical information through the years, Te Kōti Rangatahi o Te Poho-o-Rāwiri has had the second-highest attendees and consistently high numbers overall.

Insider Research

In this research, I adopted the insider research method. Greene (2014) defines Insider Research as that which is conducted within a social group, organization, or culture of which the researcher is also a member. Insider research characterizes the ethnographic concept of the emic perspective. With ethnography, researchers seek to gain an emic perspective, or the

‘native’s point of view' of a specific culture (Hammersley and Atkinson, 2007). This means that they try to look at the culture under study from the inside; through the meanings that the members of that culture live with. The emic perspective also embodies the third stage of the ethnographic approach of participant observation, which entails firsthand experience (short or long in duration) of the participants at the site of the research. This can provide unique, insightful, and rich information on the social and cultural contexts being researched.

As mentioned in Chapter One, NKR, as a FGC judicially led marae youth court sitting, was first set up in 2008 at Te Poho o Rāwiri marae in Gisborne. Before its inception, I was interviewed for a role in the courts called a Youth Court Lay Advocate (also mentioned in Chapter One). Put simply, the role of the Youth Lay Advocate is to work as the cultural support and report worker for the Ministry of Justice. This role entailed supporting the young person and their whānau through the NKR process and reporting to the kōti about the young person's cultural background and well-being. A significant part of the role was helping the young person learn and present their pepeha (traditional Māori genealogical recitation).

As a Youth Court Lay Advocate, I liaised with rangatahi, their whānau, and also with the four stakeholders. These stakeholders were from the youth court jurisdiction; the court (the judge, the lawyers, and the court registrars), Oranga Tamariki (social workers, youth justice coordinators), the Police, and the health services (iwi, professional and social services). These four stakeholders are actively involved in the youth court process and are subsequently required to attend the court hearings. In 2011 I also took on the tutor role for a Tikanga Wānanga (Māori Cultural Workshop) for NKR rangatahi. It was designed to teach the rangatahi their pepeha and expose them to a marae and its significance to them in terms of its Māori mores, customs, and history. The tutors named it Te Ara Tuakiri or the Pathway to Self-Identity. I co-tutored Te Ara Tuakiri for seven years. The descriptions provided evidence of my research position as an Insider Researcher. During the research process, I also observed that there were advantages and disadvantages to Insider Research.

Firstly, my familiarity with the Youth Court, NKR, and the research participants, enabled me to inform, and even enhance the research process and the participants. Insider researchers are therefore free from the effects of culture shock; they can acquaint themselves with situations without disturbing social settings (Aguilar, 1981). They have prior knowledge of the context

of the research (Bell, 2005). Because I had prior knowledge of the Youth Court, NKR, and my research participants, I not only was able to affirm the research participant experiences (from first-hand experiences) but help clarify and validate their experiences. found it relatively relaxing and time-conserving to navigate the NKR research demographic and its environment.

Secondly, insider researchers can ask meaningful questions and read non-verbal cues, as well as the ability to project a more truthful, authentic understanding of the culture under study (Merriam et al, 2001). Insiders are also able to "understand the cognitive, emotional, and/or psychological precepts of participants as well as possess a more profound knowledge of the historical and practical happenings of the field" (Chavez, 2008, p. 481). This advantage was evident in my ability to obtain specific, rich, and meaningful information from my participants because as an insider I knew what questions to ask, what was relevant and how to delve further during the interviews to elicit deeper, richer information to the data set...

Thirdly, it is often assumed that being an insider means easy access (Merriam et al., 2001), especially when compared to outsider researchers who may not have contacts within the social group and possess less knowledge of how membership is attained. The advantage of being an insider, with regards to accessing the field more quickly and intimately, has been referred to as expediency of access (Chavez, 2008). Acceptance is also a recognized benefit of being a member of the group under study (Dwyer & Buckle, 2009). As a Youth Court Lay Advocate the NKR Professionals, Youth, and Whānau were aware of the way I conducted myself professionally and respectfully in that role, which built their trust, openness, and responsiveness to the research process. By trust, the interview participants felt free to share their judicial experiences, as I also had a familiarity with the Youth Court and NKR. Through openness, the interview participants felt comfortable in sharing their thoughts and feeling about their judicial experiences. By responsiveness, the interview participants were both motivated and prompted to share their judicial experiences by having a Youth Court Lay Advocate interview them. Acceptance also became evident in the research process as the interview participant asked for clarity of the judicial processes and their understanding from me, and at times, would ask me about my role. The advantage of easy access meant that I had both a wide range of research demographic options for my NKR research participants and essentially 'time priority' from the participants through the notion of acceptance.

Critics of insider research argue that member knowledge is the result of "subjective involvement - a deterrent to objective perception and analysis" (Aguilar, 1981, p. 25). These critics argue that the insider researcher perception is narrowed, due to the aspect of familiarity, thus the consequential assumption that research at home limits the analysis of social and cultural structures and patterns (Aguilar, 1981) and the researcher can become normalized to an extent that threatens to impede analysis. Therein arise the consideration to keep oneself somewhat distanced, which can be difficult. Chavez (2008) employs a technique to avoid receiving deferring responses from participants, such as 'You know what I mean' or 'We talked about that before'. She would begin the interview session with a disclaimer, indicating that although she may have already discussed this with the participant before, it would be best if he/she could pretend as if they were talking about it for the first time. I applied this tactic in the context of my first interview meetings for my research, reiterating a disclaimer of my role as an NKR professional at the outset of the meeting.

Insider researchers have been accused of being inherently biased as the researcher is too close to the culture under study to raise provocative questions (Merriam et al., 2001). The selection of a topic that reflects a personal interest and the selection of colleagues as subjects do raise the specter of insider bias (Van Heugten, 2004). Researcher bias in this context would refer to the process whereby the researcher's personal beliefs, experiences, and values influence the study methodology, design, and/or results. Therefore, the insider researcher needs to be both aware of and avoid imposing their views onto participants and in the data analysis. Insider researchers should not fear bias, for the insiders' biases can be a source of insight as well as an error (Aguilar, 1981), but they must be cognizant of the possibility of biases creeping in and take steps to ensure that the research conducted is as error prone free as possible. In this research, I addressed the issue of bias by being upfront and transparent about my positions as a Māori researcher, and a NKR Professional, as well as identifying ways I would address these biases during the research process. This was through organizing cultural and professional supervisors to guide and advise me in these roles.

Interview Milieu

The case study in my thesis explored the effects of the NKR system on the health and well-being of rangatahi who have appeared at NKR, and whānau who have supported their

rangatahi at NKR. This case study allowed me to live and conduct the research in an environment of familiarity, my hometown of Gisborne, and my workplace at the local youth court. It involved youth justice workers and clients at Te Kōti Rangatahi o Te Poho-o-Rāwiri Marae and present and past youth justice clients in Gisborne. Conducting the case study in Gisborne involved the recording of key characteristics of Te Kōti Rangatahi o Te Poho-o-Rāwiri.

The qualitative research approach that was selected was participant interviews. From an ethnographic perspective, the participant interviews could also be called 'ethnographic interviews'. This is because ethnographic interviews are based on open-ended narratives or life history interviews (Heyl, 2007). This is supported by the notion that interviews provide a chance to learn how people directly reflect on their behavior, circumstances, identities, and events. This information is valuable regarding gaining an insider’s perspective.

These eighteen interviews were private and confidential. The interviews were focused on the following four contexts; holistic observations of Te Kōti Rangatahi; social observations of Te Kōti Rangatahi; offender's observations; and the interpretations of Hauora Māori that Te Kōti Rangatahi provides. The interview questions were open-ended to allow time, flexibility, and meaning in the context of the interview responses. The interviews were conducted individually over about five months, between January to May 2019. This provided an in-depth and comprehensive profile of Māori experience in the justice system.

The potential Youth Justice Worker participants were identified as having worked at Te Kōti Rangatahi for at least two years and were currently working for NKR at the time of this research. The potential Youth participants were identified as those who have attended Te Kōti Rangatahi for their criminal offending within the past ten years. Because of this, there was an initial possibility that a proportion of these people would be adults, as I was also including former youth attendees from up to ten years ago. The potential whānau member participants were those who attended Te Kōti Rangatahi in support of their young person through Te Kōti Rangatahi process. All eighteen interview participants had initially contacted me via the posters which were advertised in the court, at the marae, and at other relevant social and health services where the posters were placed.

This process included the involvement of the justice system as a Ministry of Justice Youth Court and followed the guidelines as determined by the Massey University Human Ethics Committee. The whānau and youth were all of Māori descent The whānau and youth responded voluntarily to an advertisement that called for whānau who had supported their young person at NKR between 2008 – 2018 and youth who had appeared at NKR between 2008 – 2018.

With regards to the NKR professionals, as an insider, I already had the relationships and rapport with my fellow youth justice workers to contact them conveniently following their responses to the research advertisement posters. This is where their familiarity with me assisted the recruitment process. I consequently recruited three groups for particular purposes; the legislative group (lawyers) provided insight on Te Kōti Rangatahi from a judicial perspective; the cultural perspective (kaumātua) provided insight into Te Kōti Rangatahi from a Māori cultural perspective; the holistic health group (Oranga Tamariki workers) provided insight into Te Kōti Rangatahi from a social perspective. Ethnically, three NKR professionals were of Māori descent, and three of non-Māori descent. The non-Māori NKR professionals provided an 'outsiders' perspective, where impressions could be captured of the Māori practices and protocols of NKR from a demographic of different ethnicity. This could potentially provide an unbiased perspective of NKR due to their unfamiliarity with the Māori practices and protocols used. The professionals were selected from a pool of names associated with the Ministry of Justice, they were kaumātua, lawyers, lay advocates, and Child Youth and Family Services Youth Justice coordinators.

Site documents are identified as documents that will help provide information that is both relevant and significant to the research site. For example, it was necessary to draft and submit a letter to the chairperson of the Te Poho o Rāwiri marae, to gain approval before I could conduct my research about Te Poho o Rāwiri marae. Te Poho o Rāwiri is the venue of Te Kōti Rangatahi, where the research is centered. This practice symbolizes more than a current or courteous gesture. It is an extension of tikanga Māori practice that has been passed down through many generations through the concept of the pōwhiri. Although not expressed in the ceremonial form, like at the beginning of NKR, tikanga Māori is observed through a letter or request to research NKR professional, youth, and whānau experiences at Te Kōti Rangatahi o Te Poho o Rāwiri. If the request is accepted, the chairperson of Te Poho o Rāwiri informs me

that I have permission, or am welcome, to conduct my research about Te Poho o Rāwiri marae. Culturally, this is more than permission, but an endowment of honor, as Māori.

For the youth and whānau members, initial research participant recruitment posters were designed and put up outside key justice venues such as the courthouse, iwi, health and social services, and Te Poho-o-Rāwiri Marae. The posters were clear and bright, specifying the requested types of participants, and included a summary of the research activity along with my contact information. The poster specified the request for NKR professionals, whānau, and youth who had attended NKR between 2008 – 2018 to participate in this research. The youth and whānau were recruited as they responded to the posters. For the youth and their whānau members, I responded to the initial contact as a result of the poster by asking for a meeting where I further explained the research activity in a friendly, simple, and honest way. I did not screen the youth and their whānau members but selected the first applicants that contacted me and consented to participate in the research.

Interviews were conducted after consent was granted from the Massey University Human Ethics Committee, as a result of submitting a full ethics application. Following the approval, participants were given information about the study, including an information sheet, and only those who signed a consent form were interviewed. To address the possibility of interviewing participants who could only read and converse in the Māori language, the provision of the information sheets and consent forms in the Māori language was also observed. For the youth, their consent form processes were undertaken with the support and knowledge of their parents or guardians. The approach also included individual and group approaches as appropriate for working with whānau. Regarding participant confidentiality, several measures were considered and implemented during the research process. Firstly, a qualified former social worker was recruited voluntarily to assist me with interviewing the female NKR youth. As social workers, they also signed a document of confidentiality. This assistant also addressed the ethical consideration of safety, observing male-to-female safety. Secondly, the participants' interview data were kept confidential and secure in a locked drawer at my desk at work. Thirdly, after my research, the data will be transferred to the university archives where it will be kept there for ten years before it will be disposed of. To observe the ethical practice of cultural safety, a group of 3-5 support people to provide cultural and ethical support was also sought, involving two kaumātua, a counselor, and my university

supervisors. These people were made available during the research interview if the whānau needed support or further information.

For the participant interviews, the interview schedules comprised of sixteen questions which were designed to capture the experiences and interpretations of the interviewees of Te Kōti Rangatahi o Te Poho-o-Rāwiri in both a simple and holistic. The questions were chronologically arranged and organized into the four dimensions outlined in Chapter 3 in the form of Durie's Te Whare Tapa Whā model (1984). Te Taha Tinana constituted the first four questions, followed by Te Taha Hinengaro, then Te Taha Wairua, and concluding with Te Taha Whānau. Considering that the eighteen interviewees were representing three distinct groups of six (the youth justice professionals, the youth, and the whānau), the questions also sought to draw out similar reflections, but from three distinct roles and perspectives. The eighteen interviewees were distinguished into three groups, representing three different roles, and thus, perspectives of Te Kōti Rangatahi o Te Poho-o-Rāwiri. These were the Professionals (TKR workers), Youth (TKR rangatahi), and Whānau (TKR family members). I have identified them with the abbreviations P (Professionals), Y (Youth), and W (Whānau). This was proceeded by the number (1, 2, etc.) signifying the order by which I chronologically ran the interviews.

A further consideration of the interview schedule design was the effective use of engaging and verbal dialogue. It was important to use verbal dialogue relating to the three different interview groups. For the Professionals, more expansive judicial terms were included, however, with the Youth and Whānau, the initial preparatory meetings with them revealed that these groups already had their meaningful terms and dialogue, which required learning for effective research data. For Youth, this could include contemporary references such as Instagram (relating to a social media application, and its subsequent verb), and for Whānau this could be a Māori language term such as hīanga, which translates as the word mischief.

With the aim of considering and capturing diverse Māori realities (Durie, 2003) within the participant interview responses, an appropriate research tool was sought, based on traditional and contemporary Māori principles, values and practices. This was achieved by selecting a Māori model of health that was already widely known and used in Aotearoa New Zealand. This Māori model was identified as Durie’s Te Whare Tapa Whā (1984). Te Whare Tapa

Whā endorses a dimensional profile of Māori health based on the metaphor of the four encompassing walls of a house. These four health dimensions are Te Taha Tinana (the Physical Side), Te Taha Hinengaro (the Psychological Side), te Taha Wairua (the Spiritual Side) and te Taha Whānau (the Familial Side). These four dimensions of health within Te Whare Tapa Whā Model can measure quantitative and qualitative aspects of research. They can also measure and assess a person individually or groups collectively, in considering the level and diverse characteristicsof health. hese health dimensions could be utilised to interpret research data. Under each dimension, four questions were designed and delivered to draw the interview participant's experiences of NKR from that dimension. Following the interview and transcribing processes, the interview responses were again organised into the four dimensions where they could offer further insight and structure

For the participant interviews I applied the ethical guidelines by Te Awekotuku (1991). They are aroha ki te tangata (respect for people); he kanohi kitea (face to face meetings); titiro, whakarongo, kōrero (look, listen, talk); manaaki ki te tangata (hospitality); kia tūpato (care); kaua e takahia te mana o te tangata (do not violate human rights); and kaua e māhaki (do not flaunt your knowledge). For aroha ki te tangata, I began each meeting with the participants with a mihimihi. This entailed letting them know who I am, where I come from, and my geological and ancestral connections, in the English or Māori language. He kanohi kitea was applied through the undertaking of face-to-face meetings.

I also utilized the Māori ethical process of titiro, whakarongo,) kōrero (Te Awekotuku, 1991) in my interviews. I observed this by taking into consideration different communication styles required for effective communication with participants ranging from fourteen-year-old Māori rangatahi, to articulate and role-specific NKR professionals of non-Māori descent. Manaaki ki te tangata was implemented through the provision of snacks and refreshments at the interview meeting for the participant. Kia tūpato was observed in the flexible, patient, and clear way the participant interview meetings were conducted. They were sensitive, slow-paced, and repetitive.

Kaua e takahi te mana o te tangata was a process that was also adopted by initially informing the interviewees of their human rights. This was followed up by observation and adherence throughout the interview participants' interactions. For kaua e mahaki, I ensured that for time

and process purposes, I conveyed simple, clear, and brief instructions to the interview participants.

The interviews were conducted individually over four months, between January and May 2019. The interviewees were also well informed in conversations about the purposes and objectives of the interviews, and that the university supported all aspects of the research. Interview times and venues were negotiated with all the NKR interview participants, and each interview spanned between one and two hours. They were either conducted at the NKR interview participant's home or their place of work. Through the profiles, the participant's roles and histories were highlighted. The NKR Professional roles are therefore elaborated on below, as well as the eighteen interviewee profiles.

Participants' Backgrounds

Role summaries of all the NKR Professional interview participants are provided. These summaries include a brief explanation and outline of the NKR Professional's' roles and responsibilities at NKR.

Kaumātua

As its two constituent words kau, meaning exclusive, and mātua, meaning parents, suggest, in pre-contact times, kaumātua were regarded as custodians of Māori knowledge and tradition, which they eloquently transmitted to their whānau (Buck, 1949). Mahuika (1975) furthermore defines a kaumātua as a leader in Māori society, particularly, on the marae. However, with the onset of European colonization, assimilation, and urbanization, the status of the kaumātua has also evolved in the context of Māori, social, cultural, economic, and political resurgence. Therefore, kaumātua are increasingly prominent in local councils, schools, and hospital boards. In the case of NKR, the kaumātua play an integral role in facilitating and leading the cultural practices and protocols on the marae. They also sit next to the Judge at the NKR sitting and provide cultural and familial encouragement and advice to the rangatahi and their whānau. Kaumātua are either male or female, have grandparent status or experience, and know Māori language, history, and customs.

Police Sergeant

The second role and justice worker that I interviewed was a Police Sergeant in the Youth Aid department of the Gisborne Police Station (elaborated earlier in Chapter Four). Police Youth Aid Officers determine the best course of action for each offender by using a Police risk screening model, which helps them develop targeted interventions that aim to address the reasons behind the crime (Youth Court of New Zealand, 2019, p. 40). The aim is to keep young people out of the formal court system. To ensure this happens, interventions include working alongside community groups and organizations dedicated to helping the offenders and their families.

Oranga Tamariki Youth Justice Social Workers

The third justice worker role I interviewed was an Oranga Tamariki Youth Justice Social Worker. As elaborated on earlier in Chapter Four an Oranga Tamariki Youth Justice Social Worker is appointed by Oranga Tamariki, on behalf of the Youth Court, to provide additional support through the FGC process, assess needs, and ensure completion of the Family Group Conference (or Youth Court) plan (Youth Court of New Zealand, 2019 p. 40). Two Oranga Tamariki Youth Justice Social Workers volunteered and were selected to be interviewed.

Lawyers

A lawyer or youth advocate is appointed by the Court to represent a child or young person charged with a criminal offense who is appearing in the Youth Court (Youth Court of New Zealand, 2019, p. 40). The youth advocate is provided free of charge and irrespective of the financial means of the child, young person, or the family. A child or young person may choose their lawyer. If their chosen lawyer is not approved as a youth advocate, the cost of that representation must be met by the child/young person and their family.

As the legal representative of the rangatahi, it is also in the best interest of the youth advocate to be familiar with the offense and to also have knowledge of local community groups, resources, and cultural organizations beneficial to working with rangatahi and their families. This dimension is additional; however, it is essential in working with the most vulnerable group in justice; rangatahi. The interviews with the two youth advocates, in my view, would give, not only a diverse perspective but also a perspective on possibly how rangatahi engage and respond to NKR processes.

Participants Personal Profiles

This section provides brief personal profiles of the eighteen interview participants who contributed to this research. They are distinguished as three numerically equal different groups of six; the Professionals, the Youth, and the Whānau. In the ethical interests of participant confidentiality, the participant profiles only include the participant's age, ethnicity, professional and personal experiences (where relevant), and current employment or vocation.

Profiles of NKR Professionals

Professional One: P1. P1 is 40 years old and are non-Māori. Born and raised in te Tairāwhiti, they have, in the past couple of years, recently returned from extensive travel and work experience around Aotearoa. They work for one of the four stakeholders of the Youth Court. They have been involved with Te Kōti Rangatahi o Te Poho-o-Rāwiri for three years.

Professional Two: P2**.** P2 is 79 years old and of Māori descent. Their background has been in health, employment, education, and social work. They currently work voluntarily for a Māori organization where they also assist rangatahi by offering them community service hours there. They have been involved with Te Kōti Rangatahi o Te Poho-o-Rāwiri for over five years.

Professional Three: P3. P3 is 81 years old and of Māori descent. They have been involved in working throughout the Māori community for fifty years. They work for one of the four stakeholders of the Youth Court. They have been involved with Te Kōti Rangatahi o Te Poho-o-Rāwiri since its inception in 2008.

Professional Four: P4. P1 is 32 years old and of Māori descent. They were born and raised in te Tairāwhiti. They work for one of the four stakeholders of the Youth Court. They have been involved with Te Kōti Rangatahi o Te Poho-o-Rāwiri for three years.

Professional Five: P5. P5 is 61 years old and are non-Māori. They work for one of the four stakeholders of the Youth Court. They have been involved with Te Kōti Rangatahi o Te Poho-o-Rāwiri since its inception in 2008.

Professional Six: P6. P6 is 61 years old and are non-Māori. They work for one of the four stakeholders of the Youth Court. They have also been active in social causes in the community, particularly Men's Health. They have been involved with Te Kōti Rangatahi o Te Poho-o-Rāwiri since its inception in 2008.

Profiles of NKR Youth

Youth One: Y1**.** Y1 is 17 years old and of Māori descent. They been working in a horticultural packhouse and out in the fields. They currently reside with his parents.

Youth Two: Y2. Y2 is 16 years old and of Māori descent. Their interests include gym workouts, computer technology, and socializing with their friends. They currently reside with his parents.

Youth Three: Y3. Y3 is 23 years old and of Māori descent. They are fluent in the Māori language and are talented at performing kapa haka. They have worked in jobs ranging from retail to horticulture and currently works in the forestry industry.

Youth Four: Y4. Y4 is 21 years old and of Māori descent. They have worked as a barista in a café and are very competent in hospitality and housekeeping.

Youth Five: Y5. Y5 is 19 years old and of Māori descent. They have experience working in horticultural packhouses and fieldwork, picking fruit for local contractors.

Youth Six: Y6. Y6 is 18 years old and is of Māori descent. They currently work in the fields picking fruit.

Profiles of NKR Whānau

Whānau One: W1**.** W1 is 52 years old and of Māori descent. They are married with six children. Their work background is in the forestry industry, social services, and youth and children's services.

Whānau Two: W2**.** W2 is 48 years old and of Māori descent. They are a mother and grandmother. They currently work in a timber factory.

Whānau Three: W3. W3 is 68 years old and of Māori descent They are a mother, grandmother, and great-grandmother. They have experience in administration and management in many settings including insurance and social services.

Whānau Four: W4. W4 is 38 years old and of Māori descent. Their tribal affiliation is Ngāti Porou. They currently works for a local logging firm.

Whānau Five: W5. W5 is 50 years old and of Māori descent. They are studying art at a tertiary institution

Whānau Six: W6. W6 is 40 years old and of Māori descent. They currently work in the fields picking fruit and vegetables.

Conclusion

This chapter discussed the case study research method, before describing and justifying its application to this research. A definition of a case study was provided describing it as an in-depth, detailed examination of a particular case (or cases) within a real-world context. The case study was also described in terms of its non-comparable observations, emphasizing its preoccupation with the causal and descriptive question. The case studies two main designs were also discussed. The single-case design is implemented where there are no other cases available for replication. The multiple-case study real-life events that show numerous sources of evidence through replication rather than sampling logic. The case study's strengths and weaknesses were also elaborated on. It strengths were that they effectively hypothesize and generate theories, their effectiveness in formulating concepts, and their descriptive richness and greater validity reliability. Its weaknesses were its similarity with regression-oriented analysis to qualitative research, and its inability to yield strong causal inferences, The six key stages of the case study were also identified and explained. They are defining the case, selecting the case, collecting the data, analyzing the data, interpreting the data, and reporting the findings. The research technique esmployed to select the research participants was Purposive Sampling. Purposive Sampling emphasizes the judgment of the researcher when choosing who to ask to participate. Eight different types of purposive sampling were summarized as well as an identification od its strength and weaknesses.

In introducing the case study description, a profile of the scope or ‘demographic’ of the case study of Gisborne, and Te Poho-o-Rāwiri marae was provided. The Purposive Sampling research technique applied in my research was also mentioned whereby purposive sampling was executed by the researcher where individuals were intentionally approached who had attended NKR. Insider Research was defined as that which is conducted within a social group, organization, or culture of which the researcher is also a member. I then discussed the Insider Researcher role’s relevance to my research, its merits and trials, and how I navigated these in my research process. The research method of the participant Interview was addressed again, and its subsequent implications for recruitment were reflected on. The potential ethical issues for this research were also discussed, as well as appropriate Kaupapa Māori ethical practices, and how they were applied in my research process. The interview schedule design was discussed, as well as the organization and duration of the interviews. The chapter concluded with summaries of the NKR Professional roles and brief personal profiles of the NKR Professionals, NKR Youth, and NKR Whānau. Chapter Five focuses on the background, structure, and development of NKR.

Chapter Five: Ngā Kōti Rangatahi

"Ko taku maunga ko Hikurangi, He maunga tū tonu, Ehara i te maunga haere.
Ko tōku Kīngitanga, nō tua whakarere, nō aku tīpuna o te Pō".
"My mountain is Hikurangi, It is an enduring mountain, It is not a mountain that travels.
My kingship is from time immemorial, handed down from my ancestors".
(Papa & Meredith, 2012, p. 1)

Introduction

Traditionally, Māori societal systems reflected a cohesive and meaningful blueprint for Māori institutions and organizations. The marae, for example, has served as the enduring center for hapū history, protocols, and customs. This chapter will reflect on the early 2000s Youth Court disproportionate Māori rates, and the response from the late Chief District Court Judge, Russell Johnson, Chief Youth Court Judge, Andrew Becroft, and Youth Court Judge, Taumaunu. This response is elaborated on where Judge Taumaunu was commissioned to consider and develop a cultural approach to rangatahi criminal offending. in the form of an alternative judicial system (NKR). Its preparation and subsequent launch in 2008 will be described. A summary of the vision and key goals of NKR will be espoused, as well as its structure. The NKR logo design will also be discussed, explained, and presented. Two separate quantitative research projects that took into consideration rangatahi offending rates will be profiled/ The 2015 award of the Australian Institute of Judicial Administration to NKR will be explained and clarified. The leadership qualities of those who led NKR will also be discussed, particularly the work of the Principal Youth Court Judge, Judge John Walker, in the form of a 10-year summary. As an insider researcher, I will conclude this chapter with a 10-year reflection of my experiences serving in the Youth Court, and my observations of specific contributions from the four key Youth Court stakeholders (2008 – 2018).

