



Engagement with First Peoples

New Zealand Chief Ombudsman Peter Boshier's address to the 29th Australasian and Pacific Ombudsman Region Conference, International Ombudsman Institute, 28 November 2017

Mihi whakatau – a speech of welcome in Māori

Good afternoon. It's a pleasure to speak to you today about the New Zealand Office of the Ombudsman and the importance of engagement with First Peoples.

The music playing as you took your seats was the New Zealand pop song Poi-E.

Poi-E is written in Māori, te reo, the language of New Zealand's first people.

More than 30 years ago it was a hit for the Patea Māori club, a group drawn from a small North Island town whose main source of employment, the local meat works, had just closed down.

The song was Number One in New Zealand for four weeks and spent 22 weeks in the charts. It was the biggest selling single in the country in 1984.

Poi-E was more than just a pop song about twirling poi. It was a boost for a struggling small community and an anthem for a new generation.

The lyrics were by Māori linguist Ngoi Pewhairangi. The song refers to a Fantail, one of our native birds flitting erratically through the forest.

The Fantail also symbolised Māori youth trying to navigate their way through the concrete jungle of modern society and find their identity.

A society dominated by institutions created by Pakeha, or European, New Zealanders.

These institutions, made up of public sector agencies, state-owned companies and other entities are known collectively in New Zealand as 'the crown.'

The crown is the basis of New Zealand's constitutional arrangement with Māori and of the relationship between Māori and the government under the Treaty of Waitangi.

The Treaty is our nation's founding document.

First signed on 6 February 1840, the Treaty of Waitangi is an agreement, written in both in Māori and English, that was made between the British crown and about 540 Māori rangatira (chiefs).

The Treaty is a broad statement of principles on which the British and Māori made a political compact to found a nation state and build a government in New Zealand. However, the understanding of the English version and Māori version was at odds.

The question of how it should be interpreted has been a controversial one through the decades.

In the last half-century or so, many Māori have called for the terms of the Treaty to be honoured.

The exclusive right to determine the meaning of the Treaty rests with the Waitangi Tribunal, a commission of inquiry created in 1975 to investigate alleged breaches of the Treaty by the crown. More than 2000 claims have been lodged with the Tribunal, and a number of major settlements have been reached.

In recent history, successive governments have recognised the significance of the Treaty in the life of the nation.

Unlike any other country, our position is clear - for Māori, the Treaty of Waitangi is the arbiter of all relationships between Māori and the crown.

So where does my office, the New Zealand Office of the Ombudsman, fit in all this?

The Treaty underpins all the work we do and from a Māori perspective, the office is seen as part of the crown but not of the government.

We are independent so we are at arm's length. This puts us in a unique position to help Māori navigate their way through the plethora of state institutions and policies.

We're engaging with Māori across society and I'm pleased to say that knowledge and understanding of our organisation within the Māori community is growing.

We use a national research company to conduct regular surveys.

In the past year, the level of awareness of the Office of the Ombudsman among Māori increased from 50 to 71 per cent.

We might be dealing with the Chief Executive of Te Puni Kōkiri (the Ministry of Māori Development) on a freedom of information issue or a grandmother in a rural community asking for help with plans to provide her family with good housing.

Its human nature I suppose for people to feel most comfortable dealing with what is familiar to them.

So it is often easy for those of us here to engage with institutions and their leaders.

We have a shared experience of governmental practices and processes and as a result we have a shared language. We know what is meant when an agency is referred to by its acronym.

We are familiar with the international language of business, KPI's are part of our DNA and we know instantly what someone means when he or she uses clichés like 'going forward' and 'headwind.'

However, strip that jargon away, take us out of our air-conditioned offices and we can be far less comfortable.

I played you the song Poi-E at the start of this presentation and I told you the song was about the flight of a native bird, the Fantail.

I mentioned that as it symbolised Māori trying to find their way in modern society.

Often though, it is we who are lost. We can't always find our way in the world of our first people.

For us in New Zealand, it is the Māori world.

I want to tell you about a social media post that has attracted thousands of views since it was published a couple of years ago.