In the year 2000, several Judges became increasingly concerned with the disproportionate numbers of young Māori coming before the Youth Court, in particular, the late Chief District Court Judge, Russell Johnson, and Chief Youth Court Judge, Andrew Becroft. Both Judges were concerned about the implications of this phenomenon in terms of a consequential rise in District Court appearances leading to increased imprisonment of Māori. For example, in 2001 the national Māori offending rates in the Youth Court were four times higher than non-

Maori, and twice the numbers of those of Pacific Island descent (Maxwell & Poppelwell, 2003).

Chief Judge Johnson and Principal Youth Court Judge, Andrew Becroft, commissioned Judge Taumaunu to visit Koori Courts in Perth and Victoria to investigate how the Australian jurisdiction adjusted its Court processes for Aboriginal youth offenders. It became clear to the three judges that New Zealand's specific cultural context and legislation provided an opportunity to conduct appropriate proceedings on the marae on a strict case-by-case, and hearing-by-hearing basis. Judge Taumaunu gained approval to proceed with considerations for the use of marae for some Youth Court proceedings (Taumaunu, 2015).

Rangatiratanga – Leadership in NKR

An important element in the choice of Judge Taumaunu to lead the development of a proposed marae-based judicial system for Māori youth offenders, is the fact that Judge Taumaunu is Māori who affiliates to Ngāti Pōrou on the North Island's east coast and Ngāi Tahu from the South Island. Judge Taumaunu initially practiced as a barrister and solicitor in his tribal region of the Gisborne region for 10 years where a high proportion of Māori reside (District Courts of New Zealand, 2022). He also held a special interest in Youth Justice and, in particular, Youth Justice for recidivist Māori youth offenders. He was appointed as a District Court Judge in 2004.

In early 2008, within the framework of the youth court jurisdiction, Judge Taumaunu met with kaumātua, tribal leaders, and representatives to hold court hearings at Te Poho-o-Rawiri, an urban marae in Gisborne. His expressed his observations as a Youth Court judge presiding over, court hearings for young Māori. In these hearings and with constant regularity, Judge Taumaunu, observed young Māori who seemed to lack self-esteem and an identity as Māori. As a result, too many of these young Māori seemed to gravitate toward the New Zealand gang culture, and the Afro-American gang culture, depicted on Hollywood movies (Blanchard, 2005).

Judge Taumaunu saw a need for rangatahi to re-engage with their Maori culture and in the process, access their 'cultural identity' (Taumaunu, 2015), build their self-esteem and work to create future plans that would lead them away from offending tendencies and other negative influences. Initially, the response to the proposal of a marae-based youth court initiative from

the elders was mixed, with some against, the idea, some neutral, and others supporting the initiative. However, the opinions were swayed in favour of a marae youth court by a kuia, who convinced the other elders to give consideration to the succeeding generations of young Māori who would benefit from support within their communities (whānau, hapū, iwi). The four youth court stakeholders of the youth advocates: the Child. Youth and Family Service (now known as Oranga Tamariki): the Youth Court, and the Police, were supportive of the initiative because it offered a promising new way of addressing youth offenders.

The first court hearing of the new marae-based youth court initiative took place on the morning of the 28th of May 2008, at Te Poho-o-Rāwiri Marae in Gisborne. This was attended by Judge Taumaunu, the four youth court stakeholders, members of the marae, community leaders, and youth, education, and health services. Proceedings commenced with an official pōwhiri from the hau kainga, the marae descendants, followed by 'celebration and explanation whaikōrero from Te Poho-o-Rāwiri and visiting speakers including Judge Taumaunu. Supporting waiata and greetings were exchanged before a cup of tea concluded the formal pōwhiri process' (Ministry of Social Development, 2009). The youth court formalities resumed in the private forum mode of youth court hearings that are closed to people who are not involved or invited to the hearing by the court or the young person's family. The marae kaumātua were approached to assist with the cultural observations throughout the formal youth court process which entailed the leadership and execution of Māori protocols and practices. They also participated in the individual youth hearings by offering their cultural wisdom and advice to the rangatahi and their whānau.,

Rangatahi Courts

Rangatahi Courts are not intended to represent a separate system of youth justice but characterize the transition of the Youth Court's business to the marae. They are initiated after a young person has appeared in the Youth Court, admitted the charge (or has denied a charge which has subsequently been proved), after a Family Group Conference (FGC) has taken place (as is required by statute in every case) and after an FGC plan has been formulated. The FGC plan records any agreement if the FGC plan is monitored at the Rangatahi Court. In other words, Rangatahi Courts monitor the performance of FGC plans and, when appropriate, will apply sentencing options available to the Youth Court. Rangatahi Courts apply the principles in alignment with the Children, Young Persons, and Their Families Act 1989 and

are primarily designed to target and deal with young Māori offenders. However, all young offenders, regardless of race, ethnicity, or gender are eligible for entry into Rangatahi Courts.

Rangatahi Courts were set up to provide a more culturally responsive and appropriate process. The overall vision of Rangatahi Courts was to promote better engagement, confidence in, and respect for the youth justice process (Taumaunu, 2015). This initiative provided an opportunity to network with the marae communities, therefore, aligning with the principles and aspirations of the CYPFs Act 1989. The focus of Rangatahi Courts is to develop a more culturally appropriate process for engaging with rangatahi, and to, in turn, cultivate in the rangatahi an increase respect for the law. The primary goal is not to directly reduce reoffending as this court process does not have this capacity. Rangatahi Court is part of a more robust process involving the FGC Plan and the resources enlisted (Becroft, 2015a).

The resources referred to by Judge Becroft are all the different roles and support services that are available to the two objectives of the FGC Plan, The first objective is that rangatahi are made accountable for their offending. The Police are an example of roles that achieve this objective, by monitoring an imposed curfew where a rangatahi may be required to return home at a particular time for the safety of the community. The second objective is to reduce the risk of further offending. A Youth Worker is an example of a role that achieves this objective, through positive mentoring, or helping the rangatahi to find alternative activities to crime, such as sport or a hobbie.

Rangatahi Courts operate out of marae that utilizes cultural processes such as the use of Māori language, rituals, and protocols. Respected elders sit alongside the presiding judge and provide valuable insights and advice to the young person and his or her whānau. Young Māori offenders are encouraged to learn and deliver a pepeha (a traditional Māori greeting) as a strategy to explore three central elements related to self-identity from a tribal perspective:

a) Ko wai koe? (Who are you?).
b) Nō hea koe? (Where are you from?).
c) Nā te aha koe? (What is your purpose?) (Taumaunu, 2015, p. 5).

The same law applies in the Rangatahi Court as in the Youth Court. Section 4(4) of the District Courts Act 1947 that provides that “a Judge may hold or direct the holding of a

particular sitting of a court at any place he deems convenient" (District Courts Act No. 16, Section 4(4), 1947). Legally, this means the Rangatahi Court functions with all of the same powers and responsibilities as a mainstream Youth Court. For example, the Judge has the right to discharge the young person once they have completed their Family Group Conference (FGC) plan or make a more formal order if they do not complete it. There is an emphasis on holding young people accountable for their offending behaviour and at the same time dealing with their risks and needs. Recently the law has made explicit that the Court needs to attempt to deal with the underlying causes of the offending behaviour and, to the extent possible, this will be reflected in the tasks that the young person must complete as set out in the FGC plan (Ministry of Justice, 2022b).

Taumaunu (2015) also highlights a key international instrument that support the Rangatahi Court model. The United Nations Declaration on the Rights of Indigenous Peoples (commonly referred to in its abbreviated form as U.N.D.R.I.P.) was ratified by New Zealand in April 2010. The Declaration sets out the international community's recognition of the special status of indigenous peoples and their right to self-determination (United Nations, 2007). In its Preamble, the U.N.D.R.I.P. states: "Indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories, and resources, thus preventing them from exercising, in particular, the right to development by their own needs and interests" (p. 3). Taumaunu points out that this statement holds significance in the context of this nation's founding document, Te Tiriti o Waitangi 1840, and its subjugation of Māori through the British Crown's process of imperialism (p. 12). Ultimately, the U.N.D.R.I.P. also empathizes and affirms Māori as indigenous peoples who are now dealing with the consequence of Western hegemony, in the context of expressing our indigenous rights in the form of the NKR.

For example, Article 5 of the Declaration provides that "Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State" (United Nations, 2007, p. 9; Taumaunu (2015).

The Rangatahi Court model aims to promote the rights set out in Article 5 of the Declaration. Therein the Rangatahi Court process looks to address the underlying causes of offending and encourage the participation of Māori communities alongside their Māori youth (Taumaunu, 2014).

Overall, an important aspect of the Rangatahi Courts process is to give Māori youth offenders an opportunity to learn about who they are and where they are from; an opportunity to participate in Māori protocols and customs; and an opportunity to understand where they fit in as young Māori people in Aotearoa New Zealand. There are greater opportunities for kuia, kaumātua, and local marae communities to participate by contributing to, and participating in, the operation of the Rangatahi Court (Taumaunu, 2014) because they are marae-based.

From its inception, Judge Taumaunu was commissioned to find ‘an appropriate name’ (Taumaunu, 2015) for the court. In consultation with elders from Te Poho-o-Rāwiri Marae, Manurewa Marae, and Hoani Waititi Marae, it was decided that the appropriate name for the marae-based courts is Ngā Kōti Rangatahi (The Rangatahi Courts). The name Rangatahi Court, was announced at the launch of the Hoani Waititi Rangatahi Court on 10 March 2010. This marae was named after Hoani Retimana Waititi who authored a series of te reo Māori books called Te Rangatahi (The New Net). Rangatahi means youth. This term is also eloquently expressed in the renowned proverb, Ka pū te ruha, ka hao te rangatahi, meaning the old worn-out net is cast aside and the new net goes fishing. Therefore, the Rangatahi Court reflects the expectation that young people will 'cast aside the old, worn out behaviours that have led them to appear in the Rangatahi Court and that they will adopt a new net of positive, pro-social attitudes and behaviours for the future (Taumaunu, 2015).

Rangatahi Courts usually preside on a fortnightly basis where each hearing commences with a pōwhiri which also constitutes the beginning of a young person's hearing. This contrasts with, the young person's hearing at the courthouse, which is held within a closed, individual court session. If summoned by the Youth Court for a morning session all young people, their whānau, youth advocates, lay advocates, social workers, and supporters are required to attend the pōwhiri at 9.30 am. If they are summoned to attend an afternoon session, they are required to attend the pōwhiri at 1.30 pm. The presiding Judge, Registrar, police, social workers, support workers, young people, and their whānau 'are all welcomed onto the marae

as part of the pōwhiri process. The pōwhiri commences with "…an exchange of karanga (traditional calls of welcome) by respected female elders or kuia. A karakia is generally recited by a respected elder and then formal speeches of welcome and reply are exchanged between the tangata whenua (people of the marae) and the manuhiri" (group of visitors) (Taumaunu, 2015, p. 18). After the pōwhiri, a whakawhanaungatanga (round of introductions) is conducted, followed by a handshake, a hongi (pressing of noses), and a morning tea break.

Whakawhanaungatanga – Relationships

In 2015, whakawhanaungatanga was implemented as an integral part of the Rangatahi Court process following the pōwhiri. At the whakawhanaungatanga session, all Rangatahi Court attendees have an opportunity to introduce themselves and recite their pepeha. For example, a Ngāti Porou pepehā would be recited as follows:

Pepeha – Ngāti Porou

Kia ora koutou (*Greetings everyone)*
Ko Hikurangi tōku maunga *(Hikurangi is my mountain)*
Ko Waiapū tōku awa *(Waiapū is my river)*
Ko Horouta tōku waka *(Horouta is my canoe)*
Ko Ngāti Porou tōku iwi *(Ngāti Porou is my tribe)*
Ko Te Rangipureora tōku hapū *(Te Rangipureora is my subtribe)*
Ko Puketawai tōku marae *(Puketawai is my marae)*
Ko John Brown tōku pāpā *(My father's name is John Brown)*
Ko Sue Smith tōku māmā *(My mother's name is Sue Smith)*
Ko Gary Brown tōku ingoa *(My name is Gary Brown)*
Kia ora koutou katoa *(Greeting to all you all)*

The whakawhanaungatanga session takes place in the wharenui (meeting house) where the participants organize themselves facing each other seated in a circle. Each participant stands to introduce themselves, their role in the proceedings, and who they are supporting if they are a whānau member, or who they are representing if they are a youth court professional. For the young people and the youth court professionals, it is an expectation that they will recite their

pepeha This process is supported by a Youth Court Lay Advocate, who works with the rangatahi and their whānau to compile and learn their pepeha, prior to the hearing. . The presiding Judge also participates in, and reiterates the rules contained in section 438 of the Oranga Tamariki Act regarding names that are confidential of those young people who are appearing on that day and restrictions on the publication of names and photographs (Taumaunu, 2015).

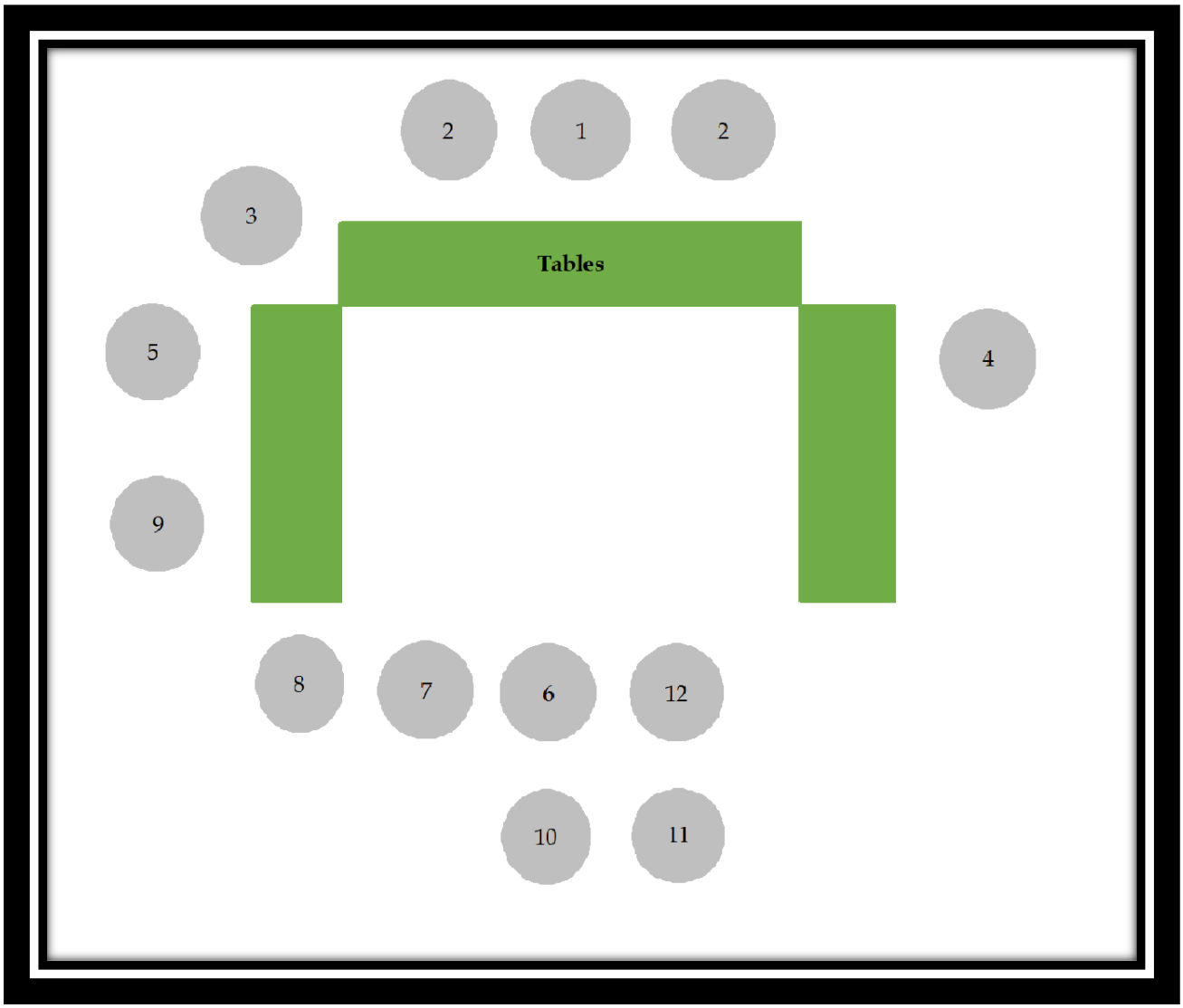
A young person is generally allocated 30 minutes for each Rangatahi Court hearing. This includes addressing the cultural and judicial component of the hearing. The Rangatahi Court hearings have a seating structure in a square shape inside the wharenui. Kaumātua are seated alongside the presiding Judge. Court officers representing the Police and Oranga Tamariki are seated behind tables on the right and left side of the presiding Judge's table. A seat is also set aside next to the police representative for any victim who attends. The young person, their whānau, and supporters sit directly opposite the presiding Judge and kaumātua. For each hearing, the Registrar calls the young person accompanied by their whānau (extended family), youth advocates, lay advocates, support workers, and social workers.

Explanation of positions (see Figure 5):

1. Judge: The Judge will hear from the parties and make the final decision
2. Kaumātua (Māori elders)
3. Court taker
4. Police youth aid officer
5. Oranga Tamariki - Ministry for Children youth justice coordinator
6. Young person
7. Youth Advocate: a lawyer who is specially trained in youth justice.
8. Lay advocate: a specially appointed person who will bring to the attention of the Court important cultural information about the young person and their whānau. They are not legally trained.
9. Oranga Tamariki - Ministry for Children social worker
10. Alcohol & drug clinician or youth forensic services worker
11. Education officer
12. Young person's family and whānau. The victim is also entitled to attend the Youth Court hearing.

Figure 5

NKR Hearing Structure



At the commencement and conclusion of proceedings a karakia is offered by the kaumātua, followed by a mihi whakatau (a brief speech of greeting). The young person is then expected to stand and recite their pepehā and also to sing a waiata (song of support) with their whānau, as is generally customary within tikanga Māori (Māori practice), following which they introduce all of the people who have accompanied them. The Rangatahi Court will hear from the young person and those present in support of the young person, who wish to speak. If present, the Police Court Officer will introduce the victim who will also have the right and opportunity to speak, should they wish to. The presiding Judge will then give further directions based on what has been discussed. And because these proceedings take place

within a marae environment under the auspices of Māori protocol and cultural practises, the kaumātua are asked whether they wish to address the young person and their whānau after which 'the young person and his or her whānau and other supporters are invited to come forward for a farewell handshake and hongi with the officers of the Rangatahi Court, the presiding Judge and the respected elders" (Taumaunu, 2015, p. 19).

If, while monitoring an FGC plan in the Rangatahi Court, a young person is charged with new offending whilst still serving their current FGC plan, the young person must make their first appearance on the new charge, at the Youth Court. The Youth Court Judge will then deliver case-specific directions. When a young person completes their FGC plan, the Rangatahi Court will dispose of the charges, usually by the FGC plan recommendations. Translations of te reo will be provided so that everyone present understands what is being said during the hearing.

Victims of offending are entitled to attend Youth Court hearings pursuant to section 329(ja) of the Oranga Tamariki Act as well as the legal right to attend Rangatahi Courts to observe the hearing of a young person who has offended against them (Oranga Tamariki Act No. 24, 1989). Victims are also welcome to attend the pōwhiri and observe and participate in the young persons hearing. It is the responsibility of Police, Victims Advisors, Victim Support, and Youth Justice Coordinators, to make victims aware of their right to attend Rangatahi Court sittings and to encourage and support their attendance. Consequently, the victim's attendance and participation in a Rangatahi Court must be properly managed. The Rangatahi Court Registrar sets the order of hearings for the Rangatahi Court. A list of young people whose case is to be called in the Rangatahi Court will be sent to the Rangatahi Court stakeholders by midday preceding the Rangatahi Court date.

Although Rangatahi Courts are a judicially led initiative, strong support has been given to the Judges involved by the Ministry of Justice operations team within the District Court, led by Mr. Tony Fisher, General Manager, District Courts of New Zealand. Each Rangatahi Court is supported by, and resourced from, the local District Court. Several individual Court staff have made significant and innovative contributions to the evolution of the Rangatahi Courts, together with local Oranga Tamariki staff, Police Youth Aid officers, Youth Advocates,

Ministry of Health staff, Ministry of Education staff, Lay advocates, and, perhaps most importantly, local marae communities.

NKR Early Research

One way in which the effectiveness of a judicial initiative such as NKR can be measured is through reoffending rates. Reoffending rates refer to the percentage of those who re-offend after appearing at NKR. This was undertaken for the ten existent Kōti in 2012 by Kaipuke Consultants in their findings of the NKR research project. However, two separate quantitative research projects (Te Kōti Rangatahi o Te Poho-o-Rāwiri, 2013: Youth Court of New Zealand, 2014) were also undertaken which took into consideration rangatahi offending rates after appearing at Rangatahi Court at Te Poho-o-Rāwiri Marae in Gisborne and Wairaka Marae in Whakatāne. These two quantitative research projects were considered, assessed, and examined as "representative samples of the whole" (Van Krieken et al, 2010, p.541). The projects served informative and evaluative purposes but were presented in two different forums at Ngā Kōti Rangatahi Conference in 2013 and the Ngā Kōti Rangatahi Judges Hui in 2014.

On the 3rd and 4th of March 2013, the four stakeholders in the Youth Court from throughout Aotearoa (10 Rangatahi Courts) gathered at Ōrākei Marae in Auckland for a two-day Ngā Kōti Rangatahi hui. These stakeholders included the police, Oranga Tamariki, the Youth Court, and the lawyers. The hui showcased Rangatahi court initiatives from throughout Aotearoa and, at the time, particular interest and expectation were anticipated from Te Kōti Rangatahi o Te Poho-o-Rāwiri, as it had served this initiative the longest; for nearly six years.

The presentation was prepared by justice workers of Te Kōti Rangatahi o Te Poho-o-Rāwiri who led and coordinated much of the efforts in regularly preparing and participating in Te Kōti Rangatahi o Te Poho-o-Rāwiri regularly. This group had both intimate and broad insight into Te Kōti Rangatahi o Te Poho-o-Rāwiri (Te Kōti Rangatahi o Te Poho-o-Rāwiri, 2013) and were selected to present at the conference. The aim of the presentation was initially to profile the nature and effect of Te Kōti Rangatahi o Te Poho-o-Rāwiri on the rangatahi of Gisborne and Te Tairāwhiti (the East Coast).

The presentation started with a summary of the structure and unique protocols of Te Kōti Rangatahi o Te Poho-o-Rāwiri. As mentioned earlier in this chapter, the structure of all NKR court hearings is generally the same, however, because of Māori tribal differences, Te Kōti Rangatahi o Te Poho-o-Rāwiri has its own unique Māori language and practices. It also explained what lay advocates did at Te Kōti Rangatahi o Te Poho-o-Rāwiri, and their progress. The presentation mentioned the tikanga program which supported Te Kōti Rangatahi o Te Poho-o-Rāwiri, called Te Ara Tuakiri. Rangatahi were referred to Te Ara Tuakiri at Te Kōti Rangatahi o Te Poho-o-Rāwiri, to learn their pepeha, and expose them to Māori histories, knowledge, and customs over a two-night stay at a marae. In summarizing the presentation the group of Te Kōti Rangatahi o Te Poho-o-Rāwiri justice workers undertook a study of twenty-five rangatahi who returned to Te Kōti Rangatahi o Te Poho-o-Rāwiri after their first attendance between 2011 and 2012; only five reappeared at Te Kōti Rangatahi o Te Poho-o-Rāwiri This revealed a non-reoffending rate of 80% over a period of five to six months (Te Kōti Rangatahi o Te Poho-o-Rāwiri, 2013).

On the 18th of February 2014, Youth Court Judges met at Wairaka Marae in Whakatāne to deliberate, discuss, and provide feedback on issues concerning Ngā Kōti Rangatahi. Youth Advocates involved in Te Kōti Rangatahi o Mataatua at Wairaka Marae were asked to discuss the role of the Youth Advocate in the Rangatahi Court (The Youth Court of New Zealand, 2014) and to include a presentation of their experiences as Youth Advocates involved in Te Kōti Rangatahi o Mataatua.

With the possibility of further expansion, the Youth Court Judges of Ngā Kōti Rangatahi sought to reaffirm the courts direction. A hui was organized at 'Wairaka Marae near the beginning of 2014' (The Youth Court of New Zealand, 2014), to highlight the current experiences and expressions of Ngā Kōti Rangatahi as well as chart the forward vision for this initiative. Owing to the unique nature of each Rangatahi Court, the youth advocates of Ngā Kōti Rangatahi o Mataatua presented their roles, experiences, and observations. The discussion focussed on the legal responsibilities of the Youth Advocate and the extension of their role to include knowledge of marae protocol, pepeha, waiata, and advocacy in a Māori cultural environment (The Youth Court of New Zealand, 2014). They elaborated on three Māori concepts evident at Te Kōti Rangatahi o Mataatua. Firstly, whanaungatanga (relationship, kinships, the act of expressing relationship) was expressed with greater

inclusion of whānau and therefore greater commitment from the youth offenders and their whānau. Manaakitanga (hospitality, care, keeping) was expressed through greater support from the community and greater support from those present during the court sessions.

With manakohanga (acceptance, acknowledgment) there is a higher level of respect for the process and those involved. These protocols were unique to Te Kōti Rangatahi o Mataatua and were iwi specific. The two youth advocates of Te Kōti Rangatahi o Mataatua also share quantitative statistics of rangatahi who had appeared there. During the period from 31.07.12 to 30.06.13, twenty-five youth appeared at Te Kōti Rangatahi o Mataatua, and of that twenty-five, only five reoffended within a four to nine-month timeframe. Overall, the presentations of the justice workers at Te Kōti Rangatahi o Te Poho-o-Rāwiri and the two youth advocates of Te Kōti Rangatahi o Mataatua provided clarity and a unique perspective on the Rangatahi Court initiative as well as possible modifications, improvements, and inclusions for the future.

In 2015 the Rangatahi Courts of Aotearoa received the Australasian Institute of Judicial Administration Award (AIJA) for Excellence in Judicial Administration (Adams, 2016). The award recognized the judges, court staff and the Māori communities involved who developed the TKR initiative. An initiative which met the award criteria of improving access to justice, demonstrating innovation, and delivering real benefits for the rangatahi it engaged with, their whānau and the Aotearoa New Zealand Youth Court judicial processes. The selection panel noted that it was particularly impressed by how Māori communities had assisted their young offenders to achieve youth justice. The Rangatahi Courts were acknowledged as an initiative that has reduced offending by young Māori since 2009. In 2015, over 1,000 fewer Māori aged 12 to 16 appeared in the Youth Court compared to 2009 – a reduction of 47 percent. This was achieved through community involvement in the youth justice process and encouraging strong cultural links. The Court creates an environment where young people are supported by their whānau, kuia, and kaumātua, to take ownership of their offending. A formal presentation gathered both Ngā Kōti Rangatahi and Kōti Pasifika from around Aotearoa New Zealand at Ōrākei Marae in Auckland to receive their acknowledgment of this honour. The event was attended by over five hundred people, including the Australian Institute for Judicial Administration (AIJA)delegates, and NKR, and Kōti Pasifika staff from throughout Aotearoa New Zealand.

NKR Logo

In 2017 a logo for NKR (see Figure 6) was designed by Ana Taumaunu (younger sister of Judge Taumaunu), The design illustrates the whakataukī, Ka pū te ruha, ka hao te rangatahi, (Youth Court of New Zealand, 2018, Maehe). In the logo, the old worn-out net is depicted on the left as noticeably deficient. The new net depicted on the right is complete and balanced. The Koiri design represents the connection between a mother and child, the importance of whakapapa, and the connections to hapū and iwi. The Niho Taniwha design refers to the mountain, river, and tribe of both parents as recited by the child or young person in his or her pepeha.

Figure 6

Ngā Kōti Rangatahi Logo Design (sourced: Youth Court of New Zealand, 2018)

NKR Influence

The research study Rangatahi Māori and Youth Justice, Oranga Rangatahi (Henwood et al, 2018) was a mixed methods investigation into the youth justice system in order to provide a

clear picture of its ability to address rangatahi offending and re-offending, their research also addressed the quantitative and qualitative research aspects of NKR. As part of the qualitative research process, the team captured a key qualitative response that highlighted the engaging and deep nature of NKR. This was delivered by the key role that leads and guides both the protocol (kawa) and practices (tikanga) of NKR – the kaumātua. The story of one of the kaumātua is elaborated on below:

A kuia who attended the Rangatahi Court at her marae told how she would dress up in good clothes each time and then she would address the young person who was before her by asking then why she would attend in her best clothes. When they shrugged to show that they didn't know, she told them that she had dressed up for them, because she knew they were coming and she knew that they were a special visitor. She then went on to tell them how she knew they were special by connecting them to the marae and their wider whānau. She ended her story (which was much better than my retelling) by saying that when she finished addressing a rangatahi, they and their whānau were often in tears. It was this show of emotions that she took as a sign to say they would be okay in the Rangatahi Court (Henwood et al, 2018).

For four years Te Kōti Rangatahi o Te Poho-o-Rāwiri was alternatively held at Te Rūnanga o Tūranga nui a Kiwa Iwi Tertiary Provider, Te Whare Ākonga o Tūranga Ararau, while Te Poho-o-Rāwiri was under restorative construction. In early 2019, Te Kōti Rangatahi returned to Te Poho-o-Rāwiri with fresh vigour and wairua (spirit) and signalled a new approach to addressing and engaging with the youth and their whānau, from the haukāinga (local descendants and guardians) of the marae.

NKR 10-Year Reflection

In 2018 Principal Youth Court Judge, his Honour Judge John Walker, undertook an examination of the special contribution and further potential of Rangatahi Courts to youth justice in Aotearoa New Zealand, and abroad. This examination was timely in that not only was he able to reflect on ten years since the first Rangatahi Court launched at Te Poho-o-Rawiri marae in Gisborne in 2008 but also to announce the launch of the fifteenth Rangatahi Court at Te Rerenga Paraoa marae in Whangarei. The following section will therefore address Judge Walker's examination of NKR, highlight the contribution of Rangatahi Courts, and elaborate on Judge Walker's assertions on its future potential.

In his report, Judge Walker pointed out that New Zealand's Youth Court had "long been recognized for its pioneering approach to restoring the prospects of young offenders and diverting them from starting down a life-long path of crime" (Youth Court of New Zealand, 2018, p. 6). He reiterated the need for the Youth Court to not rest on their laurels and that the culture of innovation requires constant nurturing, in large part through a quest for knowledge about the underlying drivers of offending. This also entailed close attention to what communities are telling them and how such communities can contribute to restoring young lives.

Judge Walker described both the Rangatahi and Pasifika Courts as "judicial forums that bring together the purpose and values that come from cultural awareness, the strength of community insight and wisdom, and the enveloping support of state agencies, specialist services, and court professionals working collaboratively" (Youth Court of New Zealand, 2018, p. 6). The week following his examination of the Rangatahi Court, the 15th Rangatahi Court opened on Terenga Parāoa Marae in Whangārei. He acknowledged the two Māori judges Whangarei-based Judge Greg Davis and Hamilton-based Judge Denise Clark, who had led the development of the Whangārei Court. Judge Walker highlighted the commitment and inter-collegial nature of Rangatahi Courts, where Judge Clark (Ngāpuhi), who had developed Rangatahi Courts in Hamilton and Huntly, would be the presiding judge, and Judge Greg Davis (Ngāpuhi) would take over later in the year.

Judge Walker also reinforced that although Rangatahi and Pasifika Courts are "a judge-led initiative, they are not imposed on communities" (Youth Court of New Zealand, 2018, p. 6). He made the point that when considering whether to open a Court, Youth Court judges, should take their lead from how much local iwi or Pasifika communities wish to be actively involved in what remains essentially a criminal court process. He reinforced the important role of Rangatahi Courts that offer young people who have admitted to their offending or have had charges they face proved, the choice of having their Family Group Conference plans monitored in a culturally adapted setting. He reiterated that Rangatahi Courts are designed to re-engage young people with their culture to provide a better platform for the delivery of effective interventions.

Judge Walker also asserted that they have found that a young person who has become disconnected from their culture, and has no sense of place or belonging, can be resistant to interventions that deal with underlying causes of offending – be they drug or alcohol addictions, family abuse and breakdown, traumatic brain injuries or learning disabilities and other neuro-disabilities" (Youth Court of New Zealand, 2018. p. 6). Therefore, the emphasis on tikanga in a Rangatahi Court creates a feeling of inclusiveness and belonging for marginalized young Māori. Judge Walker observed that this cultural approach is evident from the outset. He observed that marae protocol sees court professionals, the offender, their whānau, and the judge all greeted and brought on to the marae together. At the end of the formal pōwhiri, everyone shares food before the Court sitting starts. Although the Courts sit on a marae or in another community setting, they are not separate courts. They are always preceded by an appearance at a conventional Youth Court and are effectively a parallel monitoring and sentencing process held at a different venue.

Judge Walker maintained that Rangatahi Court is no soft option. He adds that lawyers involved in youth justice know Youth Advocates, Police prosecutors, Oranga Tamariki, and others who form the courts' multi-disciplinary teams, "remain very much part of the process, and the normal principles of natural justice apply" (Youth Court of New Zealand, 2018, p. 6). He further reinforced that a great deal is expected of young people, especially from their elders. Kaumātua and kuia, lay advocates and mentors play a key role in guiding them toward gaining the cultural knowledge that they are expected to demonstrate to the Court. Together, in collaboration with court professionals and under the leadership of the judge, the elders hold their rangatahi to account.

Judge Walker also pointed out that the Courts "strive to be victim-focused" (Youth Court of New Zealand, 2018, p. 6). For example, he noted that at Whakatāne's Mātaatua Rangatahi Court, the local iwi have woven a whāriki (mat) to represent the victim, and it is draped over a table in front of the judge. He explained that one of the most moving hearings he has presided at was when a young offender held on to the cloth as he gave an emotional karakia and apology. According to Judge Walker the opening of Whangārei's Rangatahi Court raises questions about what is next for Rangatahi Courts and that while some people will try to measure the Courts' success in terms of recidivism rates, these are notoriously difficult to determine, given the Courts' short history and the relatively small number of offenders

involved. He added if you deal with the underlying causes of offending effectively – and Rangatahi Courts is a good setting in which to do this – you will reduce a person's level of offending. Finally, Judge Walker concluded that the paramount measure of success is the contribution that culturally adapted courts make to improving access to justice.

Judge Walker highlighted that Māori featured disproportionately in all of our social indicators, particularly in the criminal justice system (Youth Court of New Zealand, 2018). In Northland alone, he noted, 80% of the young people who appear in Youth Court are Māori. He then reiterated that developing a culturally adaptable system in settings that individuals can relate to, connect with, and feel comfortable in, is the right thing to do. Judge Walker also highlighted that it is not feasible for every center to have a Rangatahi Court. With this, he added that there are not always enough offenders, and interest from the community may not have emerged. From his experience, Judge Walker saw that the Courts can place large demands on marae resources and some iwi and hapū may be uneasy about having a Court sitting on their marae. He also noted that Courts certainly stretch their constrained judicial resource, particularly among our tangata whenua and Pasifika judges, and they require detailed consultation and planning and enormous community goodwill. Ultimately, Judge Walker maintained that the real power of Rangatahi Courts and Pasifika Courts lies in their potential to influence and improve how all courts work and interact with the communities they serve (Youth Courts of New Zealand, 2018).

'Insider' 10 Year Reflection

As an Insider Researcher Iwas in the unique position as a researcher to also be a part of the field of study, as a member of NKR, I served as a Youth Court Lay Advocate for Te Kōti Rangatahi o Te Poho-o-Rāwiri between 2008 and 2018. I therefore intend on providing a 10 year NKR reflection based on my experiences at NKR as a Youth Court Lay Advocate. I will achieve this by highlighting each of the four stakeholders of the Youth Court, their roles, and their unique contributions to NKR in the 10 years that I served within the youth court jurisdiction (2008 – 2018). The four stakeholders of the Youth Court are identified as the Judge, the Youth Advocates or Lawyers, the Police, and Oranga Tamariki. They all have a function outlined and mandated (not solely) by the Oranga Tamariki Act 1989 (Oranga Tamariki Act, No. 40.,1989) as part of the Youth Justice provisions of the Act.

As mentioned in Chapter One, youth court judges receive special training to deal with young people. As such, the Judge is the judicial head of the court, or person that can, exercise any power under the Oranga Tamariki Act 1989, in terms of dealing with youth criminal proceedings, and is guided by several principles. These principles emphasize that the well-being of a child or young person must be at the center of decision-making, as outlined in Section 4A of that Act (Oranga Tamariki Act, No. 40., 1989). Coincidentally, I was appointed as one of the first group of Lay Advocates in 2008 in Gisborne by the NKR founder, his Honour Judge Taumaunu. I was therefore present at its very first sitting at Te Poho-o-Rāwiri marae on May 31st, 2008, and Judge Taumaunu has primarily served as the Judge that I have worked alongside in NKR throughout its first 10 years. It is also noteworthy that Judge Taumaunu himself also held further responsibility, as the NKR founder, as the NKR National Liaison Judge who was to oversee the NKR subsequent expansion.

The first contribution that I would like to highlight regarding the Judges and NKR, is their connection with the rangatahi and their whānau. Before NKR, the Youth Court Judges sat (and still do) on an elevated seat positioned at a distance, facing the youth court professionals, the young person, and their families, within an arranged seating structure in a courtroom. From the very first sitting in 2008, I observed an immediate difference and effect in the physical and social dynamic of the Judge (Taumaunu), the rangatahi, and their whānau. The cultural protocols and practices of the marae meant that the Judge, the rangatahi, and their whānau were all welcomed onto the marae as one group and this immediately united them all as manuhiri (guests). The manuhiri role, therefore, created a sense of connection at that first NKR sitting allowing Judge Taumaunu to explore, teach, and relate with the professionals, rangatahi, and their whānau, in a less rigid and more informal, culturally appropriate environment than the courthouse.

In referring to the physical and social connection that was facilitated by the introduction of NKR, it must be added that this process was also determined by the Judge's leadership and professionalism with regard to the complementary responsibilities of NKR and its cultural and judicial considerations. Put simply, the Judge at NKR had to have the ability to co-lead with the marae kaumātua, work with the marae protocol and practices, and also to officiate the court proceedings by the New Zealand justice system. For Judge Taumaunu, these additional responsibilities involved participating in whaikōrero (Māori language speeches)

and waiata (supporting song), informally greeting the haukainga (marae host), participating in a shared meal, conversation time with all NKR attendees, as well as presiding over the court hearings at the marae. Since 2008, more Judges joined in this responsibility and subsequently acquainted themselves in their unique way, at the same time, they all connected with the rangatahi and their whānau in an informal, engaging, and sociable way.

Another contribution from the Judges that was evident toward NKR, was the creation and subsequent development of a lay advocate cultural report. Notwithstanding, the lay advocate cultural report was also empowered in the courthouse jurisdiction. Although, mentioned both in Chapter One (see Lay Advocate section) and in the Oranga Tamariki Act 1989 (recognized as The Children, Young Persons and Their Families Act 1989 at the time), the lay advocate reporting template was still to take shape as subject to Sections 326, 327 and 328 of the CYPFs 1989 Act (Oranga Tamariki Act, No. 40., 1989). As an author of the first lay advocate reports written for NKR I was well informed by Judge Taumaunu to provide information in report form to the four stakeholders of the Youth Court and NKR on the cultural profile (ethnic genealogy and connections) of the young person, and how these cultural considerations could support the young person's wellbeing, and pathways away from criminal offending. With the expansion and development of NKR, the NKR judges' experiences, and collaborations and advice from other authoritative and knowledgeable sources, the lay advocate report has evolved into its more recent form published in the Lay Advocate Handbook and Court Registry Handbook (Ministry of Justice, 2019a). Its Lay Advocate reporting template not only highlights the young person's whakapapa or genealogical connections but more specifically who they are, their family connections and origins, their educational goals, qualities and interests, their progress since their last appearance and additional information including their goals for the next court appearance.

The second youth court stakeholder that made a unique contribution to NKR were the Youth Advocates or Lawyers. The role of the Youth Advocate (a name appropriated by the role itself and the jurisdiction of the Youth Court) is captured in the Oranga Tamariki Act 1989 in Section 323(b) below:

> the court appoints a barrister or solicitor under subsection (1), it shall, so far as practicable, appoint a barrister or solicitor who is, by reason of personality, cultural

> background, training, and experience, suitably qualified to represent the child or young person ("Oranga," 1989, Section 323(b)).

In short, the role of Youth Advocate is a young person's legal representative within the Youth Court. Although the skillset of a Youth Advocate is not fully described in the legislation section above, I have witnessed in my role as a Lay Advocate both in the courtroom and NKR, and have familiarised myself with, the fruits of the six years of study the Youth Advocates have undertaken at a university to complete a Bachelor of Law. As elaborated on in Chapter One, before 2008, the Youth Court and all of its professionals, were subject to a monocultural judicial system, which did not incorporate tikanga Māori – this was characterized by the courtroom's physical and processual structure. The introduction of NKR, therefore heralded an additional cultural consideration within all the roles of the Youth Court. In hindsight, I can appreciate the adaptation process of the Youth Advocates, both Māori and non-Māori, at that time, as it was a new frontier in their role that they were to experience, learn and engage in.

This new frontier of the NKR meant that knowledge of Māori protocols (kawa) and practices (tikanga) became legitimized, and consequently, their demonstration was necessitated within this environment. As a foundation lay advocate for NKR, I observed many forms of professional adjustments and developments undertaken by the Youth Advocates that I worked alongside not only in Gisborne but throughout New Zealand, to improve their Māori language and practices in both promoting and role-modeling NKR. For example, as a Māori lay advocate, sitting at a marae that is both meaningful and embracing to my ethnicity and well-being (Te Poho-o-Rawiri). It filled me with an immense amount of joy to witness one of our non-Māori Youth Advocates in Gisborne acknowledging the ancestor of that marae in a formal speech (whaikōrero) at a NKR sitting. Although my reflection already endorses my research question about rangatahi and whānau wellbeing, this example that I have shared is a significant memory that not only highlighted the importance of the Youth Advocate and their contribution to NKR, but the significance and importance of the Māori language and culture to our rangatahi and their whānau.

The third stakeholder reflection is that of my own as a Lay Advocate and of the Police from the Youth Aid section of the New Zealand Police Service. In asserting the Police Services'

legal role according to the Oranga Tamariki Act 1989, they are the initiators and executors (front line) of the criminal proceedings outlined in Section 208(2) of the Act ("Oranga," 1989, Section 208(2)). The Police are empowered by law to be the first physical responders to a youth criminal offense in the location and apprehension of the offender. They consequently spend a significant amount of time with young people that are subject to criminal charges in the Youth Court. If the young person's youth court plan is successfully achieved, the Police Service is still physically present at that final court hearing. Conversely, if the young person fails to complete their youth court (or Family Group Conference) plan or offends again, the Police Services will either executively extend the youth court penalties of that plan or impose more severe penalties (such as youth residence). Without elaborating fully on the role of the Police Service within the Youth Court, I will, however, highlight what I have observed as a significant contribution from the Police Service to the NKR. This is the phenomenon of Role Transparency.

Through the concept of Role Transparency, I witnessed on many occasions that the NKR forum facilitated discussions whereby Police staff informed all NKR attendees about who they were (genealogically) and where they came from. Previous to NKR, the introductions from the imposing and multi-responsible roles of the Police were brief and formal and are only now exclusively exercised in the courtroom environment. I also deliberately used those adjectives to both esteem and acknowledge my former colleagues to portray the actual scope and effect of the role of the Police Service in the Youth Court. Through this gesture, I am appreciating, from experience, the risks and responsibilities associated with serving and protecting the New Zealand public as a frontline officer of the Police Service. In this context, I have observed an exemplary level of professionalism and engagement from the Police Service in both the courtroom and NKR.

Since the inception of NKR, I have seen the effects of the Police staff's participation in pepeha, one of which highlights the personal side of a police officer. I have identified this effect, which I have also called Role Transparency, as a phenomenon, as this practice now conveys a police officer in a new light – they are now a person with a family and wider, meaningful, and significant connection alongside their youth court role. To add to this phenomenon, many young people who have been involved with the police hold a stereotype bias associated with the police force such as the people in blue or even derogatory terms.

Consequently, at NKR, I have seen this phenomenon connect with rangatahi, and in some cases, the whānau of the rangatahi, where the Police are either affiliated to the same Māori tribe or the rangatahi and whānau learned from the officers and also delivered their pepeha at NKR. Overall, the contribution of the Police Service to NKR cannot be denied in not only their participation and support of this judicial forum but also in evidential explanation and effects of this participation in the form of Role Transparency in sharing their personal stories in the form of a pepeha, communicating their details as community members alongside their youth court role.

The fourth stakeholder's contribution that I will now reflect on, is that of Oranga Tamariki. In 2008, they were formally Children, Young Persons, and Their Families Service and founded by its corresponding Act, the Oranga Tamariki Act 1989. In principle and effect, the role of Oranga Tamariki is empowered legislatively in Section 245(1) (a, b, and c) below where:

> Where a young person is alleged to have committed an offense, and the offense is such that if the young person is charged the young person will be required under section 272 to be brought before the Youth Court then, unless the young person has been arrested, no charging document in respect of that offence may be filed unless —
>
> (a) the person intending to commence the proceedings believes that the institution of criminal proceedings against the young person for that offense is required in the public interest; and
> (b) consultation in relation to the matter has taken place between—
> (i) the person intending to commence the proceedings or another person acting on that person's behalf; and
> (ii) a youth justice co-ordinator; and
> (c) the matter has been considered by a family group conference convened under this Part.
> ("Oranga," 1989, Section 245(a) (b) (c)).

Although several Oranga Tamariki professional roles contribute to the youth courthouse and NKR settings, Section 245 refers to a key role in the Youth Court process called the Youth Justice Coordinators. Their role is to coordinate a plan for the young person who has

offended to address the effects of their offending and the risks of further offending (Oranga Tamariki Act, No. 40., 1989). The Youth Justice Coordinator organizes a Family Group Conference, where a Family Group Conference plan will be created. At this Family Group Conference, the Youth Justice Coordinator will summon the other three other stakeholders of the Youth Court, the young person who has offended and their whānau, other relevant support services, and the victims of the criminal charges. The FGC plan is therefore designed and ultimately decided on by the young person for them to right the wrongs of their offending and address any issues that may cause them to offend in the future. Oranga Tamariki also appoints one of their Youth Justice Social Workers to monitor the FGC plan of that young person.

During my service as a Lay Advocate, I also observed a significant contribution from Oranga Tamariki toward NKR in the form of the Māori language and their practices (te reo me ōnā tikanga). From the first sitting in 2008, the Oranga Tamariki professionals were immediately responsive in this area through their support with waiata as the marae guests regularly. Their staff was also some of the early competent exponents of pepeha at the NKR hearings at Te Kōti Rangatahi o Te Poho-o-Rāwiri. I was also honored when our local Youth Justice Coordinator initiated a regular ritual by asking me to convene their Family Group Conference with a karakia. In reflecting on this contribution to NKR from Oranga Tamariki, I wish to reiterate that Oranga Tamariki support for NKR in these gestures and practices cannot be underestimated in the promotion of NKR and its role in serving our rangatahi and whānau in a culturally responsive way.

My reflections on the significant contributions of each of the four stakeholders (the Judge, the Youth Advocates, the Police, and Oranga Tamariki) of NKR toward this judicial forum were not intended to indicate their overall contribution to NKR. I think that, in the picture, their contribution is indicative of the ongoing expansion, development, and success of NKR in the future. I intended to highlight and acknowledge their unique aspects of support of NKR from an 'eye' on the ground as a lay advocate, not only at Te Kōti Rangatahi o Te Poho-o-Rāwiri, but at NKR throughout Aotearoa New Zealand.

Conclusion

This chapter reflected on how NKR has reshaped the physical environment. It showed how judicial decisions were made for the well-being of rangatahi and whānau, and also paved a way through which justice could be dispensed in the future. The background of NKR was established on a strong foundation and supported by court judges, Māori leaders, kaumātua, and marae that hosted the courts for the wider Māori community. The NKR structure and process were fashioned to embrace a marae setting. Three early NKR studies revealed quantitatively, NKR's achievements in reducing rangatahi offending. NKR was also affirmed by its international recognition as a recipient of the AIJA award in 2015. This was proceeded by the development of a national Kōti logo which has beautifully captured and conveyed the aims and purpose of NKR. A summary of a ten-year examination of NKR, undertaken by the Principal Youth Court Judge of New Zealand, Judge John Walker was presented. In concluding this chapter, I reflected on my own ten-year service with NKR as a lay advocate, by identifying the significant contributions of the four key stakeholders of NKR. As this chapter has elaborated, the operations of NKR are important for the health and well-being of Rangatahi. Chapter Six will elaborate on the historical context of the Aotearoa New Zealand's Eurocentric state and justice systems, and its distinction with Kaupapa Mūori approaches, before providing contextual references in the form of the perspectives of the eighteen NKR interview participants involved in this research.

Chapter Six: Data

"Ko te kai a te rangatira, he kōrero".

"The sustenance of chiefs is words".

(Dewes, 1977, p. 75)

Introduction

Historically, the current Māori disproportional criminal offending rates can largely be attributed to what has been described as a process of cultural denigration and alienation as a direct consequence of European colonization (Quince, 2007; Broadhurst, 2002; Cunneen, 2002; Jackson, 1988; Mikaere, 2008). 'Tangata whenua' maintained their form of social order within the social units of whānau, hapū, and iwi. From the outset of European arrival, Māori were dispossessed of their lands and their resources, and correspondingly by the end of the nineteenth century, were subjugated by British law and its penalties. As a result of the struggles experienced from imposed moves from their rural protective homelands or, 'papa kainga' to the European dominated cities post World War saw a significant emergence of Māori criminal offending (Walker, 1978; Durie, 1998). This phenomenon of Māori criminal offending was exacerbated in the second half of the twentieth century, underpinned by European and Māori social disparities in all indices. At the beginning of the twenty-first century, forming the background to a further increase in Māori criminal offending, the State began to initiate universal strategies throughout the justice system which were observant of Māori culture and context (Ministerial Advisory Committee, 1986; Jackson, 1998). Put simply, the justice system, was beginning to introduce a Māori way of working with Māori people.

This chapter focuses on the experiences of Youth Justice Professionals, Youth, and Whānau who have attended the FGC-monitored, judicially led NKR setting. Their experiences illustrate the scope and effect of the NKR and the level of its engagement with rangatahi and their whānau, as a Kaupapa Māori approach to justice. By both analyzing and interpreting the research data in the form of the qualitative interview responses, the aim of this chapter is to assess NKR as a Kaupapa Māori approach in relation to Aotearoa New Zealand's more traditional Westminster judicial approaches. This chapter presents an analysis that draws from the historical discussion presented at its outset, and relevant qualitative data around the

four themes of Judicial Environment Distinctions, Māori Practices, Māori Spirituality and Māori Relations. As a starting point Durie's four ideological periods provide a useful framework for placing the state under the microscope. Implicit in these four ideological periods, is the issue of state responsibility for Māori.

Durie's Chronological State Periods

The development of the New Zealand justice system was underpinned by the principles and practices of British penology. Thus, from their inception, New Zealand governments have, ideologically, and intentionally (Jackson, 1988), neglected direct responsibility for Māori people and their wellbeing. During the Colonial Patronage period (1835 – 1952) Durie (2005) maintains the state adopted 'a system of jurisprudence'. This is a British policy that promoted and legitimized Māori subordination under British rule. Progressing to the Transitions to Assimilation period (1853 – 1934) where the state sought to assimilate Māori by introducing and enforcing political mechanisms designed to both outlaw Māori protocols and practices and mandate European law and order. The subsequent Universalism and the Welfare State period (1935 – 1974), prompted by global attitudes toward universalism in the law and human rights, was characterized by increased state provision in the social service areas. This, however, saw increased state control, at the expense of Māori autonomy.