It has been so influential the author received a raft of engagements from people wanting to learn more about it.

It is not a cat video nor is a post from Kim Kardashian on her latest trials and tribulations.

It was created by a man whose e-mail address is "maoribrotha."

His name is Mr Atawhai Tibble and he is a crown-Māori relationship broker and a former principal advisor with the New Zealand Treasury.

He came up with a top five list for engaging with Māori.

I think it is a guide that also could apply to engagements with other first people.

He pointed out there was a big 'knowledge and experience' chasm in New Zealand between Māori and European New Zealanders or Pakeha.

However, people genuinely want help bridging this divide.

Atawhai Tibble's top five are called the five wai's (not whys) of successful Māori engagement.

NĀ WAI

As in Nā wai te hui i karanga?

You need to be clear about why are you engaging with Māori.

What are your drivers? Do you want to consult on policy or law, address a particular grievance or establish a meaningful relationship?

KO WAI

Work out who you are engaging with or need to engage with.

Do your homework. Find out who they are, what their story is and where they wish to head. This will give context and help shape your engagement.

MO WAI

What is the benefit of this meeting or arrangement for Māori?

If you know what people need, it will contribute to establishing a successful relationship or partnership.

MA WAI

(Who will speak for us, or who will lead us?)

Atawhai Tibble recommends getting expert help. Make sure you have the right team with the right set of skills and most of all, make sure you have a cultural navigator.

They can help give you context, help you identify who you really need to speak to and connect you to them.

HE WAI

He wai or have you got a song? This is a very common thing said by the people when someone is speaking, or preparing to engage.

At a broad level, make sure you know the basics. This includes pronouncing Māori words properly, know how to say a mihi, let people know something about yourself, where you are from and your connection to the land.

Other things to consider is to be a good host and equally important a good guest.

If you want to have a long-term relationship, then don't just go once. Reconnect. Go back.

A lot of this is actually common sense and in many respects can be applied universally.

Treat people with respect and courtesy. Listen and learn about their issues and understand them.

Now I want to talk about the values of our office and how they relate to our first people. The values were determined by all of us in the office.

One of the most important things is that we are respectful. We support each other and we seek first to understand and then to be understood.

One of the things we understand is the need to pay proper respect to all of the people we are engaged with.

And one of the things we instil through our training is respect for the mana of Māori from all walks of life who come to us with their concerns.

We acknowledge in our letters their whakapapa or genealogy if they choose to share it with us.

I thank them for entrusting me with knowledge of their whanau or family and whakapapa. This is something I make very clear from the start and well before I deal with the substance of the issue at hand.

I have made a personal commitment to learning Te Reo and I am having one-on-one lessons.

I'm not fluent but I think it is important to show leadership and hopefully inspire others within my organisation to do the same.

We've held workshops for staff and I'm pleased to report there is a real appetite to learn.

I am hoping soon to start a more detailed programme including providing staff with the opportunity to learn Te Reo.

In his five wai's Atawhai Tibble talked about the need for agencies to have cultural navigators.

I'm very proud to say that nearly half of my Strategic Advice Team are Māori.

My principal advisor in this area is Tracey Harlan of Waikato Tainui, Ngati Maahanga and Ngati Koriki.

I also have Gareth Derby of Ngati Tuwharetoa on the team.

Let me give you one simple example of Tracey Harlan's work.

There is a significant Māori population within some of our rural communities in the North Island of New Zealand, where daily life can be a struggle for some.

Our office was approached by a Māori woman who was looking after her four grandchildren.

She was living in a house without power, a septic tank or access to the town water supply.

She had been waiting for her application for funding for almost 4 years.

Te Puni Kōkiri, the Ministry of Māori Development and other agencies provide a housing network to support housing needs.

The application for funding would allow her to get facilities and services to her property that is her ancestral land.

We were able to resolve this impasse informally by approaching the Ministry directly and they in turn helped the woman gain the necessary support through the network, which accelerated the application process.

Our grandmother isn't the only example of a member of our first people living in very difficult circumstances.

The unemployment rate for Māori is more than twice that of all other New Zealanders.

According to our government's latest social report published in 2016, life expectancy for Māori is lower than for other groups, while there are higher rates of suicide, obesity and hazardous drinking.

There have been gains, however, in terms of educational achievement, and Māori are well represented in parliament, and in cabinet. A significant number are ministers, including the Deputy Prime Minister.

Unfortunately, there is one area in particular where Māori are over-represented and it is a sad indictment on our society.

Māori make up only 14.6 percent of New Zealand's population.

But a staggering 51 percent of its prison population.

And this is one of our office's areas of engagement with Māori. Our role in the Corrections system is to protect and preserve inmate rights.

At an individual level, inmates can complain to us directly if they feel they have been treated unfairly.

They may feel a decision made by prison staff is unreasonable or they're unhappy with a response to a request for official information.

But we also have the opportunity to help improve conditions at a broader systemic level.

This is because of the role of my office in monitoring places of detention under the Optional Protocol to the Convention against Torture or OPCAT.

My team of inspectors regularly inspect prisons in both announced and unannounced visits every year.

In one of our most recent published reports, from 28 November to 4 December 2016, eight inspectors went on an unannounced visit to Hawkes Bay Regional Prison in the Eastern part of the North Island.

Hawkes Bay Regional Prison contains what's known as a Te Tirohanga unit which aims to rehabilitate Māori inmates.

Te Tirohanga is the collective name for five, 60-bed custodial units in prisons across the country.

It is also the name of the national programme run by the Department of Corrections.

This programme operates within those units.

The 18-month rehabilitation programme is based on kaupapa Māori values provided by iwi representatives of the Māori Governance Board.

The Corrections department believes that integral to the programme's work in reducing re-offending is the interdisciplinary team in the unit, which often includes tribal elders or kaumatua.

When inspectors from my office came to inspect the Te Tirohanga unit at Hawkes Bay prison, I was very proud of the fact that the programme's facilitators felt comfortable enough to talk openly to my team.

The unit management team wanted more interaction with Māori elders or kaumatua for advice on Tikanga Māori and cultural practice in the unit.

They were also seeking opportunities for inmates to seek advice of a spiritual nature if they wished.

When we published our report we were able to highlight these issues and because our reports are made public, the department must take notice.

We don't claim to have all the knowledge in-house.

We're happy to look outside for help. For example, during our unannounced visits of prisons, we engaged a specialist advisor, Eddie Twist, kaumatua and fluent Māori speaker and former senior investigator from the Office of the Ombudsman, to advise us on the units.

Our involvement with first people is not confined to the shores of Aotearoa/New Zealand. We are also heavily engaged with the nations of the Pacific.

Over the past few months, I've visited four Pacific Nations, the Cook Islands, Tonga, Samoa, and Niue.

Three of these countries have Ombudsmen, while the fourth, Niue, is considering a similar scheme.

My role on these visits is to listen and learn.

I met political leaders and senior officials from all of these nations and I was impressed by the strong desire from all of them to improve government administration and provide greater transparency.

I was struck by the level of engagement.

TAKE SLIDE MAORI

Of course, there are challenges in all of this.

When it comes to the relationship between our Office and Māori, the first people of New Zealand, I know there is a lot more we can do.

Earlier I mentioned our survey, which showed Māori awareness of our office had increased to just over seventy percent.

Well that still means almost a third of the Māori population hasn't heard of us.

We need to find ways to improve on this.

While we do some fantastic work in this area, I have to admit that there are some parts of my organisation where I'd like greater Māori representation.

But we are willing to change and I take it from your presence at this session you are willing to make improvements too.

SLIDE INTRODUCTION PANELLISTS

I'd now like to welcome our panel to discuss our topic -Engagement with First Peoples in more detail.

- Dorinda Cox is the Managing Director, Inspire Change Consulting Group
- Alison Gibson is the Principal Aboriginal Liaison Officer for, Ombudsman Western Australia.
- Danny Lester is the Deputy Ombudsman (Aboriginal Programs), Ombudsman New South Wales
- Tearoa John Tini is Ombudsman, Cook Islands Office of the Ombudsman

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