The fourth period was Devolution, the free market, and the recognition of the Treaty of Waitangi (1975 – 2000). Devolution involved the State relinquishing its power and activities of service provision in Aotearoa New Zealand, to competitive businesses in the global free mark This period also marked the recognition of the Treaty of Waitangi where a tribunal was set up to address Treaty grievances. The tribunal's power was, however, limited in that it could only make recommendations. In light of this limited power of the Waitangi Tribunal, the State continued to devolve itself from the responsibilities of social and economic provision for Aotearoa New Zealand citizens in the free market environment, At the end of the twentieth century, this political ideological period had significant impacts on Māori health and wellbeing, where Māori dominated the labor and low-skilled sectors. Devolution, the free market, and the recognition of the Treaty of Waitangi continued into the twenty-first century and formed the backdrop to the conception and development of NKR (2008).

‘Assimilation’ in Justice

In relating state policy more specifically to the dispensation of law and order upon its citizens, the development of this nation's justice system can be seen as a further mechanism of the assimilation of Māori. Assimilation, in this sense, provided no room or forum for Māori grievance redress and served as a further justification for Māori subjugation. For instance, early Māori resistance, to dictatorial British rule, in any way, shape, or form, was immediately outlawed and pursued both militantly and forcefully (Binney, Chaplin & Wallace, 1979). The cases of Rua Kenana at Maungapohatu, and Te Whiti Rongomai at Parihaka, in the early twentieth century, were both passive examples of resistance that were criminalized and outlawed.

The emergence of Māori disproportional criminal offending rates in the twentieth century can also be traced back to the assimilationist nature of the Urban Drift. This occurred in the early 1900s when small-scale trade gave way to large-scale European-owned industries, which both produced and sold mass volumes of goods and produce. Trade in the rural areas was no longer viable, especially for Māori, who had to move from their familiar rural (and in a wider sense, cultural and spiritual) homelands to newly formed cities, where these industries grew and prospered. Pulled to these cities by economic necessity, Māori were forced to work as laborers or low-skilled workers, and live in state-facilitated housing, predominantly in the outer suburbs of these cities. This also occurred in the schooling system, where the Māori language was prohibited, and the subsequent educational underachievement for Māori meant fewer employment opportunities. With fewer opportunities and options, other lifestyle threats for Māori began to emerge such as alcoholism and crime (Walker, 1990). This social, political, economic, cultural, and spiritual context formed the background to the emergence of Māori disproportional criminal offending rates in the twentieth century.

A further aspect in which the New Zealand justice system reinforced its role in assimilation was in the discriminatory targeting of Māori by the Police. As Tumataroa et al (2010) noted in Christchurch in the 1970s, where the local police had a zero-tolerance approach which was sometimes heavy-handed. Furthermore, the young people of Christchurch were not offending more seriously but were being treated as if they were. Discriminatory and harsh instances such as that were seen to be more likely to result in police complaints and crime continuance,

than crime deterrence. However, at the time, this seemed to characterize the nature and resolve of the New Zealand justice system's tougher-on-crime approach.

Significant Reports

The Pūao-te-Ātatū Report (1984) prepared by a Ministry Advisory Committee comprising of renowned Māori leaders and experts, again highlighted assimilation in the Department of Social Welfare in the form of institutional racism. In response to this, the report recommended Māori solutions within the public sector to be implemented as best practices for Māori clients (the vast majority of clients). The research findings from Pūao-te-Ātatū highlighted the Māori experience within a mono-cultural system of over 150 years and asserted the Māori-centred approach to working with Māori. The report also set precedence in regard to dealing with Māori youth offending by emphasizing the importance of the young person as opposed to the offense. This was endorsed as the restorative approach to youth justice.

Similarly, Moana Jackson in his 'He Whaipaanga Hou' Report (1988) 'raised the profile of significant challenges facing Māori in the criminal justice system' (Just Speak, 2012). The problems the report identified extended across the police, politicians, the public service, judges, and juries. As well as outlining these problems, Jackson also suggested solutions, including the establishment of a separate Māori criminal justice system. He Whaipaanga Hou also provided the historical context and perspectives on pre-contact Māori social life as a cohesive and collective system of rights and duties. The report details the European colonization process that resulted in the marginalization and alienation of Māori, such as with 'The Treaty of Waitangi' and, over the course of the 19th and 20th centuries, a history of social and legal disenfranchisement. inherent flaws in the court systems, in particular 'the application of the law by the police and the court. Examples such as mispronunciation of Māori names, and disrespect for or utter ignorance of Māori relations and protocol reinforced the report's assertion of a systemically Eurocentric justice system, and that Māori tikanga was central to structural change within the Justice system.

Post-Millennial National Strategies

The Youth Offending Strategy 2002 represented a shift in approach for the Department of Justice and the Department of Social Development in dealing with youth criminal offending

and criminal offending in general). Criminal offending was to be considered in the historical context of the people who were apprehended for committing criminal acts. Instead of just responding to youth crime, the Youth Offending Strategy 2002 sought to address the underlying issues of offending by turning its attention to early intervention strategies – working with children and young people. Its rationale was to work effectively with children and young people to lower their risk of continued offending. This broader approach to working with children and young people entailed working within the context of their wider environment (school, family, and whānau). The Youth Offending Strategy therefore aligns with the Kaupapa Māori principle of Māori culture that recognizes the value and importance of the whānau to children's and young people's well-being.

Post NKR Kaupapa Māori Strategies

Community collaboration and Iwi or Māori tribes, in the sense of addressing mono-cultural 'Western' values, were standout features of The Youth Crime Action Plan (2013 – 2023). In a move away from the former centralized decision-making and operations pattern of the justice system, the government now sought to work with communities to address rangatahi offending and reoffending. More specifically, building on what is already producing results and outcomes, and strengthening coordination at every level within the community (Ministry of Justice, 2013). Concerning Iwi, the plan also states that the young person's cultural background and identity, and that of their family, are considered and their whānau and iwi are consulted. Iwi and other community social services and networks are engaged in the process. This acknowledgment of Iwi in the justice system, albeit over 160 years late, is significant. Considering health from a Māori perspective is multi-dimensional, acknowledgment from the justice system of the status of iwi, allows the taha whānau or 'familial dimension' aspect of the rangatahi wellbeing to be addressed and nurtured by the whānau, hapū, and iwi.

Sir Mason Durie's wellness model, Te Pae Mahutonga (1999), has been used to understand the challenges that whānau face in fulfilling their childrearing roles and responsibilities and that rangatahi face in finding their place in this world. Mauri Ora or Cultural Identity is the right of Māori to be Māori is enshrined in the Treaty of Waitangi and, more recently, the United Nations Declaration on the Rights of Indigenous Peoples, as well as other UN conventions and declarations (United Nations, 2007). However, this citizenship and rangatiratanga right has never been fully realized under a colonial government. Te Ōranga or

Participation in Society asserts the Whānau vulnerability and marginalization are being sustained by these families' socio-economic circumstances (Cram, 2011; Expert Advisory Group on Solutions to Child Poverty, 2012d).

The Department of Corrections ‘sector wide’ 2018-2019 strategy He Ara Poutama (Pathway to Excellence) again reflects the State’s transition from hierarchical, to collaborative and Kaupapa Māori approaches in the justice sector. Its purpose is to maximize everyone's health, safety, and well-being, and provide future opportunities for people to build on their strengths to make the changes that enable them to live pro-socially and to contribute to safer communities. The plan also has four priorities. They are safety, rehabilitation, transitions, and our people. These priorities are asserted by five kaupapa Māori values, named Te Tokorima ā Māui, They are Rangatira (Leadership), Manaaki (Respect), Wairua (Spirituality), Kaitiaki (Guardianship), Whānau (Relationships). Ara Poutama is essentially a practice framework. Department of Corrections staff learn, understand and apply the five Kaupapa Māori values espoused as Te Tokorima ā Māui. These values encompass inter-colleague relationships, team members, and members of society.

In July 2018, The Safe and Effective Justice Programme Advisory Group – Te Uepū Hāpai i te Ora was set up to work with justice sector agencies on "a prudent and realistic scope" for effective criminal justice reform. The advisory group brought together people with practical experience of "the realities of our broken criminal justice system". The purpose of the Advisory Group was to engage the nation’s public about what people in New Zealand want from their criminal justice system, canvass a range of ideas, and recommend proposals about how the criminal justice system can be improved. Subsequent public meetings were held throughout the country in the space of less than a year. Following this hui, the Advisory Group then organized and prepared their findings in a report. Te Uepū Hāpai i te Ora – the Safe and Effective Justice Advisory Group published He Waka Roimata on Sunday, 9 June 2019.

He Waka Roimata – which translates as A Vessel of Tears – shares reflections on conversations and submissions Te Uepū received from New Zealanders about the criminal justice system. *He Waka Roimata* essentially elaborated on six major themes which asserted; that too many people who have been harmed by crime feel unheard, misunderstood, and re-

victimized, the number of Māori in the system is a crisis, violence is an enormous problem, particularly for families and children, formal justice processes fail us too often. The system is too focused on punishment and neglects prevention, rehabilitation, reconciliation, and repair of the harm done by crime. Individuals, families, and whānau feel unsupported and disempowered by the system, and the ability of iwi, hapū, communities, NGOs, and others to provide support is constrained by the siloed nature of government structures and funding arrangements. As a result, the people that are experiencing mental distress lack the support they need.

The Department of Corrections 2019 Māori strategy, Hōkai Rangi, was created with the aspiration to reduce the proportion of Māori in prison from the current 52% to 16%, reflecting the make-up of the general population. Corrections identified six key domains: a partnership between the Crown and Māori; humanizing and healing; involvement of whānau; incorporating te ao Māori; supporting whakapapa and relational identity; and participation in society on release. Hōkai Rangi, has also drawn recent criticism, based on broader terms regarding the history of cultural dispossession and 'acculturalisation' through the process of British colonization. Cox (2019) maintains that Hokai Rangi has followed the mistaken logic that not being able to speak Māori and not feeling at home with the culture of your tūpuna are the primary drivers of Māori imprisonment. Cox also elaborated.

> ‘Māori are not in prison because they can’t get up on the pae and whaikōrero. They aren’t locked up because they don’t know the tikanga and kawa of their marae. Māori are in prison because the economic structure of Aotearoa is built on the violent dispossession of the land and resources of their tupuna: because our justice system is undeniably racist. Because we have completely insufficient public services across housing, health, and welfare. Because twelve-year-olds with backgrounds of deprivation are excluded from school and have few options for education. Because people who have been hurt don’t receive the support they need to heal, and they hurt others. (p.1)

Workman and McIntosh (2013) further argued that the boom in prison populations here and globally is directly tied to the damage neoliberal capitalism has wrought on the dispossessed and marginalized. They assert that:

> ‘The communities that most offenders come from have experienced a reduction in primary healthcare services, increased evictions from and ineligibility for social housing, increased levels of unemployment, a decline in the level of welfare support, the introduction of “workfare”, and increased pressure to “behave” without any commensurate provision of support.’ (p.126)

Hōkai Rangi maintained that Neoliberal capitalism has crushed our welfare system and squeezed public health and housing to burst. People receiving a benefit simply do not have enough money to cover everything they need to live a decent life. Just last month, our waitlist for public housing topped 12,000 households and whānau waiting for a home they can afford. Mental health and addiction support are either incapable of meeting needs or inaccessible for many unless they present as an acute risk (Department of Corrections, 2019). Hōkai Rangi continues to assert that Aotearoa New Zealand has one of the most unequal education systems in the wealthy world. Māori – with higher rates of unemployment, higher rates of mental distress and addiction, higher rates of family violence, and lower educational attainment – are of course more likely to be incarcerated when we understand that imprisonment is not the result of poor life choices, but is unequivocally tied to the political, social, and economic history of Aotearoa (Department of Corrections, 2019).

In summary, for the past almost two hundred years of British colonization the State is only just showing signs of laying down its assimilationist attitudes and biases, particularly within the current structure of the New Zealand justice system. Although, in more recent history, these types of policies and practices have been exposed, condemned, and amended on a national scale, by Māori champions of change in the justice sector. In support of this change, it has also become the role of NKR, to communicate its own distinct Māori voice, for Māori perspectives in justice to be both promoted and exercised. As Judge Taumaunu (2014), former NKR Liaison Judge expressed, the intent of NKR has not necessarily been to reduce offending but to give the young Māori people their culture and their language. This is something that will possibly stay with them, and potentially change their lives, positively.

Analytical Themes

Four themes emerged from this study. The first theme was identified as the Judicial Environment Distinctions where the participants compared both the physical environments of

'mainstream court' in the courthouse and NKR. Judicial Environment Distinctions was highlighted by the initial impersonal, formal, and alienating impressions of the courthouse and the welcoming, friendly, and meaningful impressions of NKR. The impressions of the courthouse, or the environment of court-based prosecution and sentencing, typifies what Jackson (1988) described as the systemically Eurocentric justice system – a rigid, impersonal, and non-rehabilitative system based on British penology. The NKR impressions, however, characterize the traditional Māori process of 'muru' or compensation (Buck, 1949), the nature of which is fair, collective, and restorative.

The second theme considers the Māori practices of NKR. This refers to the participant's impressions of the 'kawa' or the traditional Māori processes enacted at NKR. Furthermore, at this secondary stage, initial impressions progress to impressions that are more engaging in nature. For instance, the NKR Māori Practices (pōwhiri, whaikōrero, hakari, rūrū), evoked responses on physical, as well as psychological, and emotional levels. Thus, highlighting the holistic and multi–level nature of the NKR Māori practices, as asserted by Durie's Tapa Whā Model (1984), which has also been employed as a framework for this research.

The third theme investigates Māori spirituality which emerged from impressions of the traditional Māori processes at NKR such as karakia, acknowledgment of the deceased, and references to Māori Gods. As Keane (2013) maintains, Māori spiritual practices of NKR originate from traditional beliefs and cosmology, and constitute the basis of Māori history and society, and, to this end, have been effectively adhered to and communicated at NKR.

The fourth theme explores the level and nature of the NKR relationships between the Professionals, the Youth, and the Whānau. The status of the marae was considered a spiritual and significant place (Keane, 2013) for NKR, where roles, and relations, are eased by the welcoming and embracing nature of Te Ao Māori protocols and practices. In this sense, the NKR attendees essentially experience the role Māori culture plays in the engagement of, and therefore the wellbeing of its attendees.

The following section will provide a contextual review based on the experiences of the NKR interview participants. Each theme is introduced and explained, and then its application to

each of the three different interview groups. This is achieved by providing two examples for each interview group, and broad and in-depth analyses of these interview examples.

Judicial Environment Distinctions (Professionals)

The participant's experiences of the 'mainstream' court and NKR, highlight a polarized difference between the two judicial environments. This polarized difference is expressed by a metaphor of a horizontal pole where at one end is the Western Eurocentric court system, represented by the courthouse, and at the other end, Kaupapa Māori justice, represented by NKR. The following Professional participant describe the courthouse as an inflexible, authoritarian, and embarrassing environment, as expressed by an NKR professional in referring to their observation of young people appearing in the courthouse.

> *I've seen them in the youth court, they're walking in like it's just going to the doctor or the dentist. It's more normal for them to go there than it is to go to the doctors, and so the disregard, the disrespect thing, when you walk in there, it's all over their ahua. They just ooze it (P4/10/2/2019)*

These impressions reflect the non-engaging, impersonal, hierarchical expression, and arm of the mono-cultural justice system at work. Firstly, it depicts the young person as a self-serving consumer, which immediately negates the social objectives of justice, reparation for the young person, the victim, and the community. Secondly, it also asserts Kim Workman's (2012) Mass Māori Imprisonment social phenomena, whereby Māori offending, and incarceration become the norm for Māori through succeeding generations. Thirdly, the expression of disregard displayed by the rangatahi at the courthouse, which can be shown by the rangatahi lack of attention and disrespect, implies that the courthouse hearings have little or no meaning to the rangatahi, and therefore the little effect on their behaviour.

The polar axis referred to has the Western court system at one end and the Kaupapa Maori marae court setting at the other. A second professional participant conversely shares their experience at NKR.

> *...as I say because right through the process they* [the rangatahi and their whānau] *are treated as honored guests. That's not dropped. That honor paid to them when they*

come onto the court, is not dropped, when, they're tried in the court. They're still treated as someone special, and that's what the Judge and everyone around them are trying to say to them. you are a special person, and we don't want you here. You don't belong here, and so, um, if they didn't get that message, some of them were, they came back again because they didn't realize the significance of, of the honor that was bestowed on them, and, what, what a Judge is like, how a Judge should behave (P3/3/2/2019).

The NKR professionals are emphasizing an inclusive and meaningful social experience. This phenomenon characterizes what Durie (2003) describes as an outcome goal of Te Kahui or vibrant Māori communities in his Te Ngahuru Outcomes Schema. This is where the young people and their families are honored, validated, and affirmed. The impression also reveals positive interaction between the Judge and the rangatahi at NKR.

Judicial Environment Distinctions (Youth)

For many Youths who have appeared at both the courthouse and NKR, they made similar observations. For example, when asked about their reasons for choosing to attend NKR they attributed their choice to the nature of their experiences in the courthouse, as described in the following comment.

I chose TKR because I went through the District Court before. I had seen their {the District Court] *ways and, I knew I was never gonna get a conviction cleared off my record. I knew I was gonna get an automatic curfew, or home detention or something. I knew if I stayed in District Court, it would have been harder, and longer to get out of the system, and yeah. I chose Rangatahi Court because it was a change (Y3/19/3/2019.)*

.

This Youth impression emphasized the severity, length, and perceived hopelessness engendered by the District Court pathway as part of their justification for choosing to attend NKR. This notion of heavy-handed justice is not unfounded as it has been noted throughout the history of the development of the New Zealand justice system (Tumataroa et al, 2010). Also, the young person's impression showed self-impetus to choose an ideal pathway of change.

A second youth impression makes a comparison between the NKR physical environment and the courthouse physical environment. They described NKR as easier and more comfortable than the courthouse. More specifically they refer to the seating and its structure. For example, at NKR, the marae venue has outside and inside spaces, as well as it traditional Māori carvings and designs. The seating at NKR is designed in a general square shape where a majority of the NKR attendees are facing each other. The courthouse is confined to a room where the Judge and the court registrar are generally seated facing the other attendees. This observation is supported by literature where NKR is described as an engaging and beautiful environment for the rangatahi (Ministry of Social Development, 2009).

> *Aw, the marae, it was, it was way easier. Yep. And easy, and better too, like, I felt more comfortable. Yep, yep. It is a more comfortable arrangement. The way everybody is seating and the way it's all set up (Y2/10/3/2019).*

.

Judicial Environment Distinctions (Whānau)

The Whānau experiences also emphasized the polar differences between the courthouse and NKR environments. Whanau highlighted the courthouse's non-social friendly environment – a consequence and characteristic of the monocultural justice system (Jackson, 1988). One Whānau participant describes their experience as follows:

> *Yes, I did notice a difference, mainly because I've been to court a few times myself....and that being my son that was going to court, it was more comfortable, and easier for him to go through that NKR system than, um, the main system with all the adults, and, yea, it just made it easier for us to go in there and do the dos. Yea, without having so many adults around and being intimidated because he was so young (W4/8/4/2019).*

.

The whānau participant uses the descriptors ease and comfort to differentiate between NKR and the courthouse environments. They also use the emotive term 'intimidated' as a representative description of the courthouse to emphasize polar differences. The Whānau participants also highlighted NKR's supportive and social role in navigating through, and out of, the justice system, As a second Whānau participant described below:

I think that what I learned was that the young people have got their own story to tell. Because TKR is mainly centered around the young people and helping them, and behind TKR is a support group. Behind it all, behind the face of Kōti Rangatahi, it's a support network to help the young people to get through, to transition, to get through journeying into the system, and journeying out of the system (W1/10/3/2019).

.

A key emphasis is the ability of NKR to navigate as a successful 'waka' or vehicle through the European justice 'system' or environment. This characteristic of NKR was acknowledged in its 2017 Veillard-Cybulski Award (Stanford, 2017). The award panel of judges described NKR as an inclusive system where Māori children learn who they are and where they have come from, to help them change errant behavior and realize their potential.

Māori Practices (Professionals)

Professional practices' has historically been dominated by European systems in the development of the New Zealand justice system. The following Professional impression explicitly describes the young person's disposition at the courthouse, reinforcing again the social non-engagement of the courthouse activities with young people.

It's more evident in the youth than the whānau. I think whānau don't want to be in the mainstream court. In the mainstream court process. Ah, young people particularly don't want to be there (P6/5/3/2019).

.

Through the observation of the young people who have attended the courthouse hearings, the Professional has both seen and interpreted the behaviors and expressions of the young people as pessimistic and non-participational at best – concluding that the young people do not want to be at the courthouse. This non-participational behavior can be interpreted in many ways but ultimately obstructs the justice process – which potentially makes things worse for the young person, and their whānau. In referring to how NKR Practices engages with both the young person and their whānau in a cutting-edge way in the justice system, a second Professional participant makes the following observations:

I suppose the fact that parents sit next to the child, or the young person, and the Judge always addresses the family, they will in court. Yhey always acknowledge the whānau and all that. But if they want to say something, they ask the family, that come and sit with them at the table and all that They are invited to speak, and participate, more and they feel that they can. I mean they're still shy, but I think they do feel more comfortable, and relaxed with the process (P5/27/2/2019).

.

This Professional emphasizes the practice of talking 'with' (whakawhanaungatanga or relating to), as opposed to 'to' (dictatorial) - a characteristic of New Zealand's justice systems development (Tumatataroa et al, 2010). The issue arises where historically Māori people in the justice system, have been seen, rather than heard. Although this whakawhanaungatanga seems an insignificant practice, it is important because it can eventually determine the course of a young person's justice, and potentially, life, outcome.

Māori Practices (Youth)

According to all the Youth experiences of the Māori practices instituted by NKR, they responded to the tangata whenua activities of NKR, which were considered to be empowering, familiar (in their family environment), and meaningful (Taumaunu, 2015). The youth also acknowledged both NKR's style of delivery and absence from the courthouse setting. This is reflected in the following comment:

They were just listening. You know. Because through the main court, it just felt like no one was listening, and I had to listen. When I was doing my speeches and all that, through the Māori court, it felt like they were listening to me, and were there for me. Stuff like that. 'Cause I remember. I felt comfortable (Y5/23/3/2019).

.

From these impressions, the Youth participant is illustrating a connection that the Māori practices are making with them, which the courthouse fails to achieve. The youth feel listened to and comforted through the attention and care focusing on them through Māori practices, such as starting with a persons pepeha (Māori genealogical recitation). In acknowledging the direct effects of \Māori practices at NKR in addressing the Western systems of justice in New Zealand (Stanford, 2017), the youth participants also described the kind and helpful support

they received from the NKR staff in learning and participating in the Māori practices. As the second Youth participant shares below:

> *Yea. Although I haven't had Māori for a while, the people there, were kind, so I listened to what they said and began to take it in. The singing, the haka, the mihi. It made me feel like I was involved and it was about me (Y6/24/3/2019).*

.

The NKR Youth reflection above illustrates harmony and oneness at NKR. The subsequent supporting evidence of this is their acknowledgment of people there, not NKR roles. This evokes a human or normative aspect of the NKR experience.

Māori Practices (Whānau)

The Whānau impressions of the NKR Māori practices also affirmed them in a positive light. For example, the following Whānau participant shared the awesome nature of their young person's NKR experience, who also portrayed the courthouse or 'Pākehā' courts in a stagnant or 'stuck' state:

> *Aw, just an awesome experience. Um, yea. That my boy hasn't been in trouble since then, and ah, that experience at that time was quite hectic, um, til we went through Māori courts, I never realized that there was ever a court like that. Too stuck in the Pākehā courts to get involved in this new thing that's been going on with our Māori people. Yea, no, it was just an awesome experience. Yea (W5/16/4/2019).*

.

The Whānau participant uses the term stuck to describe the courthouse, as ineffective in improving the behaviors and actions of their son, in regards to engaging with the judicial processes, and their general behavior. In describing NKR, the Whānau participant attributes NKR as the reason why their son has not returned to Youth Court again. Although the Whānau participant does not say how NKR has caused the son not to re-offend again, they nevertheless testify that their son's recidivism is because of their awesome experience at NKR (Ministry of Social Development, 2009). A second Whānau participant emphasizes the support given to them by the NKR Professional Support Worker. to help them with the NKR Māori Practices in the following comment.

She kept coming over, even when she wasn't supposed to. She'll just come over and help me a lot. Yep, and get me ready for going over to the marae (Y5/23/3/2019).

.

The Whānau participant attributes her preparation for NKR Māori practices to the commitment and persistence of her NKR Professional Support Worker. This does not only reflect the responsive nature of the NKR Māori practices but its committed nature also.

Māori Spirituality (Professionals)

The theme of Māori Spirituality refers to traditional Māori processes relating to the Māori Gods, the deceased, and prayers. Coincidentally these practices were formally outlawed by the early New Zealand governments (Binney, Chaplin & Wallace, 1979) and have only in the last twelve years been allowed to be observed in a court setting, through NKR. The NKR Professional's experiences with Māori Spirituality varied from little to no knowledge and observation of Maori spiritual practices, to total belief, observation, and commitment. One Māori participant reflected on it by commending the Justice system for initiating a Court with Māori Spirituality, describing it as holistic and caring:

I, one experience I've gained is that the Justice system can work differently and be more um, holistic, I don't know whether holistic is the right word, but be more caring, or, you know. Um, I think, the, I think, there is, there is that aspect, as I said, with some young people, it's just in and out. I wanna finish and they take nothing from it. I think the ones that take something from it are the ones who rarely come back, or never come back (P5/27/2/2019).

.

The Professional participant also observed that there are valuable principles from NKR that can lessen the young people's chances of returning to court again, if ever (Taumaunu, 2015). One Professional participant reflects on what they interpret as the affirmative and purposeful aspects of karakia or Māori prayers. They also share the respectful nature of the young people and whānau responses to karakia.

I think there is respect and an appreciation of why we have karakia, and the purpose behind it. Yeah, I've always found the young people and whānau respectful of that process, and so it hasn't presented any issues (P1/30/1/2019).

.

Māori Spirituality (Youth)

The Youth participant impressions have all reflected both an attentiveness to and an awareness of what is going on in the processes of Māori Spirituality. For example, one youth participant's impression below focuses on the Court Judges involvement in Māori Spirituality, their connection with them (Judge), and all the other processes that are associated with Māori Spirituality; hongi or exchanging of breath greeting, hariru or physical greeting gestures (Ministry of Social Development, 2009). The Youth participant also acknowledges that it is the standard procedure, despite the nature of the court outcomes.

> *Actually sitting down with the Judge at Rangatahi Court. Talking with him. Talking with you, one on one, where you don't need your lawyer to step in anything like that. Nah that's mean, and then to finish, you know, with a hongi and a handshake. That's even better. Then's there's walking away on good terms, you know, despite what's happened in court or whatever (Y4/19/3/2019).*

.

A second Youth participant provides their view of the NKR Māori Spirituality processes. and how it relates to them.

> *Yea, I understand. Acknowledging those who have passed away. You know. We have to learn to respect them because they're gone, but they're still with us and we share the love that they have, that's how we acknowledge them, and all that (Y3/15/3/2019).*

.

The youth participant emphasizes that they are a part of the NKR Māori Spiritual processes regarding the deceased, through their perspective and understanding of the NKR Māori Spirituality processes (Ministry of Social Development, 2009).

Māori Spirituality (Whānau)

The Whānau experiences of Māori Spirituality emphasized experience, admiration, and acceptance. One Whānau participant described NKR Māori Spiritual processes as mind-blowing about the whole NKR process (Taumaunu, 2015). They also made an affirmative comparison of their NKR experience with the courthouse; describing it in the following comments.

> *Yea. So when I experienced old, what did you call it? Te Kōti. Te Kōti Rangatahi, yea. Te Kōti Rangi – Rangatahi, yea, and the whole marae style, and the protocol and just all of it, just, blew me away. I didn't even know that it existed. Hahaha, and, yea, so it, it, honestly was way better than having to go through the main system (W4/8/4/2019).*

The first Whānau participant refers to the marae and its protocols, in comparing NKR as better than the vourthouse. These impressions esteem the value of the marae and its protocols in the eyes of Whānau, and its ability to engage them effectively.A second Whānau participant described their NKR experience in a uniquely positive light.

> *That was very friendly, okay, and I think that was a breath of fresh air for my son, and at that time, I think, he needed some spiritual bank filled. Yeah, and you know, and that's what I think it did for him. Yes, so, I know, he talked about, how can I put it? I know he learned a lot from the whole experience. Yep, definitely, and I'm, I saw that visually, you know, just, I saw that, within him as well (W6/18/4/2019).*

In referring to NKR, the second Whānau participant describes how the friendly nature of those who were at NKR, was a spiritual experience for their son. The Whānau participant could see it visibly, in the NKR environment, there were things that they could learn at and from NKR, and they could see how the NKR Spirituality processes affected their son.

Māori Relations (Professionals)

Māori Relationships refer specifically to the relational dynamics at NKR which are based on Māori kawa (protocols) and tikanga (traditions). The Professional participant's impressions of Māori relationships reflected an understanding of Māori kawa and tikanga, and addressed different aspects of these concepts as they were exercised (Taumaunu, 2015). The following Professional participant shares their understanding of the connection between tikanga and Kaupapa Māori, the subsequent process of decolonizing, and cultural destruction which they maintain has led to poor social statistics for Māori.

> *It's connecting with aspects of tikanga, and Kaupapa Māori. It is perhaps small steps in the bigger process of decolonizing. Undoing a couple of hundred years of cultural*

destruction, which probably has contributed to some of the poor statistics for Māori, be they Health or Justice (P6/5/3/2019).

One Professional participant described\ their impressions of Māori Relationships at NKR as new, different, and good in that light (Stanford, 2017). They then commend and provide a general view of what Rangatahi Court is about.

That young people are special. They are somebody. That other people care and will come around them, despite what they have done. It's a new environment and different. That is the good thing about it. Trying something new to get a different result. That's what the Rangatahi Court is about (P1/30/1/2019).

.

Māori Relations (Youth)

The Youth participant impressions of NKR Māori Relationships focus on personal and intimate insight into their experiences and interpretations of the various expressions of Māori Relationships, such as with the Kaumātua, the marae, the NKR Professionals, and the Māori processes (Buck, 1963; Mahuika, 1975). One Youth participant shared their journey through NKR, which, due to the continuing kindness of the NKR staff, in time, won the young person's confidence in spending increased time at the marae, as well as understanding NKR more in terms of the way it supported their Māori cultural and judicial journeys.

For a start, I didn't think it was welcoming. I was just there looking around in a bad mood, but they looked after me, and were kind. At the other court, I didn't say much. I spent so much time at the marae, that I began to talk with them, and they weren't bad after all. They helped me a lot (Y6/24/3/2019).

A second Youth participant also shared their journey through NKR describing how, over time, they began to understand how NKR staff were looking after them, and in hindsight, realizing that their experience of NKR was positive (Stanford, 2017).

I thought it was welcoming, and, the plan that we had created together was good, and it was just, to be honest. I'm gonna break it down into one word. They were fantastic at what they did, but at that time I didn't understand what they were about. But now I

have a better understanding of what they were about, because back then I didn't want to learn about what it was about. But now I do (Y3/15/3/2019).

Māori Relations (Whānau)

The Whānau participant's reflections on the Māori Relationships at NKR centered on how the process and NKR staff influenced positivity among their young people. For example, the following Whānau participant described their personal experience of the Māori Relationships at NKR as positive in many aspects and as non-threatening and safe (Taumaunu, 2015). They also felt welcome.

I know from my son's experience, that it was positive, because no matter whatever, the youths go through there, there'd be, a whole lot of different reasons, why. It's not threatening. You know, It's a safe space. So my own experience, or our own experience, where, we felt welcomed. Just all the different processes. Just the positive, positive thoughts. It was pretty positive (W6/18/4/2019).

.

A second Whānau participant described how Māori Relationships at NKR changed their daughter in a positive sense. They acknowledged the presence and involvement of their Social Worker (Ministry of Social Development, 2009). They also share about their internal journey at NKR and their perseverance to support their daughter.

Because she should have gone away ages ago, my girl. You could see what she has done, and now you can see her doing the things that they were wanting us to do. It was positive. Positive, 'cause that's how I thought of it. I'd like to say the best. That's what I said to her xocial worker. She had to go way out of her comfort zone. You know, for her to do it, and then something said no. No, just persevere. Yes. I'll say aye. Yea. Na, I did though, that's what I said to her (W2/29/3/2019).

Conclusion

This chapter has exposed the mono-cultural Eurocentric ideals and practices that have historically entrenched people and their families who have appeared in the New Zealand justice system. It also offers valuable insights into the realities of NKR, by exploring the nature of its processes, principles, and delivery. Those distinctive characteristics, special

features, and symbolic markers identified by the participants that distinguish NKR from the ‘mainstream court’ delivering the same service.

Four interconnecting themes emerged from this study relating to the distinguishing characteristic, which provides a systematic basis for exploration. The proceeding chapter deals with the four themes. The first theme, Judicial Environment Distinctions, again, examines some of the distinctive physical features of both the Western courthouse system and the Kaupapa Māori based marae court setting. This theme also introduces the subsequent subthemes of Impersonal Courthouse and Welcoming Marae Court. These two subthemes specifically elaborate on the physical scope and effect of, firstly the courthouse youth court hearings, and secondly, the NKR hearings. The implication for the young people and whānau who have experienced these environments is located and also considered.

This discussion provided the context for a second interrelated theme that emerged. Māori Practices, which assesses the operation and performance of the traditional Māori practices of NKR about the courthouse practices, and the realities of how these are exercised and effected in practice. The two subthemes which emerged within this theme were identified as Whānau and Pepeha. Whānau refers to family, and Pepeha is a genealogical oral recitation.

The third analytical theme that emerged from this research process was Māori Spirituality. Again, Māori Spirituality encompasses the traditional Māori practices and principles associated with prayer, the Māori gods, and the deceased. The two key subthemes that accompanied Māori Spirituality were the Māori Gods and Prayer. The first subtheme of the Māori Gods focuses on both their references and responses to these at NKR. The second subtheme of Prayer explores the scope, effect, and nature of this practice at NKR.

The fourth theme emphasized Māori Relations. That is how the NKR professionals engage with the young people and their whānau at NKR, and the level and nature, if any, of the youth and whānau responses. The two subthemes that were identified within Māori Relations were Kaumātua and Whanaungatanga. Kaumātua are recognized as the Māori elders who are appointed as the cultural leaders of NKR. Whanaungatanga refers to the nature and significance of the whānau, hapū, and iwi Māori societal system at NKR and its subsequent influence on the youth and whānau who have attended NKR.

While this chapter examined the inter-relationships between Mäori and the state and between Mäori and Päkehä within the context of service provision, the next chapter is essentially about relationships between the NKR Professional, Youth, and Whānau that are lived and experienced in the NKR setting within the Mäori community. The theoretical context is therefore grounded within the Mäori philosophical traditions explored in the Methodology chapter, and applied throughout these chapters, and contextualized against relevant frameworks in international literature. A review of the extant research on the Kaupapa Māori marae court setting of NKR highlights the need for a more expansive critique of Mäori organizations in line with the four themes outlined in this chapter, and Chapter Seven to expand the otherwise narrowly defined parameters of current investigative studies.

Chapter Seven: Conclusion

"Te kotuku rerenga tahi".

"The white heron that flies singly".

(The New Zealand Railway Magazine, 1933, p. 37)

Introduction

The purpose of this research was to explore the existence, nature, and level of health outcomes at NKR. This was undertaken to assess the potential of the Māori principles, values, and practices used with Māori rangatahi and whānau within the Aotearoa New Zealand youth court jurisdiction, andthe broader jusdicial jurisdictions,

This chapter will summarize the previous chapters, their contents, and their purpose in the context of this research. The findings of this research will be discussed and identified because of the four key themes that were identified in the participant responses. This will entail a discussion of what was revealed by the four themes in relation to the NKR interview experiences. In concluding these research findings, I will summarize and specify these themes in relation to the interview responses. I will also endorse two key insughts which I have observed in the themes and the qualitative data. The strengths and limitations of this research will also be mentioned, and three recommendations wll be endorsed in reflecting the research findings and conclusions.

Chapter One introduced the research question; what are the effects of Ngā Kōti Rangatahi on the health and well-being of rangatahi and their whānau who enter this system? It also explained the background of this research from my position as an indigenous Maori researcher. The research focus of NKR was elaborated on by reference to a song (waiata), and its translation highlighted its background and purpose. Māori imprisonment, a potential pathway of NKR rangatahi, was asserted because of Trapped Lifestyles (Durie, 2005a), and from the Māori health model, Te Whare Tapa Wha (1984) reflected an imbalance of its four health dimensions (Te Taha Tinana, Te Taha Hinengaro, Te Taha Wairua, Te Taha Whānau). The research's aims, objectives, and key milestones were identified. I also drew from my experience gained in my master's research which examined if and how NKR reduced rangatahi offending (through Māori justice statistics and NKR professional interviews)

including social and Māori cultural engagement. This research looked to explore NKR further into if, and how, the NKR rangatahi and their whānau experienced health outcomes at NKR.

The Māori disproportionate rates were explained and justified by recent Aotearoa New Zealand Ministry of Justice Youth Court figures and asserted as the concept of Mass Māori Imprisonment (Workman, 2012). Te Ngahuru Māori health outcome schema (Durie, 2003) was also endorsed and explained as a Māori measure of health. An early evaluative research assessment of NKR (Kaipuke Consultants Ltd, 2012) showed several positive outcomes of its engagement. Judge Taumaunu elaborated on his rationale for introducing NKR, as well as reflecting on its cultural, political, and judicial background. The Youth Court statutory role and structure are also explained about a path for young people within its jurisdiction considering a pathway through the courthouse to NKR A key NKR role of the Youth Court Lay Advocate was explained, as well as a summary of it key impacts. NKR gained international recognition when it was awarded the Veillyard Cybulski Award in 2017. This chapter concluded with the presentation and explanation of two graphs depicting a gradual decrease in Youth Court appearances and offending in Aotearoa New Zealand of rangatahi between 2010 and 2018.

The Literature Review provided the historical context for the introduction of NKR. Firstly, Māori were asserted as the first inhabitants and indigenous people of Aotearoa New Zealand, and as such, were guided by behaviors or tikanga in their societal groups of whānau, hapū, and iwi. Māori traditional narratives of pūrākau formed the basis of Māori customs before European arrival, and have been preserved to this day on the marae (traditional Māori cultural center). The distinction between the customary principles of lore Māori and law (British) were made, with lore Maori defined as social values, and law as penal rules. The three concepts of lore, muru (compensation), and hara (social imbalance) were elaborated on, as well as their social resolution processes. Imprisonment, preceded by court-based prosecutions and sentencing, were emphasized as the cornerstone of the British penology system, and involved the removal of an offender from society into an isolated and policed facility or prison. The arrival of the British settlers to Aotearoa New Zealand was also characterised by land and resource acquisitions, corresponding with consequential Māori intermarriage, and depopulation from related wars and disease. This formed the background to a drafted and signed treaty between the British Crown representatives and five hundred Māori chiefs at

Waitangi. The Treaty of Waitangi was characterized by its two versions; the English, which guaranteed Māori governance over their land, people, and treasures, and the Māori, which guaranteed Māori sovereignty over their lands, people, and resources.

The second half of the eighteenth century saw the emergence of Māori resistance and challenge to land encroachments and Crown sovereignty. The Post World War Two Urban Drift, spawned by the attraction of Māori to the industrialized cities for a better life, resulted in further cultural alienation, lower incomes, subsequent economic and social pressures, and the emergence of Māori criminal offending. Māori criminal offending continued to rise in the 1970s, but despite the formation of the Waitangi Tribunal in 1975, was perpetuated by Police targeting and discrimination. Durie's four chronological periods were asserted in reflecting the political orientation and priorities of successive New Zealand governments between 1835 and 2000. Two significant reports in the late twentieth century are also elaborated on, highlighting Māori indifference in the governmental, social, and justice departments. The Youth Offending Strategy (2002) and the Youth Crime Action Plan represented the Ministry of Justice's nationwide response to addressing the underlying issues of youth criminal offending. This chapter concluded with the summaries and effects of three recent Kaupapa Māori national strategies initiated by the Ministry of Justice and the Department of Corrections; He Ara Poutama, He Waka Roimata, and Hōkai Rangi.

Chapter Three explained the methodological approaches and theoretical frameworks employed for this research, and how they were applied. Te Ao Māori was asserted in this research as the Māori epistemology that underpinned the Mātauranga Māori methodological framework expressed practically through whanaungatanga, kotahitanga, manaakitanga, whakapapa, tīpuna, and hui. Kaupapa Māori Theory was introduced and explained as the endorsement and justification of Māori philosophies, values, and practice within the wider context of Pākeha political, cultural, and social domains. Social Research as a tool of social scientists was also distinguished by two approaches: Quantitative and Qualitative Research. Quantitative Research approaches employ empirical evidence such as statistics to social phenomena whereas Qualitative Research approaches utilize subjective human observations and stories. The social research method, ethnography, was defined and assessed as relevant in its application to this research. The case study was endorsed as useful for this research in its appropriateness to consider the collective nature of Kaupapa Māori principles. Tikanga was

defined as the ethical rules that guided the Māori societal groups of whānau, hapū, and iwi, and located in Mātauranga Māori, which is, in turn, were applied in the form of values.

Seven tikanga values that were utilized in this research and were also explained; aroha ki te tangata (caring for people), he kanohi kitea (a seen face), titiro, whakarongo, kōrero (look, listen, talk), manaakitanga ki te tangata (hospitality to people), kia tūpato (be sensitive), kaua e takahi te mana o te tangata (don't trample the mana of the people), and kaua e mahaki (don't flaunt your knowledge). Durie's (1984) Te Whare Tapa Whā Model was defined as a fourfold dimensional framework of Māori health, and endorsed for this research through its ability to be measured, quantitatively and qualitatively. The analytical aspects (the study of the different components of something) of this research process were addressed, and thematic analysis, specified as the identification, analysis, and report of patterns in the form of themes. The sampling strategies of purposive sampling and participant recruitment were defined and used to plan and organize the participants for this research. To gain both broad and diverse research data, the eighteen research participants were organized into three numerically equal groups; the NKR Professionals, the NKR Youth, and the NKR Whānau. Considering also the ethical permissions to undertake the research with the different research participant groups, the recruitment process of the research participants was undertaken through an advertisement poster at key justice venues requesting for the three participant groups to contact the researcher, with the first eighteen respondents selected. The interviews were elaborated on in terms of their duration, venues, the protocols that were applied by the researcher, and how they were responded to in the context of the interview engagement. The data collection process was explained, and the subsequent process of thematic analysis was detailed in the identifying, analyzing, and reporting of qualitative data themes . This chapter concluded with the identification of the key ethical consideration for this research in the form of the completion, submission, and approval of a MUHEC (Massey University Human Ethics Committee) application and a summary of how the seven tikanga values were applied in this research.

Chapter Four focussed on the research method employed for this research, the Case Study, and how it was applied to this research. The Case Study research method was defined as an intensive study of a small unit, or several units, to understand a larger class of similar units and assess in terms of its strengths and weaknesses. Six key stages of the case study research

method were identified, and their distinct roles in this qualitative research approach. The sampling strategy of purposive sampling was endorsed as a strategy determined by the judgment of the researcher, subject to meeting the needs of characteristics. Seven types of purposive sampling were summarised, as well as their potential strengths and weaknesses. The case study of this research was introduced by an elaboration of the wider demographic profile of the location of this study, the city of Gisborne. This entailed a summary of its history, area, and population. This summary highlighted Gisborne's appropriateness for this research, particularly its highly proportional Māori population. Te Poho-o Rāwiri marae was profiled with regard to its history and its significance to its Māori tribal area and people. The case study was described as involving justice workers, youth, and whānau who attended Te Kōti Rangatahi o Te Poho-o-Rāwiri Marae in Gisborne. The interview schedules consisted of sixteen questions, aimed at eliciting the participants' observations and experience of NKR. I explained and elaborated on my role as an Insider Researcher whereby I engaged in research in a group where I was a member (NKR professional). The strength and weaknesses of Insider Research were explored, as well as the identification of the ethical issues that arose, and how they were addressed in the research process. The research question of this study was reiterated in the context of the case study. So was the further explanation of the interview schedule, its distinction, and organization of the interview schedule into three perspectives, and the observation of the ethical requirements for this research, and how they were applied through tikanga value principles. This chapter concluded with a summary of the roles of the NKR Professional interview participants and profiles of the eighteen interview participants.

Chapter Five profiled the background, process, and development of the research focus of NKR. This chapter reflected on the background and subsequent conception of this judicial Māori forum. Two significant documents, the Treaty of Waitangi 1840 and the United Nations Declaration of the Rights of Indigenous People 2007, were attributed to the inception of NKR. A summary of the launch of the first Kōti Rangatahi in Gisborne (Te Kōti Rangatahi o Te Poho o Rāwiri) in 2008 was also provided. The vision and goals of NKR were identified, as well as an explanation of the Marae Youth Court name Ngā Kōti Rangatahi. The full NKR process was explained step by step, including Pōwhiri, Whakawhanaungatanga, Pepeha, Kai, and the individual court hearings. The wider support network outside the Youth Court staff was identified and acknowledged. This network includes local Child Youth and Family (CYF) staff, Police Youth Aid officers, Youth

Advocates, Ministry of Health staff, Ministry of Education staff, Lay advocates, and local marae communities. Two NKR presentations which revealed reduced re-offending rates for two Kōti were also discussed.

This chapter also profiled the acknowledgement of NKR'with the Australian Institute of Justice Administration (AIJA) award, affirming its excellence in improving access to justice, and correspondingly delivering evidential benefits to the rangatahi, their whnau and the justice system. Two examples of the influence of NKR on Māori communities and their histories were summarized. A ten-year NKR evaluative summary highlighting its significant features was undertaken by the Principal Youth Court Judge, His Honour Judge John Walker, and is also included. This chapter concluded with my identification and elaboration of the key strengths of NKR from my experiences as an insider researcher.

Chapter Six firstly highlighted the development of the Aotearoa New Zealand justice system from its Eurocentric and assimilationist beginnings, before assessing NKR as a Kaupapa Māori approach in justice through the experiences of the NKR Professionals, Youth and Whānau that were interview for this research. Durie's four chronological periods were espoused, where government policy between 1835 - 2000 was driven by the following ideologies: Colonial Patronage, Transition to Assimilation, Universalism and the Welfare State, and Devolution, the free market, and the recognition of the Treaty of Waitangi. During this period, government policy, in relation to law and order, was also seen as taking on an assimilationist role, where Māori resistance was outlawed and punished, the Urban Drift introduced Māori families to unfamiliar pressures such as unemployment and alcohol, the emergence of Māori criminal offending, and the subsequent targeting of Māori by the police. Two significant reports that highlighted mono-culturalism and institutional racism toward Māori in the social welfare and justice services respectively were Pūao-te-Ātatū (1986) and He Whaipaanga Hou (1988). These reports provided historical context, Māori perspective and recommendations. The Youth Offending Strategy (2002) represented a shift in approach from the direct punitive approach to a preventative approach through tackling crime early by working with children and young people to lower the risk of continued offending. With the Youth Crime Action Plan (2013 -2023) the government essentially sought to work with communities to address rangatahi offending and reoffending. He Ara Poutama (Pathway to

Excellence) was the Department of Correction practice framework introduced in 2018, which emphasized Kaupapa Māori approaches in the justice sector.

Formed in July 2018, Te Uepū Hāpai i te Ora – the Safe and Effective Justice Advisory Group published He Waka Roimata on Sunday, 9 June 2019. *He Waka Roimata* (A Vessel of Tears) asserted; that too many people who have been harmed by crime felt unheard, misunderstood, and re-victimized, the number of Māori in the system is a crisis, violence is an enormous problem, particularly for families and children, and that formal justice processes fail us too often. The Department of Corrections 2019 Māori strategy, Hōkai Rangi, identified six key domains: a partnership between the Crown and Māori; humanizing and healing; involvement of whānau; incorporating te ao Māori; supporting whakapapa and relational identity; and participation in society on release. This chapter then turned ita attention to the qualitative data of the eighteen NKR interview responses. Through the utilisation of the analytical research tool of Thematic Analysis, four themes emerged from the qualitative data. The four themes were identified as Judicial Environment Distinctions, Māori Practices, Māori Spirituality, and Māori Relations. These four themes recurred in the interview responses of the three interview groups of the NKR Professionals, the NKR Youth, and the NKR Whānau. The themes were then explained in relation to the the interview groups and their responses. Examples of the interview responses were also included to support these explanations, as well as previous literature.

Research Findings

The Kaupapa Māori approach to justice, NKR, has been the focus of this research, and if and how it has engaged with the eighteen interview participants. To achieve this, this research addressed the following questions. Is NKR different from the Youth Court based at the courthouse? How? How did the research participants respond to NKR? Did NKR affect them? How? In addressing these central questions four key themes emerged through the utilization of the qualitative analytical research tool, Thematic Analysis.; These themes were Judicial Environment Distinctions, Māori Practices, Māori Spirituality and Māori Relations.

The following section will discuss these four themes and what they revealed in the qualitative data of the eighteen interview participants. These insights will form the basis of this research's findings. An additional consideration of these four themes was that they recurred

in the three different roles and interview schedule responses of the eighteen interview participants: the six NKR Professionals, the six NKR Youth, and the six NKR Whānau. These three roles and perspectives will be distinguished and elaborated on within the discussion of the four themes.

The first theme, Judicial Environment Distinctions, emerged in the common references to the physical differences between the environment and activities at the courthouse and NKR. The NKR Professionals conveyed Judicial Environment Distinctions by first defining the NKR physical activity as different from the courthouse, and then describing the NKR physical activity itself, and its effects. For example, the following NKR Professional defines the NKR as totally different from the courthouse, describes the NKR physical activity in terms of the presence of the Judge and kaumātua (nannies), and its subsequent effect on the rangatahi.

> *For me, the Rangatahi Courts hearings are totally different from the hearings at the main court, because even though you've still got that structure, you still got that Judge sitting in front of you, having that panel of nannies, I don't know, I've just seen it on some kid's faces, it sort of makes them at ease (P4/10/2/2019).*

These NKR Professional impressions not only identify the theme of Judicial Environment Distinctions, but the way the NKR Professionals used the courthouse as a natural starting point of reference, to make those comparisons. This reveals that NKR is not only new and unfamiliar, thus the starting point reference to the mainstream courthouse setting, but has physical features that are affirmingly different. In Chapter Six this was depicted by the metaphor of a polar axis with the Eurocentric courthouse system at one end, and Kaupapa Māori approaches at the other end.

Because of the NKR Professional's intimate knowledge and experience of NKR and its engagement with the NKR Youth, and NKR Whānau, they provided in-depth and detailed descriptions from the third-person perspective. In the third person, the NKR Professionals participated in the research, but are not part of the research focus. This assertion of the NKR Professional perspective endorses its subsequent form as a profile. A Māori model of health was also applied in the form of Durie's (1984) Te Whare Tapa Whā model, to elicit, identify and present the theme of Judicial Environment Distinctions,

The NKR Youth conveyed Judicial Environmet Distinctions by, again, using the mainstream court house as a point of reference in describing the physical activity at NKR. The NKR Youth, firstly, compare the NKR physical environment and activity to the courthouse affirmingly, then describe the characteristic of the NKR physical environment and activity. For example, one NKR Youth makes an initial affirming comparison of NKR with the courthouse, then justifies this NKR comparison with a description of the physical activity. To this end, Judicial Environment Distinctions characterized the Physical Side or te Taha Tinana of the four-dimensional Māori model of health and well-being.

> *Aw, the marae, it was, it was way easier. Yep. And easy, and better too, like, I felt more comfortable. Yep, yep.It is a more comfortable arrangement. The way everybody is seating and the way it's all set up to talk and share (Y2/10/3/2019).*

As NKR Youth were a part of the research focus, their perspective must be captured, understood, interpreted, and presented clearly and accurately. These characteristics endorse its status as a second profile. As part of this profile theme, its unique expression of Judicial Environment Distinctions also indicated its Physical Side or te Taha Tinana Te Whare Tapa Whā dimension.

The NKR Whānau evoked Judicial Environment Distinctions by first affirming their experience of the NKR physical environment and activity, then making a comparison of it with their experience of the courthouse. It is also interesting to note that the NKR Whānau were not given any prompts in the interview schedule about the courthouse. For example, the following NKR Whānau interview participant initially describe the NKR physical environment and activity as 'at home' and more welcoming, than the courthouse. In this description, they refer to the environment of the marae.

> *Yea, the experience was, homely. You know. I felt more, at home, being around on the marae itself. Yea. Learning. Yea, my experience, yea, it was just more welcoming, I feel more welcoming, more at ease, um on a marae, than the difference with the Pākehā court house (W5/16/4/2019).*

The NKR Whānau were also part of the research focus, and their essential perspective was also crucial in terms of capturing, interpreting, and presenting their unique voice. These considerations constituted the third profile. Judicial Environment Distinctions, for the NKR Whānau, are also characterized by the Physical Side or te Taha Tinana dimension of Te Whare Tapa Whā health model.

The second theme, Māori Practices, emerged in the common reference to the 'kawa' or the traditional Māori processes enacted at NKR. The kawa also refers to the general structure of these traditional Māori processes. For the NKR Professionals, Māori Practices emerged in their impressions and descriptions of the kawa, the identification of the particular process or processes, and how the NKR Professionals described its effect. For example, in the following NKR Professional response, the NKR kaumātua and their practice (traditional Māori process) or statement, is described as very supportive, and very encouraging.

> *Aw generally, however, I find the kaumātua very positive, very supportive, and the statements from the kaumātua are very positive, and very supportive (P6/5/3/2019)*

Kaumātua are leaders of the kawa at NKR. As the rangatahi and their whānau also participate in and contribute to the kawa at NKR, the kaumātua statements are key to both teaching and encouraging the rangatahi and their whānau about the NKR kawa. The NKR kaumātua and their role is a significant aspect of Māori Practices that were described by the NKR Professionals. The NKR Professional's Māori Practices constituted a second Māori health dimension of the Psychological Side te Taha Hinengaro to add to its profile.

The NKR Youth conveyed Māori Practices by first describing the professionals who were at NKR, their assessment of the NKR Professionals, their responses, and identifying the kawa that the NKR Professionals performed. For example, the following NKR Youth interview response first referred to the NKR Professional, describing them as kind. The NKR Youth interview participant proceed to describe their response where they listen to the NKR Professionals, and concluded their impressions by identifying the kawa and acknowledging its inclusive nature.

> *Yea. Although I haven't had Māori for a while, the people there, were kind, so I listened to what they said and began to take it in. The singing, the haka, the mihi. It made me feel like I was involved and it was about me (Y6.24/3/2019).*

The NKR Youth's Māori Practices, constituted a second Māori health dimension of the Psychological Side, te Taha Hinengaro,

The NKR Whānau evoked Māori Practices by first describing how they were affected by the NKR kawa, the identification of the specific NKR traditional Māori process, and the evident impact of that traditional Māori process. For example, the following NKR Whānau interview response described that they were emotional because their son had learned and recited their pepeha. The NKR Whnau interview participant add that they also observed a big change in their son.

> *Yea, the most emotional part for me was when, they learned their pepeha and, it, just, it in those little short times there was a big change already, in, well, my son anyway. That, that really, I felt, I felt quite emotional about it, and it was good to see (W4/8/4/2019).*

The NKR Whānau's Māori Practices also emerged from the second Māori health dimension of the Psychological Side, te Taha Hinengaro.

The third theme, Māori Spirituality, emerged in the common reference to the Māori Spiritual processes, including karakia, acknowledgment of the deceased, and references to Māori Gods. The NKR Professionals identified Māori Spirituality by providing their initial impressions of the NKR Māori Spiritual processes, and their effects, from their experiences. For example, the following NKR Professional interview response asserts that the NKR Māori Spiritual processes differ from experience to experience. They describe the effects that they have observed at NKR as solemn, an awareness of being part of a wider world, and ego-reducing. They subsequently describe the NKR Māori Spiritual processes as a positive experience, for those (rangatahi and whānau) that have experienced them.

I think that's probably different for different people because generally I can say it produces solemnity, to the occassion. It centres people, it often reduces any negative emotion. For many people it remind them that they're part of something bigger than themselves, which enables a reduction of the egos in the room. Ah, which is often necessary for people to hear what someone else is saying. So I find it a positive process generally for most people (P6/5/3/2019).

The NKR Professional's Māori Spirituality emerged from the third Māori health dimension of the Spiritual Side, te Taha Wairua..

The NKR Youth conveyed Māori Spirituality by sharing their understanding of the NKR Māori Spiritual processes, their past experiences of them, the identification of a NKR Māori Spiritual process, and their response to it. For example, the following NKR Youth interview response. describes their understanding of the NKR Māori Spiritual processes as an honor; honoring and giving respect to those who are deceased. They describe their response to the NKR Māori Spiritual processes as a strong stand. The NKR Youth interview participant identifies a NKR Māori Spiritual process as karakia, which they have experienced at NKR.

Yea, I always honour. I always honour my past. Everyone that's passed on. From my great gradfather's down, dsown, down. I've always had a strong stand and that. Karakia and that. That was me. Seen it on the marae (Y4/19/3/2019).

The NKR Youth's Māori Spirituality emerged from the third Māori health dimension of the Spiritual Side, te Taha Wairua..

The NKR Whānau evoked Māori Spirituality by initially sharing their impression of the NKR Māori Spiritual processes. The NKR Whānau also specify the NKR Māori Spiritual processes, how they felt, and their assessment of those NKR Māori Spiritual processes that they experienced. For example, the following NKR Whānau interview response state that they can feel the wairua of NKR. They also identify these NKR Māori Spiritual processes as the pāwhiri and the whaikōrero, The NKR Whōnau participant adds that they could feel the pōwhiri and the whaikōrero, and describe them as making them feel at ease and comfortable.

Definitely, you could feel the wairua in there. The pōwhiri was getting called onto the the marae, and, and, then all the whaikōrero. You could just feel it all, and, that, that's where it's easy and yea, just comfortable. That's when it became comfortable (W4/8/4/2019).

The NKR Whānau's Māori Spirituality emerged from the third Māori health dimension of the Spiritual Side, te Taha Wairua.

The fourth theme, Māori Relations, emerged in the common references to the interaction between the NKR Professional, the NKR Youth, and the NKR Whānau. The NKR Professional identified Māori Relations by first identifying the process by which NKR is engaging relationships, its role, its effects, and their description of them. For example, the following NKR Professional interview response asserts that the pepeha affirms that young people are special and that they will still be accepted regardless of their behavior. The NKR Professional also describes NKR as a new environment, with the aim of a different, concluding these descriptions as the objective of NKR.

Pepeha affirms that young people are special. They are somebody. That other people care and will come around them despite what they have done. It's a new environment and different. That is the good thing about it. Trying something new in the aim of getting a different result. That's what the Rangatahi Court is about (P1/30/1/2019)..

The NKR Professional's Māori Relations emerged from the fourth Māori health dimension of the Familial Side, te Taha Whānau.

The NKR Youth conveyed Māori Relations by sharing their initial impressions of NKR, their NKR activities, the NKR Professionals, and their concluding impressions. For example, the following NKR Youth interview response describe their initial impressions of NKR as welcoming. They state that they sat at the marae, and had a cup of tea or kai. They also identify the NKR Professionals that were present and conclude their response by describing their experience as a meeting, rather than court. This implies that the NKR youth participant views NKR from the needs-based restorative perspective, as opposed to its punitive

component. In short, the NKR Youth viewed Māori Relations at NKR more in its restorative or supportive role as a meeting, than its punitive or penalizing role as a court.,

> *It was welcoming for me because I had just finished my FGC* [Family Group Conference]. *The next week I went into Rangatahi Court. We sat down. We had a kaumātua. We had court, and we had a kai, We got to meet everyone that was there. The kaumātua, the judge, the lawyers, the police. I got to have a quick conversation with them before I went into court. You head into court,and it was just like, yea. It felt like a meeting, not court (Y4/19/3/2019).*

The NKR Youth's Māori Relations, emerged from the fourth Māori health dimension of the Familial Side, te Taha Whānau.

The NKR Whānau evoked Māori Relations by identifying and describing the NKR Professionals that they remembered, and why they remembered the NKR Professional. For example, the follwing NKR Whānau interview response identified the NKR Kaumātua (group) and describe them as wise and gentle. They continue to describe the kaumātua by identifying the lessons that they have shown them, like not being hard, autoritative and punishing. The NKR Whānau participant also implies thats the engagement approach adopted by the NKR kaumātua at NKR with rangatahi is appropriate the the rangatahi.

> *The kaumātua were wise and gentle. I think that, proved that you don't necessarily have to be hard, and, authoritative, ah, ah, and punishing. Yes, take responsibility, and this is how you're gonna take responsibility, set it out, but without unnecessary conditions, condemnation. Yea, especially for our rangatahi (W3/3/4/2019).*

The NKR Whānau's Māori Relations emerged from the fourth Māori health dimension of the Familial Side, or te Taha Whānau.

The topic of this research has been on Kaupapa Māori approaches in the youth justice jurisdiction, and their engagement with and effects on rangatahi and their whānau, in reducing rangatahi offending. This thesis itself has specified NKR and its engagement with rangatahi and their whānau to identify and explore the nature of this engagement.

and its effects.

Conclusions

In summarizing the findings of this research, four key themes were identified in the eighteen NKR participant interview responses; Judicial Environment Distinctions, Māori Practices, Māori Spirituality and Māori Relations. Judicial Environment Distinctions compared the courthouse's physical environment and activity to NKR. Māori Practices emphasized the kawa or traditional Māori processes at NKR. Māori Spirituality referred to the Māori Spiritual processes at NKR. Māori Relations conveyed the relationships between the NKR Professionals, NKR Youth, and the NKR Whānau.

Subordinate to these themes were the three interview groups; the NKR Professionals, the NKR Youth, and the NKR Whānau. These groups constituted three different roles and therefore were intentionally selected to provide both a broad and intimate perspective. A Māori model of health, Durie's (1984) Te Whare Tapa Whā, was also utilized to apply, validate and present its four dimensions of te taha tinana (the physical side), te taha hinengaro (the psychological side), te taha wairua (the spiritual side), and te taha whānau (the familial side). These health dimensions would be drawn from the NKR interview responses as anticipated by the interview schedule design.

Concerning the theme of Judicial Environment Distinctions, the NKR Professionals' interview responses expressed it by initially identifying the NKR physical activity as different from the courthouse, They then described the NKR physical activity and its subsequent impacts. The NKR Youth used the courthouse as a point of reference before describing the activity at NKR. The NKR Whānau affirmed their experience of the NKR physical environment and activity, before comparing it with their experience of the courthouse. Judicial Environment Distinctions characterized the health dimension of te taha tinana.

In relation to the theme of Māori Practices, the NKR Professionals shared their impressions of the kawa, the identified the particular traditional Māori process, and its effect. The NKR Youth described the NKR professionals, their impressions of the NKR Professionals, and their responses, and identified the kawa that the NKR Proessionals performed. The NKR Whānau first described how they were affected by the NKR kawa, the identification of the

specific NKR traditional Māori process, and its impact. Māori Practices represented the health dimension of te taha hinengraro.

Regarding the theme of Māori Spirituality, the NKR Professionals shared their descriptions of the NKR Māori Spiritual processes, and their effects, from their experiences. The NKR Youth conveyed Māori Spirituality by sharing their impressions of the NKR Māori Spiritual processes, their past experiences of them, the identification of a NKR Māori Spiritual process, and their response to it. The NKR Whānau evoked Māori Spirituality by initially sharing their impression of the NKR Māori Spiritual processes. The NKR Whānau also specify the NKR Māori Spiritual processes, their subsequent feelings, and their assessment of those NKR Māori Spiritual processes, from their experience. Māori Spirituality conveyed the health dimension of te taha wairua.

Relating to the theme of Māori Relations, the NKR Professionals identified Māori Relations by first identifying the process by which NKR is engaging relationships, its role, its effects, and their description of them. The NKR Youth conveyed Māori Relations by sharing their initial impressions of NKR, their NKR activities, the NKR Professionals, and their concluding impressions. The NKR Whānau evoked Māori Relations by identifying and describing the NKR Professionals that they remembered, and why they remembered the NKR Professional. Māori Relations exhibited the health dimension of te taha whānau.

In addition to the research findings, I have identified two key insights from this research. These two key insights summarize my personal insights of the four themes and their relevant data. I am asserting these key insight as overall descriptions. The first insight relates to Judicial Environment Jurisdiction and the second relates to Māori Practices, Māori Spirituality and Māori Relations. For Judicial Environment Distinctions I have interpreted it as judicial merit. The NKR interview participants compare the courthouse and NKR physical environment and activity, with descriptions such as better, easier, and more comfortable In the context of the NKR interview responses, judicial merit is expressed as additional judicial benefits and services For Māori Practices, Mūori Spirituality, and Māori Relations, I have given these themes the same overall description of engaging. Although these themes and their relevant interview responses differ clearly in context, they all emphasize the Māori protocols and practices exercised by the NKR Professionals, its engagement with the rangatahi and

their whānau, and its positive effects. For the Māori Practices, they have generally described the traditional Māori processes in terms of the NKR Professionals, their interactions, and their positive effects. This means that the theme of Māori Practices is strongly supported by the ability of NKR to engage the traditional Māori processes with rangatahi and their whānau in an affirming way. For Māori Spirituality I observe its,emphasis on the interactions of the NKR Professional with the rangatahi and their whānau, the descriptions of the Māori Spiritual processes, and their impacts. The NKR interview participants also shared about the positive way the NKR Professionals communicated the Māori Spiritual processes. For Māori Relations, its NKR interview responses repetitively described the NKR Professionals sharing the NKR Māori protocols and practices, the responses, and how the communication of these protocols and practices impacted rangatahi and their whānau positively. An additional consideration of the theme of Māori Relations as engaging is that the NKR interview responses indicated that the NKR Professional sharing of the Māori protocols and practice is reciprocated by the rangatahi and their whānau. In summarizing these four key insights from each of the analytical themes, and their relevant interview responses, I have described NKR as judicial merit and engaging. Judicial merit is expressed by the additional judicial benefits and services at NKR as described and affirmed by the NKR interview responses. Engaging describes Māori Practices, Māori Spirituality, and Māori Relations. In affirming these three themes, this description also characterizes the dominance of social interaction narratives of the NKR interview responses. From these conclusions, several research recommendations will be made that can be used to inform and guide justice services who work with rangatahi and their whānau..

.

Research Limitations and Strengths

This section addresses the consideration of limitations and strengths identified in this research. The first limitation is because Te Kōti Rangatahi o Te Poho o Rawiri had additional services (ie. Tikanga Program and the Moral Reconation Therapy) which themselves produced quantitative outcomes (see Chapter Four). This consideration had implications where the findings are not able to be generalized to the total population. However, the results from this study did share several findings with other similar qualitative studies carried out here in Aotearoa New Zealand (Waititi, 2012; Kaipuke Consultants Ltd, 2012; Henwood et al, 2018) which showed that youth that attended NKR were not only engaging with the Māori

judicial venue but were experiencing cultural and social gains in the process. These research findings addressed this limitation whereby NKR is 'by Māori, for Māori, and with Māori' (Graham Smith, 2017, p. 85). Māori considered as both the subset and general population characterized by a representative sample. Therefore, although quantitatively Te Kōti Rangatahi o Te Poho-o-Rawiri initially would not necessarily best characterize a representative sample because of its additional youth justice services, the research did focus on the experiences at NKR itself and its Māori protocol and practice engagement with Māori youth and their whānau. This aspect has been asserted in other recent NKR research.

Another limitation of this study was observed in the interview schedule design. This occurred in the interview question structures and the way they were emphasized. For example, in some interview questions the aspect addressed can sometimes overshadow the purpose of the interview; to elicit the interviewee's perspective. In other words, the researcher can overemphasize the what, at the expense of the who. Interview question framing, in this light, is a process and a skill that takes time, experience, and learning. This lesson on how I can frame my interview questions to elicit the most accurate and sought-after responses is a skill that I have acknowledged through the process of this research and have learned from for future research.

Time was also a limiting feature of this research. This also presented itself as a dilemma regarding its sufficiency for all my interview participants to both review and edit their transcripts (if necessary). In the case of this research, this occurred with the NKR Professional because of the duration of time it took the researcher to contact some (not all) the NKR Youth and Whānau participant groups and undertake this process with them. Although this process was both engaging and meaningful, this did take a lot of time, repetition, and care. Unfortunately, because of time stringencies, not all the NKR interview participants were able to review and edit their transcripts, which would have added to the richness of the information presented and its interpretation.

An important strength of this study is that it is the first piece of research to not only identify outcomes at NKR but identify, describe, and assert them as rangatahi and whānau health and wellbeing outcomes. Therefore, the findings from this research can provide a useful and detailed guide in terms of the future development of not only justice services but all services

that work with vulnerable Māori rangatahi and their whānau. This study has enabled a focused examination of NKR which is not only a Māori added (Durie, 2003) judicial option, but a meeting place of lore (Maori values) and law (European values). This research has shown that NKR not only engages with rangatahi and whānau in its protocol practices but also its impact with its effects. A key theme of this research (Judicial Environment Distinctions) contrasts these characteristics of NKR with the courthouse, which is reflected as intimidating, uncomfortable, and unsafe.

Another key strength of this study was the observation, identification, elaboration, and justification of numerous tikanga Māori concepts used in this research. Underpinned by Kaupapa Maori theory which informed this research, the practice of tikanga Maori was characterized by the values exercised throughout this research process. These values particularly mirrored the Māori protocols and practices observed at NKR, both reinforcing them and role modeling as Māori ethics and behaviors. So not only was the researcher validating the tikanga Māori values such as manaakitanga, whanaungatanga, and karakia on an extrinsic level to facilitate engagement with the research participants, but also at an intrinsic level to model and convey these values as ethical and behavioral norms to them as well.

Research Recommendations

In considering the final stage of the case study approach, reporting findings, it was necessary to provide sufficient contextual information to understand the processes that were followed and how the conclusions were reached (Crowe et al, 2011). For this research, reporting findings not only required summarizing and elaborating on the four identified themes, but also involved the differentiating and organizing of the research data into NKR perspectives (NKR participant interview roles), and its relevant health dimension outcomes (te taha tinana, te taha hinengaro, te taha wairua, te taha whānau). The qualitative research data essentially depicts three group perspectives or profiles: the NKR Professionals, the NKR Youth, and the NKR Whānau. Each of these profiles is designed and asserted as constituting four health dimensions espoused by Durie's (1984) Te Whare Tapa Whā (te taha tinana, te taha hinengaro, te taha wairua, and te taha whānau). With each dimension of the three groups, four themes (which recurred through the three group profiles) were identified using the analytical research method of Thematic Analysis

From the research key themes and findings,conclusions were drawn, and recommendations were considered and endorsed subject to three processes: NKR profile, number (of recommendations), and viability. Firstly, the recommendations had to represent a profile of the three designed roles, and represented within the qualitative data. Secondly, the four dimensions of each profile were not all considered to constitute a recommendation, only the strongest (or commonly referenced) key findings were endorsed. Thirdly, the recommendations were also designed to fit into the judicial and health context in which it was asserted.

In summary, three recommendations have been endorsed as a result of this research. The NKR Professional Profile has produced one recommendations, the NKR Youth Profile has produced one recommendation, and the NKR Whānau Profile has also produced one recommendation. They are summarised and explained below.

NKR Professional Profile

1. **The endorsement of Kaumātua role in engaging with rangatahi and their whānau in justice services.**

Based on the psychological dimension key finding of NKR Māori Practices, this recommendation is endorsed in the two key characteristics that Kaumātua bring to judicial forums; the settling whānau (Māori societal form of the family) approach and engagement they enact, and the lifelong experience and advice that they contribute to rangatahi and their whānau. The safety aspects of this recommendation, however, must also be considered. That is, the recommendation for the implementation of Kaumātua would only apply to low-risk judicial interventions. An example of the successful implementation of this recommendation is evident in the He Pae Oranga Iwi Community Panels who support Māori clients in the district court jurisdiction for first and minor offences..

NKR Youth Profile

2. **The assertion of Māori protocols and practices in judicial rangatahi settings**

This recommendation was endorsed by the physical dimension key finding of Comparative Social and Relational Courts. This key finding affirmed Māori protocols and practices in engaging with rangatahi in judicial settings, in stark comparison to conventional non-Māori

practices and protocols. It also emphasizes the ability of these Māori protocols and practices to convene (or organize) sociably structured settings and cultivate good relationships.

NKR Whānau Profile

3. **The implementation of appropriate training in justice in Maōri approaches to working with Māori whānau**

This recommendation is endorsed by the physical dimension key finding of Sociableness and Tikanga Māori. This key finding initially affirms NKR to its judicial forum counterpart, the courthouse. Firstly, it is affirmed based on its sociableness and asserted in its ease and its comfort. Secondly, it is affirmed based on the Māori protocols and practice's ability to bring everyone together. This finding highlights and promotes the value and potential of Māori approaches in working with Māori whānau and training on how to do it correctly and safely.

Some concluding remarks:

Me ko Manutangirua, ko Hingangaroa.
Ka tu tona whare, Te Rawheoro, e Ka tipu te whaihanga, e hika, ki Uawa
Ka riro te whakautu, te Ngaio-tu-ki-Rarotonga,
Ka riro te manaia, ka riro te taowaru;
Ka taka i raro na, i a Apanui e And Manutangirua had Hingangaroa.
He who established the school, Te Rawheoro
And arts and crafts flourished at Uawa
There came in payment, Te Ngaio-tu-ki-Rarotonga
And was exchanged for the manaia and taowaru
And the designs were taken north ...
(Ngata, 1930, p. 1)

The above whakatauākī not only esteems and prioritizes the marae as the center for the preservation of Māori histories, values, and practices, but highlights one of the first houses of learning located in my tribal area; Te Rawheoro. This whakatauākī illustrates the pervasive, enduring, and meaningful nature of Māori histories, values, and practices. The inception of NKR as a youth court judicial forum has reinforced this whakatauākī, and this research on its

impact on rangatahi and their whānau health and wellbeing will make a valuable contribution to knowledge.

This research developed my insider research skills alongside experience as a Youth Court Official and Lay Advocate. Therefore, I endorse the following list of recommendations to advance social policies delivered by communities and the government. Accompanying the recommendations are explanations regarding the potential to advance policies in communities and the government.

1. That Māori protocols and practices (karakia, mihimihi, waiata Māori) are used at gatherings throughout Aotearoa New Zealand.

This research has demonstrated the uniting and meaningful nature of the use of Māori protocols and practices at gatherings relating to the Aotearoa New Zealand context. The use of Māori protocols and practices at NKR coincides with its common and successful use at gatherings, both private and public, in Aotearoa New Zealand, and abroad. This is seen more regularly today on social media, current affairs news, and literally. This use of Māori protocols and practices not only endorses the Māori language as an official language of Aotearoa New Zealand but contributes to the Aotearoa New Zealand national identity, as a bi-cultural and multicultural society, under te Tiriti o Waitangi.

2. That judicial forums that observe Māori protocols and practices be made available as an alternative option.

The Māori language is used in judicial forums in Aotearoa New Zealand. This research has observed the usefulness of judicial forums that observe Māori protocols and practices. Firstly, Māori protocols and practices unite people (not necessarily roles) ethnically, affirmingly, and respectfully. At NKR these processes communicate to the attendees what is happening, why it is happening, and that the processes have their wellbeing in mind. Secondly, Māori protocols and practices consider the importance of whānau. Māori protocols and practices do this by referring to the whānau through the concept of whakapapa and communicating with, encouraging, and guiding the whānau, with their young person, through the court process.

3. That the role of kaumātua, as reflected in this research, be acknowledged and utilized more, in public aspects of Aotearoa New Zealand society.

Kaumātua, or recognized Māori community elders, are acknowledged, valued and esteemed by Māori whānau, hapū and iwi for their traditional Māori knowledge, their leadership, and their experience with Māori communities, and their experienced ‘touch’. Traditional Māori

knowledge may not only refer to Māori knowledge specific to their tribal origin, but may include knowledge from other, or all tribes throughout Aotearoa New Zealand. In Aotearoa New Zealand settings this knowledge is invaluable, both informal and informal. Concerning the kaumātua leadership, and experience with Māori communities, kaumātua have generally earned the respect of their Māori communities, through their voluntary commitment to and involvement with aspects of these communities, such as marae, schools, and Māori and tribal organizations. In referring to their experienced 'touch', kaumātua are also renowned for being passionate, patient, and calm, in their general approach regarding important issues for Māori. Kaumātua, to this end, advise and inform causes, both great and small, with their experienced wisdom. Therefore, at a community and government policy level, the important role of kaumātua in Aotearoa New Zealand society, should not only be understood, but utilized, toward contributing to and progressing Aotearoa New Zealand society.

To explain and justify how I have negotiated and met the question of this research, and its objectives, I will use two key concepts. The first key concept is Te Ao Māori or the Māori World View. Firstly, the research question focused and elaborated on three elements of Te Ao Māori: NKR, rangatahi and whānau. To this end, quantitative and qualitative research was essential in bringing to bare these Te Ao Māori elements of the research question. Regarding the research objectives, they all related to Te Ao Māori. Central to this concept of Te Ao Māori in relation to the research objectives, was that I addressed them in the context of a Eurocentric justice system. That is why the knowledge from this research will take up a new knowledge space in Te Ao Māori and justice. The second key concept is health and wellbeing, and subsequently, Māori health and wellbeing. From the research question it was not expressed as Māori health and wellbeing, although the other three elements (mentioned earlier) were framed with it. When negotiating the research objectives, they corresponded to health and wellbeing in an insightful way. The first research objective showed that health and wellbeing for Māori was detrimentally affected by the British colonization of Aotearoa New Zealand since their arrival, and the other five objectives affirmed health and wellbeing, and further explored and asserted this concept as Māori health and wellbeing. Overall, these two key concepts of Te Ao Māori and Māori health and wellbeing characterize how I have addressed and met the question of this research, and its subsequent objectives.

NKR was introduced to address the disproportionate Māori youth offending rates in Aotearoa New Zealand. With its implementation, NKR not only instituted the use of te reo Māori and its principles into its judicial processes within the Aotearoa court system but also took the judicial forum to the marae with the support of the local Māori communities of whānau, hapū, and iwi. With its subsequent successful introduction, several research projects have highlighted its effectiveness and its reasons. The heart of this research was to investigate if the marae and the practice of its protocols and practices by Māori could impact rangatahi and their whānau and how? If so, is this translatable to other services in working with rangatahi and their whānau, and potentially an example for other indigenous ethnicities working with their peoples? Locally, this research could contribute to the nature and level of service provision for rangatahi and their whānau in the justice system and abroad. For example, it could inform a new approach to initial meetings with rangatahi and their whānau as this research has identified good introductory practices such as mihimihi. At a national level, this research could contribute to the design of future nationwide strategies implemented within the justice system. For example, this research informs the Ministry of Justice about the effective engagement of rangatahi and their whānau in the justice services.

Internationally, this research contributes to other indigenous communities and endorses the effectiveness of the use of their indigenous languages and practices. For example, this research affirms the implementation of indigenous languages and practices in service intervention work with youth/rangatahi and their families/whānau. It provides a process on how it can be achieved in their indigenous communities.

In summary, this thesis gave me a platform to position myself as an indigenous academic researcher. It presented an opportunity to provide a Māori societal perspective about whānau, hapū, and iwi. From a whānau perspective, I reinforced my tūrangawaewae (cultural identity), through the Māori language and practices transmitted to me from my grandparents who I spoke about in the Prologue when and referenced my grandmother Rehia Henare. It was her legacy to pursue the well-being of Māori whānau, hapū, and iwi that inspires my work today. From a hapū perspective, I researched in Gisborne with a subtribe hapū, Ngāti Oneone, who I worked and served alongside in the Youth Court as a Lay Advocate (Cultural Report Writer) for NKR at Te Poho-o-Rāwiri Marae. I worked for the Youth Court for ten years and developed a relationship with the Te Poho-o-Rāwiri marae and its hapū members

who entrusted me with this research by providing written permission under the leadership of Te Poho-o-Rāwiri marae chairperson. At an iwi level, I served as a Youth Court Lay Advocate in my tribal area of Ngāti Porou, within Gisborne, but wrote (publications) and spoke on behalf of Te Kōti Rangatahi o Te Poho-o-Rāwiri in front of other iwi representatives from throughout Aotearoa New Zealand. As a NKR Professional, I offered a unique perspective to this study and the research highlighted my passion for knowledge of and relationships with, the Māori societal groups of whānau, hapū, and iwi throughout Aotearoa New Zealand as a lay advocate in the Youth Court. This research provides a background of service and opportunities for future indigenous academics to study indigenous judicial processes that are alternative to mainstream Western structures and a pathway for indigenous researchers to contribute to the wider international literature.

References

Adams, A. (2016). *Award recognises innovative NZ court.* Beehive.govt.nz. https://www.beehive.govt.nz/release/award-recognises-innovative-nz-court

Agarwal, P. (2018). *Free market: Advantages and disadvantages.* Intelligent Economist. https://www.intelligenteconomist.com/free-market/

Aguilar, J. L. (1981). Insider research: An ethnography of a debate. In D. A. Messerschmidt (Ed.), *Anthropologists at home in North America* (pp. 133–149). Cambridge University Press.

Anderson, G. (2006). *Qualitative and quantitative research.* Imperial.

Aronson, J. (1995). A pragmatic view of thematic analysis. *The Qualitative Report, 2*(1), 1-3. https://doi.org/10.46743/2160-3715/1995.2069

Babbie, E. (2010). The practice of social research (12th ed.). Wadsworth Cengage.

Babbie, E, Wagner III, W. E. & Zaino, J. (2018). *Adventures in social research: Data analysis using IBM SPSS statistics*: Sage Publications.

Banagan, N. (2018). Practice note: Ara poutama practice framework – our guide to integrated prison practice. *Practice: The New Zealand Corrections Journal, 6*(2). https://www.corrections.govt.nz/resources/research/journal/volume_6_issue_2_november_2018/practice_note_ara_poutama_practice_framework_-_our_guide_to_integrated_prison_practice

Barlow, C. (1991). *Tikanga whakaaro: Key concepts in Māori culture.* Oxford University Press.

Becroft, A. (2015a, July 13–14). *The youth courts of New Zealand in New Zealand in 10 years time: Crystal ball gazing or some realistic goals for the future* [Paper presentation]. The Youth and Lay Advocate Conference, Auckland, New Zealand.

Becroft, A. (2015b, July 13–14). *The rise and rise of lay advocates* [Paper presentation]. The Youth and Lay Advocate Conference, Auckland, New Zealand.

Bell, J. (2005). *Doing your research project* (4th ed.). Open University Press.

Ben-Shlomo, Y., Brookes, S., & Hickman, M. (2013). *Lecture Notes: Epidemiology, evidence-based medicine and public health* (6th ed.). Wiley-Blackwell.

George, A. L., & Bennett, A. (2005). *Case studies and theory development in the social sciences*. mit Press.

Best, E. (1922). *The astronomical knowledge of the Māori: Genuine and empirical*. Government Printer.

Binney, J., Chaplin, G., & Wallace, C. (1979). *The prophet Rua Kenana and his community at Maungapohatu.* Oxford University Press.

Blanchard, C. (2005, October 2). Māori youth have lost their culture. *Rotorua Daily Post.*

Bourassa, C., & Strong, A. A. (1998). *Restitution of property to indigenous people: The New Zealand experience* (Working paper No. 7). Real Estate Research Unit.

Boyatzis, R. (1998). *Transforming qualitative information: Thematic analysis and code development*. Sage Publications.

Bradley, E. H., Curry, L. A. & Devers, K. J. (2007). Qualitative data analysis for health services research: Developing taxonomy, themes, and theory. *Health Service Research, 42*(4), 1758-1772. https://doi.org/10.1111/j.1475-6773.2006.00684.x

Brady, H. E., & Collier, D. (Eds.). (2010). *Rethinking social inquiry: Diverse tools, shared standards*. Rowman & Littlefield Publishers.

Braun, V. & Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative Research in Psychology, 3*(2), 77-101. https://doi.org/10.1191/1478088706qp063oa

Braun, V. & Clarke, V. (2019). Reflecting on reflexive thematic analysis. *Qualitative Research in Sport, Exercise and Health*, *11*(4), 589–597. https://doi.org/10.1080/2159676x.2019.1628806

Broadhurst, R. (2002). Crime and indigenous people. In A. Graycar & P. Grabosky (Eds.), *The Cambridge handbook of Australian criminology* (pp. 256-280). Cambridge University Press.

Bromley, D. B. (1986). *The case-study method in psychology and related disciplines*. Wiley.

Bryman, A. (2016). *Social research methods.* Oxford University Press.

Buck, P. H. (1949). *The coming of the Maori.* Whitcombe & Tombs.

Burgess, R.G. (2006). An ethnographer's tale: A personal view of educational ethnography. In D. Hobbs & R.W. Wright (Eds), *The Sage handbook of fieldwork* (pp. 293-306). SAGE Publications. https://doi.org/10.4135/9781848608085

Cabinet Social Policy Committee. (2017). *Establishment for the Ministry for Vulnerable Children, Oranga Tamariki – transition arrangements: Allocation of capabilities and appropriations, and arrangement for corporate services*. Ministry of Social Development. https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwjdpvOnwK74AhXu7TgGHbRABs0QFnoECAIQAQ&url=https%3A%2F%2Fwww.msd.govt.nz%2Fdocuments%2Fabout-msd-and-our-work%2Fwork-programmes%2Finvesting-in-children%2Festablishing-mvcot%2Festablishment-of-the-ministry-for-vulnerable-children-oranga-tamariki-transition-arrangements.pdf&usg=AOvVaw3RkmqzA5e52GlWPQ_p8HWv

Campbell, R., & Stewart, G. (2009). *Ngā wawata o ngā whānau wharekura: Aspirations of whanau in Māori medium schools.* New Zealand Council for Educational Research. https://www.nzcer.org.nz/system/files/nga-wawata-o-nga-whanau-wharekura.pdf

Campbell, N. (2016). The Department of Corrections tikanga-based programmes. *Practice: The New Zealand Corrections Journal, 4*(2). https://www.corrections.govt.nz/resources/research/journal/volume_4_issue_2_december_2016/the_department_of_corrections_tikanga-based_programmes

Chavez, C. (2008). Conceptualizing from the inside: Advantages, complications, and demands on insider positionality. *The Qualitative Report, 13*(3), 474-494. https://doi.org/10.46743/2160-3715/2008.1589

Child Youth and Family. (2011). *A Fresh Start for young offenders.* https://www.youthmentoring.org.nz/content/docs/Loi%20Vole.Fresh%20Start%20update.pdf

Children, Young Persons, and Their Families Act No. 24. (1989). https://www.legislation.govt.nz/act/public/1989/0024/65.0/DLM147088.html

Collier, D. (2011). Understanding process tracing. *PS: Political Science & Politics, 44*(4), 823-830. https://doi.org/10.1017/s1049096511001429

Cox, K. (2019). *Hokai rangi: Cultural solutions to material problems* [Blog post]. https://reimaginingsocialwork.nz/2019/09/03/hokai-rangi-cultural-solutions-to-material-problems/

Cram, F. (2011). Poverty. In T. McIntosh & M. Mulholland (Eds.), *Māori and social issues* (pp. 122-138). Huia Publishers.

Cram, F. & Pipi, K. (2000). *Māori and iwi provider success: A pilot study*. IRI Publications.

Cresswell, J. W. (2002). *Educational research: Planning, conducting and evaluating planning* (Vol. 7). Prentice Hall.

Cresswell, J.W. (2009). *Research design*: *Qualitative, quantitative and mixed method research* (3rd ed.). Sage Publications

Crime Museum. (n.d.). *History of imprisonment.* https://www.crimemuseum.org/crime-library/famous-prisons-incarceration/history-of-imprisonment/

Crowe, S., Cresswell, K., Robertson, A., Huby, G., Avery, A., & Sheikh, A. (2011). The case study approach. *BMC Medical Research Methodology, 11,* Article 100. https://doi.org/10.1186/1471-2288-11-100

Cunneen, C. (2002). *New South Wales justice plan* [Discussion paper]. Aboriginal Justice Advisory Council Sydney, Australia.

Dalley, B. (1998). Moving out of the realm of myth: Government child welfare services to Maori, 1925-1972. *New Zealand Journal of History, 32*(2), 189-207. http://www.nzjh.auckland.ac.nz/document/?wid=482

Dalrymple, K. (2016, August 28). Unveiling the history of the "Crook Cook". *The Gisborne Herald.*

Daly, J., Kellehear, A., & Gliksman, M. (1997). *The public health researcher: A methodological approach*. Oxford University Press.

Davidson, J. (1984). *The prehistory of New Zealand.* Longman Paul.

Department of Corrections. (2018). *Ara poutama practice framework.* https://www.corrections.govt.nz/__data/assets/pdf_file/0004/36238/Banaghan_article_Appendix_One_Ara_Poutama_A2_V3.pdf

Department of Corrections. (2019). *Hōkai rangi: Ara poutama Aotearoa strategy 2019–2024.* https://apo.org.au/node/254116

Dewes, T. K. (1977). The case for oral arts. In M. King (Ed.), *Te Ao hurihuri: Aspects of Māoritanga* (pp. 46-61). Hicks Smith.

District Court of New Zealand (2022). *Chief District Court Judge, Taumaunu. https://www.districtcourts.govt.nz/about-the-courts/the-district-court-judiciary/leadership-of-the-district-court/chief-district-court-judge-judge--*

taumaunu/#:~:text=Judge%20Taumaunu%20was%20first%20assigned,moved%20to%20the%20South%20Island.

District Court Rules, LI 2014/179. (2014). https://www.legislation.govt.nz/regulation/public/2014/0179/latest/DLM6129567.html

Durie, M. H. (1984). *Te whare tapa whā model.* Mental Health Foundation.

Durie, M. H. (2003). *Ngā kāhui pou*: *Launching Māori futures*. Huia Publishers.

Durie, M. H. (2005a). *Ngā tai matatū: Tides of Māori endurance.* Oxford University Press.

Durie, M. H. (2005b, March 1-3). *Te tai tini: Transformation 2025* [Paper presentation]. Hui Taumata 2005, Wellington, New Zealand.

Dwyer, C. S., & Buckle, J. L. (2009). The space between: On being an insider-outsider in qualitative research. *International Journal of Qualitative Methods*, *8*(1), 54-63. https://doi.org/10.1177/160940690900800105

Eriksson, P., & Kovalainen, A. (2015). *Qualitative methods in business research: A practical guide to social research*. Sage Publications.

Expert Advisory Group on Solutions to Child Poverty. (2012). *Solutions to child poverty in New Zealand: Evidence for action.* Children's Commissioner. https://ndhadeliver.natlib.govt.nz/delivery/DeliveryManagerServlet?dps_pid=IE15543731

Feagin, J. R., Orum, A. M., & Sjoberg, G. (Eds.). (1991). *A case for the case study*. UNC Press Books.

Findlay, E. (2015). *Marae justice: A way of reducing rangatahi offending* [Unpublished master's research report]. Massey University.

Gerring, J. (2009). The case study: What it is and what it does. In C. Boix & S. Stokes (Eds.), *The Oxford handbook of comparative politics* (pp. 1-38). Oxford University Press.

Gisborne District Council. (2020). *2019/2020 Te Ripoata ā Tau Annual Report.* https://www.gdc.govt.nz/__data/assets/pdf_file/0015/8025/annual-report-2019-20.pdf

Given, L.M. (2008). *The Sage encyclopedia of qualitative research methods.* Sage Publications.

Grace, J. (1959). *Tuwharetoa.* H. & A. W. Reed.

Gramsci, A. (1971) *Selections from the Prison Notebooks of Antonio Gramsci*. International Publishers.

Greene, M. J. (2014). On the inside looking in: Methodological insights and challenges in conducting qualitative insider research. *The Qualitative Report, 19*(29), 1-13. https://doi.org/10.46743/2160-3715/2014.1106

Halbert, R. (1999). *The history of the Horouta Canoe, Gisborne and East Coast.* Reeds Books.

Halliday, M. A. K. & Webster, J. (2006). *On language and linguistics.* Continuum International Publishing Group.

Harmsworth, G. R. (1997). *Māori values and GIS: The New Zealand experience*. GIS Asia/Pacific.

Harmsworth, G. R., & Awatere, S. (2013). Indigenous Māori knowledge and perspectives of ecosystems. In J. Dymond (Ed.), *Ecosystem services in New Zealand—conditions and trends. Manaaki Whenua Press, Lincoln, New Zealand* (pp. 274-286). Manaaki Whenua Press.

Harper, D. (2022). "analysis" (n.). *Online etymology dictionary.* analyze | Etymology, origin and meaning of analyze by etymonline

Henare, M. (1988). Nga tikanga me nga ritenga o te ao Māori: Standards and foundations of Māori Society. In *The Royal Commission on Social Policy, The April report, volume III, part I* (pp. 3-41). The Royal Commission on Social Policy.

Henare, M. (2001). Tapu, mana, mauri, hau, wairua: A Māori philosophy of vitalism and cosmos. In J. Grim (Eds.), *Indigenous traditions and ecology: The interbeing of cosmology and community* (pp. 197–221). Harvard University Press.

Henwood, C., George, J., Cram, F. & Waititi, H. (2018). *Rangatahi Māori and Youth Justice Oranga Tamariki.* Henwood Trust.

Humphreys, M., & Jacobs, A. M. (2015). Mixing methods: A Bayesian approach. *American Political Science Review*, *109*(4), 653-673. https://doi.org/10.1017/s0003055415000453

Huata, H.P. (1921, December 12). Te lngoa o te Pepa. *Te toa takitini.* https://paperspast.natlib.govt.nz/periodicals/TOATAK19211212.2.14

Jackson, M. (1988). *He whaipaanga hou: The Māori and the criminal justice system: A new perspective.* https://www.ojp.gov/pdffiles1/Digitization/108675NCJRS.pdf

Jenkins, K., Harris, P., Morehu, C., Sinclair, E. & Williams, M. (2015). *Te Hāpai Ō – induction and mentoring in Māori medium settings.* Education Council of Aotearoa New Zealand.

Johnson, R., & Christensen, L. (2019). *Educational research: Quantitative, qualitative and mixed approaches* (7th ed.). Allyn & Bacon.

Johnson, R., Onwuegbuzie, J., & Turner, L. (2007). Toward a definition of mixed methods research. *Journal of Mixed Methods Research, 1*(2), 112-133. https://doi.org/10.1177/1558689806298224

Johnston, A. (2016). *Beyond the prison gate: Reoffending and reintegration in Aotearoa New Zealand.* The Salvation Army New Zealand.

Just Speak. (2012). *Māori and the criminal justice system: A youth perspective.* https://www.justspeak.org.nz/ourwork/maori-and-the-criminal-justice-system-a-youth-perspective

Kaipuke Consultants. (2012). *Evaluation of the early outcomes of Ngā Kōti Rangatahi.* http://litmus.co.nz/wp-content/uploads/2015/11/Evaluation-of-Nga-Kooti-Rangatahi-FINAL-report-17-December-1.pdf

Keane, B. (2013). *Marae Protocol - te kawa o te marae – Mythology and history of Māori protocol.* Te kawa o te marae – Te Ara Encyclopedia of New Zealand. http://www.TeAra.govt.nz/en/te-kawa-o-te-marae/page-1

King, G., Keohane, R. O., & Verba, S. (1994). *Designing social inquiry: Scientific inference in qualitative research*. Princeton University Press.

Kohlberg, Ltupara (1973). The claim to moral adequacy of a highest stage of moral judgment. *The Journal of Philosophy*, *70*(18), 630-646. https://doi.org/10.2307/2025030

Laerd Dissertation. (2012). *Purposive sampling.* https://dissertation.laerd.com/purposive-sampling.php

Lange, R. (1999*). May the people Live: A history of Maori health development 1900-1920*. Auckland University Press.

Larrain, J. (1979). *The concept of ideology.* Hutchinson.

Lee, J. (2009). *Decolonising Māori narratives: Pūrākau as a method.* MAI Review, 2. http://www.review.mai.ac.nz

Little, G. L., & Robinson, K. D. (1989). *How to escape your prison: A moral reconation therapy workbook.* Eagle Wings Books.

MacKay, J. A. (1949). *Historic Poverty Bay and the East Coast, N. I., N. Z.* New Zealand Electronic Text Centre. https://nzetc.victoria.ac.nz/tm/scholarly/tei-MacHist.html

Mahoney, J. (2010). After KKV: The new methodology of qualitative research. *World Politics, 62*(1), 120-147. https://doi.org/10.1017/s0043887109990220

Mahuika, A. (1975). Leadership: Inherited and achieved. In M. King (Ed.) *Te Ao Hurihuri: The world moves on: Aspects of Maoritanga* (pp. 62-79). Hicks Smith.

Mane, J. (2009). Kaupapa Māori: A community approach. *MAI Review, 3*(1), 1-9. www.review.mai.ac.nz/mrindex/MR/article/download/243/243-1710-1-PB.pdf

Māori Language Act, No. 176. (1987). https://www.legislation.govt.nz/act/public/1987/0176/latest/whole.html

Māori Maps. (2022). *Te Poho o Rāwiri.* https://maorimaps.com/marae/te-poho-o-r%C4%81wiri

Marino, T. M. T. & Marsh, T. D. (2010). *Te Aitanga-a-Hauiti Wananga-a-Iwi 'Pupuritia te Mana o Hauiti.* Hauiti Marae.

Marsden, M. (1988). *Resource management law reform: Part A, The natural world and natural resources: Māori value systems and perspectives* (Working paper 29). Ministry for the Environment.

Marsden, M. (2003). *The woven universe: Selected writings of Rev. Māori Marsden*. Estate of Rev. Māori Marsden.

Marsden, M., & Henare, T. A. (1992). *Kaitiakitanga: A definitive introduction to the holistic world view of the Māori* [Paper presentation]. The Ministry for the Environment, Wellington, New Zealand.

Maxwell, J. A. (2008). Designing a qualitative study. In L. bickman & D. Rog (Eds.), *The Sage handbook of applied social research methods* (2nd ed., pp. 214-253). Sage Publications.

Maxwell, G., & Poppelwell, E. (2003). *Youth offending rates: Final report to the Department of Courts.* Crime and Justice Research Centre, Victoria University of Wellington.

Maynard, K., Coebergh, B., Anstiss, B., Baker, B., & Huriwai, T. (1999). Ki Te Arotu: Toward a new assessment: The identification of cultural factors which may pre-dispose Māori to crime. *Social Policy Journal of New Zealand, 1999*(13), 43-58. https://www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/journals-and-magazines/social-policy-journal/spj13/13-ki-te-arotu.doc

Mead, H. M. (2003). *Tikanga Māori: Living by Māori values.* Huia Publishers.

Mead, H. M. (2016). *Tikanga Māori: Living by Māori values*. Huia Publishers.

Mead, L. (1996). *Ngā aho o te kakahu matauranga. The multiple layers of struggle by Māori in education* [Unpublished doctoral dissertation]. The University of Auckland.

Meade, A., & Podmore, V. N. (2002). *Early childhood education policy co-ordination under the auspices of the Department/Ministry of Education: A case study of New Zealand*. UNESCO.

Merriam,. S. B., Johnson-Bailey, J., Lee, M. Y., Kee, Y., Ntseane, G., & Muhamad, M. (2001). Power and positionality: Negotiating insider/outsider status within and across cultures. *International Journal of Lifelong Education, 20*(5), 405-416. https://doi.org/10.1080/02601370120490

Metge, J. (1990). Te rito o te harakeke: Conceptions of the whaanau. *The Journal of the Polynesian Society, 99*(1), 55-92. https://www.jstor.org/stable/20706326

Mihaere, R. (2007). *Māori cultural identity and Māori offending* [Unpublished master's thesis]. Victoria University of Wellington.

Ministerial Advisory Committee. (1986). *Puao-te-Ata-tu (Daybreak): The report of the Ministerial Advisory Committee on a Maori perspective for the Department of Social Welfare*. Department of Social Welfare.

Ministry of Justice & Ministry of Social Development. (2002). *Youth offending strategy: Preventing and reducing offending and re-offending by children and young people.*

https://www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/archive/2002-youth-strategy.pdf

Ministry of Justice. (2013). *Youth crime action plan 2013–2023.* https://www.justice.govt.nz/assets/Documents/Publications/YCAP-full-report.pdf

Ministry of Justice. (2017). *Trends in child and youth prosecutions* [Infographic]. https://www.youthcourt.govt.nz/assets/Documents/Publications/trends-in-child-and-youth-prosecutions-december-2015.pdf

Ministry of Justice. (2019a). *Lay advocate and court registry handbook* (3rd ed.). https://www.justice.govt.nz/assets/Documents/Publications/Youth-Court-Lay-Advocate-Handbook.pdf

Ministry of Justice. (2019b). *Tāhū o te ture: Annual report 1 July 2018 to 30 June 2019.* https://www.tearawhiti.govt.nz/assets/Publications/Ministry-of-Justice-Annual-Report-2018-2019.pdf

Ministry of Justice. (2020). *Tāhū o te ture: Annual report 1 July 2019 to 30 June 2020.* https://www.justice.govt.nz/assets/Documents/Publications/MOJ-2019-2020-Annual-Report.pdf

Ministry of Justice. (2022a). *Youth Court overview*. https://youthcourt.govt.nz/about-youth-court/overview

Ministry of Justice. (2022b). *Before the Youth Court*. https://youthcourt.govt.nz/about-youth-court/before-the-youth-court

Ministry of Justice. (2022c). *Rangatahi Courts & Pasifika Courts.* https://youthcourt.govt.nz/about-youth-court/rangatahi-courts-and-pasifika-courts

Ministry of Social Development. (2009). Gisborne leads the way in innovative court collaboration. *Rise, 2009*(6), 12-13.

Morse, J. (1991). *Approaches to qualitative-quantitative methodological triangulation. Nursing Research, 40*(2), 120-123. https://doi.org/10.1097/00006199-199103000-00014

Naumann, R., Harrison, L., & Winiata, T. (1990). *Te mana o te tiriti: The living treaty*. New House Publishing.

New Zealand Government. (2016). *The New Zealand Constitution Act 1852.* New Zealand Electronic Text Collection. https://nzetc.victoria.ac.nz/tm/scholarly/tei-GovCons.html

New Zealand Government. (2017). *The Treaty in brief: Introduction.* Ministry for Culture and Heritage. https://nzhistory.govt.nz/politics/treaty/the-treaty-in-brief

New Zealand Government. (2023). *He Whakaputanga – Declaration of Independence Page 1 - Introducation.* https://nzhistory.govt.nz/culture/declaration-of-independence-taming-the-frontier

New Zealand Legal Information Institute. (2022a). *Native Schools Act 1867 (31 Victoriae 1867 No 41).* http://www.nzlii.org/nz/legis/hist_act/nsa186731v1867n41290

New Zealand Legal Information Institute. (2022b) *Tohunga Suppression Act 1907.* http://www.nzlii.org/nz/legis/hist_act/tsa19077ev1907n13353

New Zealand Waiata Māori. (2018). *Mā wai rā Henare Te Owai, 1933.* NZ Waiata * Ma Wai Ra (folksong.org.nz). https://folksong.org.nz/ma_wai_ra/

Justice system 'discriminates against Maori' – Sharples. (2011, October 1). *New Zealand Herald*. https://www.nzherald.co.nz/kahu/justice-system-discriminates-against-maori-sharples/IGPTTHLRDEXKAEEFEXFIL3UMCU/

New Zealand Law Society. (2017). *Judge receives international award for pioneering court work.* https://www.lawsociety.org.nz/news/legal-news/international-award-for-judge-for-pioneering-court-work

New Zealand Police. (n.d.). *Te Pae Oranga Iwi Community Panels.* https://www.police.govt.nz/about-us/maori-and-police/te-pae-oranga-iwi-community-panels

New Zealand Wars. (2022). *Parihaka.* https://newzealandwars.co.nz/land-wars/campaigns/parihaka/

Nepe, T. (1991). *E hao nei e tēnei reanga: Te toi huarewa tipuna. Kaupapa Māori: An educational intervention.* [Unpublished master's thesis]. The University of Auckland.

Ngata, A. (1930). *He tangi na Rangiuia mo tana tamaiti, mo Tūterangiwhaitiri (Te Aitanga-a-Hauiti, Ngati-Porou)*. Board of Maori Ethnological Research.

Oranga Tamariki Act, No. 24. (1989). https://www.legislation.govt.nz/act/public/1989/0024/latest/DLM147088.html?search=ts_act%40bill%40regulation%40deemedreg_Oranga+Tamariki+Act+1989_resel_25_a&p=1

Oranga Tamariki Ministry for Children. (2021). *Youth Justice family group conferences.* https://www.orangatamariki.govt.nz/youth-justice/family-group-conferences

Orange, C. (2015). *The Treaty of Waitangi* (3rd ed). Bridget Williams Books.

Panelli, R. & Tipa, G. (2007). Placing wellbeing: A Māori case study of cultural and environmental specificity. *EcoHealth, 4*(4), 445-460. https://doi.org/10.1007/s10393-007-0133-1

Papa, R. & Meredith, P. (2012*).* Kingitanga – the Māori King movement. *Te Ara – the Encyclopedia of New Zealand*. http://www.TeAra.govt.nz/en/kingitanga-the-maori-king-movement

Pihama, L. (2001). *Tīhei mauri ora: Honouring our voices: Mana wahine as a kaupapa Māori theoretical framework* [Unpublished doctoral dissertation]. The University of Auckland.

Pio, H. (ca 1885-1901). *Hamiora Pio – Notebooks 1-3* [Manuscript: Alexander Turnbull Library, New Zealand].

Pipi, K., Cram, F., Hawke, R., Hawke, S., Huriwai, T., Mataki, T. & Tuuta, C. (2004). A research ethic for studying Māori and iwi provider success. *Social Policy Journal of New Zealand*, *23*(3), 141-153. https://www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/journals-and-magazines/social-policy-journal/spj23/23-pages141-153.pdf

Poole, I., & Jackson, N. (2018). Māori population change. *Te Ara – the Encyclopedia of New Zealand.* https://teara.govt.nz/en/population-change/page-6

Quince, K. (2007). Māori and the criminal justice system. In J. Tolmie & W. Brookbanks (Eds.), *Criminal justice in New Zealand* (pp. 333-358). LexisNexis.

Ravitch, S. M., & Riggan, M. (2016). *Reason & rigor: How conceptual frameworks guide research*. Sage Publications.

Reedy, T. M. (2005). *N*gāti Porou: Tribal boundaries and resources. *Te Ara – the Encyclopedia of New Zealand.* https://teara.govt.nz/en/ngati-porou/page-2

Robb, A. J. & Newberry, S. M. (2002). *Enron's demise gives rise to issues over Telecom.* Money Online Ltd. http://www.sharechat.co.nz/article/8078091c/enron-s-demise-gives-rise-to-issues-over-telecom-accounts.html

Rodman, H. (1980). Are conceptual frameworks necessary for theory building? The case of family sociology. *Sociological Quarterly*, *21*(3), 429-441. https://doi.org/10.1111/j.1533-8525.1980.tb00623.x

Roulston, K. (2001). Data analysis and 'theorizing as ideology'. *Qualitative Research*, *1*(3), 279-302. https://doi.org/10.1177/146879410100100302

Royal, T. C. (2007). Papatūānuku – the land - Whakapapa and Kaupapa. *Te Ara – the Encyclopedia of New Zealand.* https://teara.govt.nz/en/papatuanuku-the-land

Royal, T. C., (2008). *Te Ngākau*. *Mauriora ki te Ao*. Mana.

Royal-Tangaere, A. (2018). *Te Kōhanga Reo 1982.* New Zealand History. https://nzhistory.govt.nz/women-together/te-kohanga-reo

Sarantakos, S. (2012). *Social research.* Macmillan Higher International Education.

Shapiro, M. B. (1986). The case-study method in psychology and related disciplines [Book review]. *The British Journal of Psychiatry*, *149*(4), 529-529. https://doi.org/10.1192/s0007125000139972

Sharma, G. (2017). Pros and cons of different sampling techniques. *International Journal of Applied Research*, *3*(7), 749-752. https://www.allresearchjournal.com/archives/2017/vol3issue7/PartK/3-7-69-542.pdf

Smith, G. H. (1989). *Kura Kaupapa Māori and policy development in Māori education* (Vol. 8). Philosophy of Education Society of Australia.

Smith, G. H. (1990). *Research issues related to Māori education* [Paper presentation]. NZARE Special Interest Conference, The issue of research and Māori. Auckland: Research unit for Māori Education, University of Auckland.

Smith, G. H. (1997). *The development of kaupapa Maori: Theory and praxis* [Unpublished doctoral thesis]. The University of Auckland.

Smith, G. H. (2017). Kaupapa Maori theory: Indigenous transforming of education. In T. K. Hoskins & A. Jones (Eds.), *Critical conversations in Kaupapa Maori* (pp. 79–94). Huia Publishers.

Smith, L. T. (1999). *Decolonizing methodologies: Research and Indigenous peoples.* Zed Books.

Smith, L. T. (2005). On tricky ground: Researching the native in the age of uncertainty. In N. K. Denzin & Y. S. Lincoln (Eds.), *The Sage handbook of qualitative research* (3rd ed., pp. 85-107). Sage Publications.

Smith, L. T. (2012). *Decolonizing methodologies: Research and indigenous peoples* (2nd ed.). Otago University Press.

Smith, P. (1913). *The lore of the whare wananga, Part 1: Kauwae-runga*. The Polynesian Society.

Stake, R. E. (1995). *The art of case study research*. Sage Publications.

Stanford, J. (2017, January 22). *Judge who set up youth court honoured.* Newstalk ZB. https://www.newstalkzb.co.nz/news/national/judge-who-set-up-youth-court-honoured/#:~:text=A%20judge%20who%20has%20been%20honoured%20for%20creating,his%20work%20with%20children%20and%20families%20in%20difficulty.

Statistics New Zealand. (n.d.). *2018 census quickstats about a place: Gisborne Region.* https://www.stats.govt.nz/tools/2018-census-place-summaries/gisborne-region

Stevenson, A., & Waite, M. (2011). *Concise Oxford English dictionary.* Oxford University Press.

Sutherland, O. (1973). *A monocultural system in a multicultural society* [Paper presentation]. The New Zealand Race Relations Council Conference, Wellington, New Zealand.

Sutherland, E. H., Cressey, D. R. & Luckenbill, D. F. (1992). *Principles of criminology.* Altamira Press.

Taumaunu, H. (2014, November). Rangatahi courts of Aotearoa New Zealand: An update. *Māori Law Review*. https://maorilawreview.co.nz/2014/11/rangatahi-courts-of-aotearoa-new-zealand-an-update

Taumaunu, H. (2015, July 3-4). *Rangatahi court: Background and operating protocols* [Paper presentation]. The Youth and Lay Advocate Conference, Auckland, New Zealand.

Tauri, J. (2011). Indigenous perspectives. In R. Walters & T. Bradley (Eds.), *Introduction to criminological thought* (2nd ed., pp. 129-145). Pearson Longman.

Te Awekotuku, N. (1991). *He tikanga whakaaro. Research ethics in the Māori community* [Paper presentation]. Ministry of Māori Affairs, Wellington, New Zealand.

Te Kōti Rangatahi o Te Poho-o-Rāwiri (2013, July 4). *Te Ara Tuakiri: The pathway to self-identity.* [Paper presentation]. Ngā Kōti Rangatahi Conference, Ōrakei Marae, Ōrakei, Auckland.

The High Court Amendment Rules, SR 2009/75. (2009). https://legislation.govt.nz/regulation/public/2009/0075/latest/DLM1933001.html

The Justice and Electoral Committee. (2017). *2017/18 estimates for vote justice and vote courts.* https://www.parliament.nz/resource/en-NZ/SCR_74607/7e4e9223da2b9619a2b29a22c331a2fa9d8857eb

The New Zealand Human Rights Commission. (2015). *New Zealand's 6th period under the Convention Against Torture.* https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/NZL/INT_CCPR_NHS_NZL_23124_E.pdf

The New Zealand Railway Magazine. (1933). *The Lone Flying Heron. 8*(3). Victoria University.

The Safe and Effective Justice Advisory Group. (2019). *He waka roimata: Transforming our criminal justice system.* https://www.justice.govt.nz/assets/Documents/Publications/he-waka-roimata.pdf

Tiananga, T. (Producer). (2019, October 15). *Te Ao Māori News* [TV Broadcast]. Māori Television.

Tiananga, T. (Producer). (2019, October 19). *Te Ao Māori News* [TV Broadcast]. Māori Television.

Tocker, K. (2012). Hei Oranga Māori i te ao hurihuri nei: Living as Māori in the world today-an outcome of kura Kaupapa Māori. *MIA Journal, 1*(1), 15-28.

http://www.journal.mai.ac.nz/sites/default/files/MAI_Journal_v1%2C1_%20Tocker.pdf

Tumataroa, P., Tafuna'i, F. M., Hinerangi-Barr, S., Rewi, A., & Comfort, G. (2010). Young timers. *Te Karaka, Autumn*(46), 28-33.

Tupara, N. (2017). *Tūranganui-a-Kiwa tribes* – Te Ara Encyclopedia of New Zealand. http://www.TeAra.govt.nz/en/turanganui-a-kiwa-tribes

United Nations. (2007). *The United Nations declaration on the rights of indigenous peoples*. https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf

Van Heugten, K. (2004). Managing insider research: Learning from experience. *Qualitative Social Work, 3*(2), 203-219. https://doi.org/10.1177/1473325004043386

Van Krieken, R., Habibis, D., Smith, P., Hutchins, B., Martin, G., & Maton, K. (2014). *Sociology* (5th ed.). Pearson.

Workman, K., & McIntosh, T. (2011). Māori and prison. In A. Deckert & A. Sarre (Eds.), *The Palgrave handbook of Australian and New Zealand criminology, crime and justice* (pp. 725-735). Palgrave Macmillan

Waititi, H. (1964). *Te Rangatahi: Elementary 1.* Government Printer.

Waititi H.H.H.T.T. (2012). *Toitū te mana rangatahi: Marae-based youth courts: Negotiating pathways for rangatahi offending* [Master's thesis, Victoria University of Wellington]. ResearchArchive. http://hdl.handle.net/10063/2132

Walker, D. M. (1980). *The Oxford companion to law*. Oxford University Press.

Walker, R. (1990). *Ka whawhai tonu mātou: Struggle without end.* Penguin Books.

Walker, R. (2016). Reclaiming Māori education. In J. Hutchings & J. Lee-Morgan (Eds.), *Decolonisation in Aotearoa: Education, research and practice* (pp. 19-38). NZCER Press.

Walker, S., Eketone, A. & Gibbs, S. (2006). An exploration of kaupapa Māori research, its principles, processes and applications. *International Journal of Social Research Methodology 9*(4), 331-344. https://doi.org/10.1080/13645570600916049

Willis, H. E. (1926). A definition of law. *Virginia Law Review*, *12*(3), 203–214.

Winiata, W. (2020). *Whakatupu Mātauranga*. https://www.wananga.com/whakatupu-m%C4%81tauranga

Workman, K., & McIntosh, T. (2011). Māori and prison. In A. Deckert & A. Sarre (Eds.), *The Palgrave handbook of Australian and New Zealand criminology, crime and justice* (pp. 725-735). Palgrave Macmillan.

Workman, K. (2012). *The way we do justice.* Robson Hanan Trust.

Yakushenko, O. (2022). *What is cultural transfer? What is Cultural Transfer?* EUSP.org

Yin, R. K. (1984). *Case study research: Designs and methods.* Sage Publications.

Youth Court of New Zealand (2014, April). *The rangatahi courts newsletter,* (4), 1-11. https://www.districtcourts.govt.nz/assets/Uploads/f9fcf9787a/RCN7.pdf

Youth Court of New Zealand. (2018, Maehe). *Ngā Kōti Rangatahi o Aotearoa* (10). 1-15. https://www.districtcourts.govt.nz/assets/Uploads/Court-in-the-Act/70a8e19fd3/Rangatahi-Court-Newsletter-Issue-10.pdf

Youth Court of New Zealand (2019). *Lay advocate and court registry handbook* (3rd ed.). https://www.justice.govt.nz/assets/Documents/Publications/Youth-Court-Lay-Advocate-Handbook.pdf

Youth Court of New Zealand (2020, Pepuere). *Ngā Kōti Rangatahi* (11). 1-14. https://www.districtcourts.govt.nz/assets/Uploads/Court-in-the-Act/Nga-Koti-Rangatahi-Issue-11.pdf

Appendices One: Information Sheets

Te Kunenga ki Pūrehuroa
School of Māori Knowledge
College of Humanities and Social Sciences
Massey University
Albany

Ngā Hua o Ngā Kōti Rangatahi - An exploration of Ngā Kōti Rangatahi and its effects on the health and wellbeing of rangatahi and their Whānau.

Information Sheet

E ngā mana, e ngā reo, e ngā rangatira! Tēnā rā koutou katoa!

Kia ora. My name is Eru Findlay and I am a Massey University student, currently studying towards a Doctorate of Philosophy in Māori Studies. I will be conducting interviews as part of a thesis on the topic of Marae Youth Courts (Ngā Kōti Rangatahi). My research project explores the impact of Ngā Kōti Rangatahi on the health and wellbeing of rangatahi and their whānau.

Your participation in this research would be appreciated. It allows me to gain an insight into firsthand experiences. The maximum amount of participants is eighteen, with four to six representing youth court workers, four to six youth, and four to six Whānau members. Youth from 14 to 16 years of age will be able to have a guardian or support person present at their interviews, if requested. Female youth will be interviewed with a female colleague present to ensure their safety. The female colleague will maintain confidentiality. Your identity and personal details will be known only by myself, and my support and supervisory people, which we will also keep confidential. Due to the smaller number of youth professional participators, however, there is a greater risk of participant identification. Interviews will

begin and end with a karakia to tautoko the kaupapa. It is anticipated that the interview will take approximately two hours. A gift or koha will also be presented to all interview participants.

The interview will be recorded with a digital voice recorder, a copy of which will be given to the interviewee. Upon completion of the interview the recording will be held securely for the compulsory period of time (10 years), after which it will be disposed of securely and indefinitely.

You are under no obligation to accept this invitation. If you decide to participate, you have the right to:

- Decline to answer any particular question;
- Withdraw from the study up to a month from the completion of the interview;

- Ask any questions about the study at any time during participation;
- Provide information on the understanding that your name will not be used unless you give permission to the researcher;
- Be given access to a summary of the project findings when the research has concluded;
- Ask for the recorder to be turned off at any time during the interview;

This research is being conducted under the supervision of Dr Fiona Te Momo and Professor Huia Jahnke. If you have any further questions or concerns, please contact Dr Te Momo and Professor Jahnke directly.

Contacts:

Eru Findlay (Student) Email: [redacted]

Dr. Fiona Te Momo (Co-Supervisor)
School of Māori Knowledge. (09) 414 0800 extn 43347

Professor Huia Jahnke (Co-Supervisor)
School of Māori Knowledge, (06) 356 9099 extn 83277

1. **Committee Approval Statement**

This project has been reviewed and approved by the Massey University Human Ethics Committee: Northern, Application NOR 18/57. If you have any concerns about the conduct of this research, please contact Associate Professor David Tappin (Committee Chair), Massey University Human Ethics Committee: Northern, email humanethicsnorth@massey.ac.nz .

Appendices Two: Consent Forms

Te Kunenga ki Pūrehuroa
School of Māori Knowledge
College of Humanities and Social Sciences
Massey University
Albany

Ngā Hua o Ngā Kōti Rangatahi – He Torohenga o Ngā Kōti Rangatahi me ōna hua oranga mō ngā rangatahi me o rātou Whānau.

He Hīti Pārongo

E ngā mana, e ngā reo, e ngā rangatira! Tēnā rā koutou katoa!

Kia ora. Ko tōku ingoa ko Eru Findlay. He tauira ahau o Te Kunenga ki Pūrehuroa e whakamatau ana i taku Tohu Takutatanga i roto i te kura Māori. Ka whakarite ahau ngā hui kōrero mō taku tuhinga roa i te kaupapa o Ngā Kōti Rangatahi. Ka torohē taku mahi rangahau ngā hua oranga o ngā rangatahi me ō rātou whānau kua haere ki Ngā Kōti Rangatahi

He mahi nui tēnei, mēnā, ka whai wā koe hei kaiohu. Ka mārama te tangata ngā kōrero hohonu o te kaupapa. Tekau ma waru ngā kaiohu katoa, wha ki ono ngā kaimahi Kōti Rangatahi, wha ki ono ngā rangatahi, wha ki ono ngā mema o te Whānau. Ka taea e ngā rangatahi (14 ki 16 ngā tau) ki te mau mai he kaitautoko, he mema o te whānau rānei ki nga hui, mēnā, ka hiahia rātou. Ka tāpiri atu tētahi wahine kaitautoko ki ngā hui rangatahi kōtiro hei kawa haumaru. Ka muna te wahine kaitautoko. Ka mōhio kē mātou ko ōku kaitautoko me ōku kaiako tōu ingoa me tōu tuākiri, ā, ka whai muna mātou. Nā te ruarua o ngā Kaimahi

Rangatahi kaiohu, ka whakapiki ngā tūraru i te whakaatunga o ngā tūakiri o rātou. Ka timata, ka whakakapi ngā hui kōrero i te karakia. E rua haora te roanga o ngā kōrero. Ka tukua he koha ki a ia kaiohu.

Ka rikoata ngā hui kōrero i te mihini hopu reo, ā, ka hoatu tētahi kape ki te kaiohu. Hei te otinga o te hui kōrero, ka mau ngā hopu reo i tētahi wāhi haumaru mō ngā tau tekau (10 tau), whari muri i tērā, ka porowhiua.

Kaore he take tahau, mēnā, kaore koe e whakaae ki tēnei pōwhiri. Ki te whakaae koe ki tēnei pōwhiri, he tika tūāpapa tahau ki te

- Whakakore ki te whakautu ki tētahi patai uaua;
- Whakawātea i te rangahau neke atu i te kotahi marama, whai muri i te hui kōrero;
- Whakawātea ngā pārongo neke atu i te kotahi marama, whai muri i te hui kōrero;
- Tuku mai ngā patai e pā ana i te rangahau i ngā wā katoa o tōu ohunga;
- Whakamōhio mai ō pārongo, i runga i te mōhio, kaore te kairangahau ka whakamahi i tou ingoa i te kore i tou whakaaetanga;
- Kuhunga ki te whakarārapoto o nga kimhanga o ngā mahi rangahau hei te otinga o ngā rangahau;
- Patai mai mō te whakakopinga o te mihini hopu reo i te wā ka hiahia koe i te hui kōrero;

E whakakaupapa ana tēnei kaupapa ako i raro i ngā tohuohu o Dr Fiona Te Momo rāua ko Professor Huia Jahnke. He patai, he amuamu āhau, whakapā atu ki a Dr Te Momo, ki a Professor Jahnke rānei.

Contacts:
Eru Findlay (Tauira)Imēra: [redacted]
[redacted]

Dr. Fiona Te Momo (Co-Supervisor)

School of Māori Knowledge. (09) 414 0800 extn 43347

Professor Huia Jahnke (Co-Supervisor)
School of Māori Knowledge, (06) 356 9099 extn 83277

2. Te Komiti Kōrero Whakamana

Kua arotakehia, kua whakamanatia tēnei mahi rangahau e te Massey University Human Ethics Committee: Northern, Application NOR 18/57. He amuamu ahau e pā ana i te tikanga o tēnei mahi rangahau, whakapā atu ki a Associate Professor David Tappin (Committee Chair), Massey University Human Ethics Committee: Northern, email humanethicsnorth@massey.ac.nz .

Te Kunenga ki Pūrehuroa
School of Māori Knowledge
College of Humanities and Social Sciences
Massey University
Albany

Ngā Hua o Ngā Kōti Rangatahi - An exploration of Ngā Kōti Rangatahi and its effects on the health and wellbeing of rangatahi and their Whānau.

PARTICIPANT CONSENT FORM - INDIVIDUAL

I have read, or have had read to me in my first language, and I understand the Information Sheet attached as Appendix I. I have had the details of the study explained to me, any questions I had have been answered to my satisfaction, and I understand that I may ask further questions at any time. I have been given sufficient time to consider whether to participate in this study and I understand participation is voluntary and that I may withdraw from the study at any time. I understand that if I am a Youth Justice Professional, the risk of being identified is higher, as I represent a smaller recognized group (the Justice Profession).

1. I agree/do not agree to the interview being sound recorded. (if applicable include this statement)
2. I agree/do not agree to the interview being image recorded. (if applicable include this statement)
3. I wish/do not wish to have my recordings returned to me. (if applicable include this statement)
4. I agree to participate in this study under the conditions set out in the Information Sheet.

Declaration by Participant:

I [print full name]_____ hereby consent to take part in this study

Te Kunenga ki Pūrehuroa
School of Māori Knowledge
College of Humanities and Social Sciences
Massey University
Albany

Ngā Hua o Ngā Kōti Rangatahi - An exploration of Ngā Kōti Rangatahi and its effects on the health and wellbeing of rangatahi and their Whānau.

PARTICIPANT CONSENT FORM - WHĀNAU

We have read, or have had read to us in our first language, and we understand the Information Sheet attached as Appendix I. We have had the details of the study explained to us, any questions we had have been answered to our satisfaction, and we understand that we may ask further questions at any time. We have been given sufficient time to consider whether to participate in this study and we understand participation is voluntary and that we may withdraw from the study at any time. We understand that our identities will only be known by the researcher, and those directly involved in the research.

1. We agree/do not agree to the interview being sound recorded. (if applicable include this statement)
2. We agree/do not agree to the interview being image recorded. (if applicable include this statement)
3. We wish/do not wish to have our recordings returned to us. (if applicable include this statement)
4. We agree to participate in this study under the conditions set out in the Information Sheet.

Declaration by Participant:

We [print full name]_____hereby consent to take part in this study

Te Kunenga ki Pūrehuroa
School of Māori Knowledge
College of Humanities and Social Sciences
Massey University
Albany

Ngā Hua o Ngā Kōti Rangatahi – He Torohenga o Ngā Kōti Rangatahi me ōna hua oranga mō ngā rangatahi me o rātou Whānau.

HE PANUI KAIOHU WHAKAAENGA - TANGATA

Kua panui au, kua panuitia e tētahi atu rānei i roto i tōku reo tuatahi, ā, kei te mārama au te Hīti Pārongo i tāpirihia hei Tuara I. Kua whakamohiotia te kaupapa, Kua tau ahau nō ngā whakautu i whakaputa i ōku patai, kei te mārama hoki ka patai ahau i tētahi patai anō. Kua homaingia ahau he wā pai ki te whakaaro mehemea ka whakauru ahau i te rangahau nei, me te mōhio hoki he kaiohu ahau, ka whakaaengia ka whakawatea au tēnei rangahau i te wā, ka whiriwhiringia e au. Kei te mārama hoki ahau, hei Kaimahi Rangatahi, he rōpu ruarua, he rōpu māmā ki te whakamōhio i o mātou tūakiri (he āpiha o te Ture).

1. E whakaae ana/E kore au e whakaae ki te rekotinga o te hui kōrero. (if applicable include this statement)
2. E whakaae ana/E kore au e whakaae ki te whakaatanga o te hui kōrero. (if applicable include this statement)
3. E whakaae ana/E kore au e whakaae ki te whakahokinga o aku rekotinga ki au. (if applicable include this statement)
4. E whakaae ana ahau ki whakauru mai ki tēnei ranagahau i raro i ngā Kaupapa Matua e whakaaahuatia ana i te Hīti Pārongo.

He Tiriti o te Kaiohu:

E [tuhingia tōu ingoa katoa]_____ _____ whakaae ana ahau ki te whakauru mai ki tēnei rangahau

Te Kunenga ki Pūrehuroa
School of Māori Knowledge
College of Humanities and Social Sciences
Massey University
Albany

Ngā Hua o Ngā Kōti Rangatahi – He Torohenga o Ngā Kōti Rangatahi me ōna hua oranga mō ngā rangatahi me o rātou Whānau.

HE PANUI KAIOHU WHAKAAENGA - WHĀNAU

Kua panui mātou, kua panuitia e tētahi atu rānei i roto i tō mātou reo tuatahi, ā, kei te mārama mātou te Hīti Pārongo i tāpirihia hei Tuara I. Kua whakamohiotia te kaupapa, Kua tau mātou nō ngā whakautu i whakaputa i ō mātou patai, kei te mārama hoki ka patai mātou i tētahi patai anō. Kua homaingia mātou he wā pai ki te whakaaro mehemea ka whakauru mai mātou i te rangahau nei, me te mōhio hoki he kaiohu mātou, ka whakaaengia ka whakawatea mātou i tēnei rangahau i te wā, ka whiriwhiringia e mātou.

1. E whakaae ana mātou /E kore mātou e whakaae ki te rekotinga o te hui kōrero. (if applicable include this statement)
2. E whakaae ana mātou /E kore mātou e whakaae ki te whakaatanga o te hui kōrero. (if applicable include this statement)
3. E whakaae ana mātou /E kore mātou e whakaae ki te whakahokinga o aku rekotinga ki au. (if applicable include this statement)
4. E whakaae ana mātou/E kore mātou e whakaae ki te kore i te whakamōhio i o mātou ingoa me o mātou tuākiri atu i ngā tangata i whakamōhiotia au e te Hīti Pārongo.
5. E whakaae ana mātou ki te whakauru mai ki tēnei ranagahau i raro i ngā Kaupapa Matua e whakaaahuatia ana i te Hīti Pārongo.

He Tiriti o ngā Kaiohu:

E [tuhingia ōu ingoa katoa]_____ whakaae ana mātou ki te whakauru mai ki tēnei rangahau

Appendices Three: Participant Interview Recruitment Poster

NAU MAI, HAERE MAI, HAERE MAI

PARTICIPANTS FOR RESEARCH

WHO: youth court workers, young people and whānau who have attended youth court at Te Poho o Rāwiri marae or Tūranga Ararau between 2008 and 2017

FOR WHAT? participation in an exciting new research project about marae youth courts.

WHEN? February to May 2019.

all selected participants will receive a $50 PaknSave voucher for their time

IF INTERESTED, CONTACT ERU FINDLAY phone: [redacted]

([redacted])